ADDRESSING SEXUAL HARASSMENT AND SEXUAL MISCONDUCT

THE UNIVERSITY OF TEXAS AT EL PASO
Recent Legislation

- **April 4, 2011** – issued a reminder to institutions of higher education of their responsibility to take "*immediate and effective steps*" to respond to sexual harassment which includes acts of sexual violence that are in line with **Title IX** requirements.

- **March 2013**: **Reauthorization of Violence Against Women’s Act of 2013**
  - Included in this Act, Campus Sexual Violence Elimination Act (Campus SaVE Act)
  - Addresses Sexual Assault, Domestic Violence, Dating Violence & Stalking
What does this legislation mean?

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

~ Title IX of the Education Amendments of 1972 ~

Title IX also prohibits sexual harassment, which includes acts of sexual violence, as a form of sex discrimination.

Campuses must address: Sexual Assault, Domestic Violence, Dating Violence and Stalking
What does this mean for UTEP?

- Updated and enhanced policies that are applicable to University Administrators, faculty, staff, students and third parties which includes visitors and applicants for employment.

- Policy applies to conduct regardless of where it occurs including off-campus if it potentially affects the person’s education or employment at the University.

- Established a Definition of Consent.
Definition of 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 Consent can be withdrawn at any time.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.
Types of Complaints

Sexual Harassment

- Conduct that is sexual in nature, unwelcome and denies/limits students’ ability to participate in or benefit from school’s education program

- *Both males and females can be victims*

- Can be carried out by college/university employees, other students and third parties (like visiting speakers)

- Can occur in institutional facilities or at off-campus locations such as retreats, training programs, conferences, internships, field trips and any student-to-student interactions. Can include behavior in online courses.
Sexual Harassment  (Continued)

Quid Pro Quo Harassment. When an employee causes a student to believe:
- He/she must submit to unwelcome sexual conduct in order to participate in a school program or activity.
- That the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

Hostile Environment Harassment. When unwelcome conduct of a sexual nature is so severe, persistent or pervasive that it:
- Affects students’ ability to participate in or benefit from an education program or activity
- Creates an intimidating, threatening or abusive educational environment
Sexual Violence

A form of harassment, prohibited by Title IX, which includes conduct that is criminal in nature includes:

- Rape
- Sexual Assault
- Sexual Battery
- Sexual Coercion
- Unwanted Touching
- Relationship Violence
- Sexual Exploitation
- Sexual Motivated Stalking
- Bullying
Filing a Complaint:
Title IX Coordinator/Deputy Coordinators

Sandy Vasquez
Title IX Coordinator
Faculty & Staff Investigations
Kelly Hall, Room 302
915.747.5662
svasquez@utep.edu

Dr. Ryan Holmes
Deputy Title IX Coordinator
Student Investigations
Union East 303
915.747.8694
rholmes@utep.edu

Dr. Catie McCorry-Andalis
Deputy Title IX Coordinator
Education, Training & Outreach
Union West 102
915.747.5648
cmandalis@utep.edu
Filing a Complaint: Law Enforcement

UTEP Police Department
3118 Sun Bowl Drive
915.747.5611
911 Emergency
http://admin.utep.edu/police

El Paso Police Department
Crimes Against Persons
915.564.7010
Filing a Complaint: 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
- all faculty
- supervisory staff
- resident life directors and advisors
- graduate teaching assistants
Filing a Complaint:
Office of Civil Rights

Office of Civil Rights (Regional)
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, Texas 75202
800.537.7697
Support and Resources Available

- Reassignment and or suspension
- Issuance of a No Contact Order
- Change of parking assignment
- Modified course schedule
- Offer of tutoring services
- Issuance of an Incomplete for Course
- Change in living arrangement
- Change in work schedule
- Withdraw from or retake a class without penalty
Support and Resources
On and Off Campus

University Counseling Center
915–747–5302
After Hours Crisis Line: 915–747–5302

STARS – Sexual Trauma and Assault Response Services
915–779–1800

Center Against Family Violence
915–593–7300
24 hour Crisis Hope Line
1–800–727–0511

Domestic Violence Hotline
1–800–799–7233
1–800–787–3224 (TTY)
GET SAFE
GET MEDICAL ATTENTION
SEEK SUPPORT
REPORT PROMPTLY