

Texas Woman's University Regent Policy

Regent Policy Name: Sexual Misconduct Policy

Regent Policy Number: Regent Policy: B.20010

POLICY STATEMENT

Texas Woman's University ("TWU" or "University") is committed to a safe academic and working environment. It is the policy of TWU to provide an educational and working environment for its students, faculty members, and staff that is free from sexual misconduct. In accordance with federal and state law, the University prohibits all acts of sexual misconduct, takes active measures to prevent such conduct, investigates allegations of sexual misconduct, and takes remedial action when appropriate.

APPLICABILITY

This policy is applicable to TWU Students, Faculty Members, and Staff. Further, this policy is applicable to all members of the TWU community, including students and employees, applicants for employment or admission, and individuals and organizations conducting business on behalf of or for TWU. This policy is also applicable to Guests and University Affiliates.

All individuals are expected to comply with this policy and are responsible for their conduct, whether sexual misconduct takes place on campus or in a different location. This policy applies to on-campus conduct as well as to off-campus conduct that has a reasonable connection to TWU.

DEFINITIONS

1. "Employee" means an individual who is employed part-time, full-time, in a temporary capacity as faculty or staff, or on a contractual basis. The term employee does not include an employee appointed into a position requiring student status as a condition of employment.
2. "Faculty Member" means an individual who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty member.
3. "Guests" means any individual not affiliated with TWU.

4. "Staff" means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching and/or research positions classified as faculty.
5. "Student" means any individual who, at the time of the incident, has accepted an offer of admission to the University; has an open academic program; is taking courses at the University, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with the University. This includes, but is not limited to, new students at Orientation, individuals not currently enrolled but who are still seeking a degree from the University, dual credit students, non-degree seeking students, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by Texas Woman's University. For the purposes of this policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs close for undergraduate students after one year of non-enrollment and up to two years for graduate students.
6. "University Affiliates" means any individual associated with TWU in a capacity other than as a Student or Employee who has access to TWU resources through a contractual arrangement or other association. This includes the following individuals:
 - a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to TWU. This includes employees of contractors or vendors and independent contractors.
 - b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
 - c. Employee of a TWU-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
 - d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to TWU resources.
 - e. Other University Affiliate: any individual who does not fit into any other category and needs access to TWU resources.

POLICY

I. Prohibitions

Section 1 Sexual Misconduct

- 1.1 Sexual misconduct is a violation of this policy and will not be tolerated. Texas Woman's University prohibits sexual misconduct against any student, employee, applicant, or other member of the TWU community.
- 1.2 Sexual misconduct includes behavior that constitutes sex discrimination (including discrimination on the basis of sexual orientation, gender identity, or gender expression), sexual harassment, sexual assault, dating violence, improper conduct of a sexual nature, sexual exploitation, domestic violence, and stalking.
- 1.3 TWU prohibits sexual misconduct in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and University facilities.

Section 2 Retaliation

- 2.1 Retaliation is strictly prohibited and will not be tolerated.
- 2.2 Retaliation is any action that adversely affects the academic, employment, or other institutional status of a student or employee of the University, guest, applicant for admission to or employment with the University, because an individual has, in good faith, brought a complaint under this policy, opposed an unlawful practice, participated in an investigation, or requested accommodations.

II. Reporting by Complaint

Reporting by Complaint. An employee, guest, or applicant for admission or employment who believes that they have been subjected to sexual misconduct should immediately report the incident to the Title IX Coordinator, a Deputy Title IX Coordinator, or Human Resources. Students should immediately report the incident or misconduct to the Title IX Coordinator, a Deputy Title IX Coordinator, or the Office of Civility and Community Standards.

III. Duty to Report

Section 1 Employee and Individual Duty. Employees and individuals authorized to act on behalf of the University who witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual misconduct and is alleged to have been committed by a student or employee shall promptly report the incident to the Title IX Coordinator, a Deputy Title

IX Coordinator or Human Resources. Employees who fail to report incidents of sexual misconduct shall be subject to termination of employment.

Section 2 Students and Guests Duties. Students and other individuals, including guests of the University, are encouraged to report suspected sexual misconduct to the Title IX Coordinator, a Deputy Title IX Coordinator, or the Office of Civility and Community Standards.

IV. Remedial and Interim Measures

Remedial and Interim Measures. At any time during an investigation, if it is determined that interim measures are required to mitigate potential sexual misconduct or retaliation during the pendency of such investigation, a recommendation for interim protective measures may be made after consultation with appropriate TWU officials. Interim measures are not disciplinary in nature and must be consistent with other TWU policies.

V. Confidentiality

Maintaining Confidentiality. Sensitive information will be kept confidential. Information related to an investigation of sexual misconduct can be sensitive, and TWU will take appropriate steps to maintain the greatest degree of confidentiality possible and as allowed by law. In all situations, confidentiality is maintained on a strict need-to-know basis; however, confidentiality can only be preserved insofar as it does not interfere with the University's obligation to investigate allegations of sexual misconduct and retaliation. While TWU does not impose mandates barring individuals from disclosing matters related to its investigations, participants in an investigation will be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be asked to refrain from discussing the complaint or investigation during the resolution process.

VI. False Complaints and Statements

Making False Complaints and Statements. An individual who knowingly makes a false complaint or who knowingly provides false information during an investigation conducted under this policy shall be subject to expulsion, termination of employment, or termination of business relationships with the University. Allegations of false complaints against employees will be referred to Human Resources. Allegations of false complaints against students will be referred to the Office of Civility and Community Standards.

VII. Timely Reporting to TWU's Chief Executive Officer.

Section 1 Timely Reporting. Not less than once every three months, the Title IX Coordinator shall ensure submission to the Chancellor and President a written report of the reports received under this policy.

Section 2 Imminent Danger. If the Title IX Coordinator has cause to believe that the safety of any person is in imminent danger as a result of an incident reported under this policy, the Title IX Coordinator, a Deputy Title IX Coordinator, or designee shall immediately report the incident to the Chancellor and President.

VIII. Timely Reporting to TWU's Board of Regents

Informing Board of Regents. At least once during each fall or spring semester, the Chancellor and President shall ensure submission to the Board of Regents and post on TWU's website a report concerning the reports received under this policy.

IX. Timely Certification to the Texas Higher Education Coordinating Board

Informing Texas Higher Education Coordinating Board. The Chancellor and President shall annually certify in writing to the Texas Higher Education Coordinating Board that the institution is in substantial compliance with this subchapter.

X. University Regulations and Procedures – Sexual Misconduct

Adoption of Regulations and Procedures. TWU is committed to a safe academic and working environment free from sexual misconduct. TWU shall adopt University Regulations and Procedures concerning sexual misconduct consistent with state and federal law.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every two years. Interim review may be required as a result of updates to federal and state law or regulations, or internal processes or procedures.

REFERENCES

Texas Education Code, Chapter 51, Subchapter E – 2 and E – 3

Texas Labor Code, Chapter 21

Title VII of the Civil Rights Act of 1964, as amended

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Pregnancy Discrimination Act of 1978

Clery Act, 20 U.S.C. 1092(f) and its implementing regulations 34 C.F.R. Part 668

Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. Part 99

FORMS AND TOOLS

None

Adopted: November 10, 2016

Revised: November 03, 2017; November 08, 2019; November 12, 2021