

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) 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, 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, 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, are protected by these laws and this policy and are expected to comply with this policy.

This policy is also applicable to all members of the TWU community, including visitors, vendors, and contractors 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

None

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, visitor, 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, visitor, 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.

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

Publication Date:

Next Review: