

Sexual Misconduct Policies, Prevention and Resources at SMU



SMU®

2018–2019

SMU PHONE NUMBERS

SMU Police (available 24/7)	911 or 214-768-3333
SMU Police Silent Witness Program (for anonymous reporting)	214-768-2TIP
Chaplain's Office (confidential counseling)	214-768-4502
Counseling Services (confidential counseling; available 24/7)	214-768-2277
Title IX Coordinator in the Office of Institutional Access and Equity	214-768-3601
Violence Prevention & Support Services	214-768-4512

COMMUNITY PHONE NUMBERS

Dallas Area Rape Crisis Center (confidential 24-hour hotline)	972-641-7273
Sexual Assault Nurse Examiner (SANE) Program at Texas Health Presbyterian Hospital Dallas	214-345-6203



Dear SMU community members:

SMU is committed to providing an educational environment that supports our campus community's health and well-being. This commitment is fundamental to our mission as a University and as a community whose members learn and work together.

This booklet contains important information about sexual misconduct and the SMU resources dedicated to supporting victims, to holding violators accountable and to eliminating sexual misconduct from our campus. Sexual misconduct includes sexual harassment, gender-based harassment, sexual violence, sexual assault, dating violence, domestic violence, stalking and sexual exploitation. SMU will not tolerate sexual misconduct in any form.

I urge all SMU community members to be informed about this serious issue and carefully read this booklet. I also encourage you to attend educational programs offered on campus throughout the year.

Anyone in our community who experiences sexual misconduct is urged to seek help as soon as possible. SMU resources include SMU Police, the Title IX Coordinator and Deputy Coordinators, the Office of Violence Prevention & Support Services, and confidential counselors at Counseling Services. They will provide support and information about resources and options, including the options to pursue criminal charges and SMU's internal grievance process.

In 2012 I appointed the Task Force on Sexual Misconduct Policies and Procedures, which reviewed benchmark practices nationwide and heard from experts. Since that time, SMU has implemented the task force's recommendations, including revised and new initiatives for training, education, communication, policies and procedures.

Today the Sexual Misconduct Task Force Implementation Group – made up of administrators, faculty and students from across campus – continues to coordinate and monitor our community's efforts on multiple fronts. SMU's goal is to maintain a campus where sexual misconduct does not occur. As national studies show that sexual misconduct is underreported, we also want to maintain a supportive environment for campus community members to immediately come forward to obtain help and report incidents.

All of us at SMU can play a role in our ongoing efforts to prevent and raise awareness of sexual misconduct. I ask that you, as a valued community member, contribute to a caring, respectful environment and that you know about the policies and resources here to help you and others.

R. Gerald Turner
President

SMU VALUES STATEMENT

“I, as a citizen of the SMU Community, commit myself to upholding the values of intellectual integrity, academic honesty, personal responsibility and sincere regard and respect for all SMU students, faculty and staff.”

Adopted by SMU Student Senate in Fall 2013

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SEXUAL MISCONDUCT POLICIES, PREVENTION AND RESOURCES

Sexual misconduct is prohibited by SMU's Title IX Harassment Policy, Policy 2.5.1, and the federal law Title IX of the Education Amendments of 1972. SMU's policy is online in the University Policy Manual, smu.edu/policy, and on the Office of Institutional Access and Equity website, smu.edu/iae.

Sexual misconduct encompasses all forms of sexual harassment, including gender-based harassment, sexual violence, sexual assault, dating violence, domestic violence, stalking and sexual exploitation. Sexual misconduct will not be tolerated in our University community. Students found responsible for sexual misconduct face disciplinary sanctions up to and including expulsion from the University.

In the event that a student experiences sexual misconduct, SMU has policies, procedures and resources in place to provide support. SMU resources available to students include SMU Police, the SMU Title IX Coordinator and Deputy Title IX Coordinators, confidential counselors and the Office of Violence Prevention & Support Services.

While much of the following information focuses on resources and procedures in cases of sexual assault, dating violence, domestic violence and stalking, resources are available in all cases of sexual misconduct. For more information, contact SMU's Title IX Coordinator in the Office of Institutional Access and Equity; call 214-768-3601 or email accessequity@smu.edu.

Sexual misconduct is a serious issue at colleges and universities across the country. SMU takes seriously its obligations under Title IX, which requires colleges and universities to investigate allegations of sexual misconduct and to have internal grievance procedures to address Title IX violations. SMU is committed to providing prompt and effective resolution of complaints and to holding violators accountable, while treating all students fairly.

In fall 2012, President R. Gerald Turner appointed the Task Force on Sexual Misconduct Policies and Procedures to examine SMU policies and procedures related to sexual misconduct in comparison with benchmark practices nationwide. The task force made recommendations for revised and new initiatives, including initiatives regarding education, training, policies and procedures. These recommendations have been implemented and are monitored by the faculty, staff and students serving on the Task Force Implementation Group.

SMU is committed to policies and procedures that support students' well-being and foster a healthy learning environment based on respect and responsible behavior. All students are urged to be aware of policies and resources, and to support the SMU community's efforts to raise awareness of and prevent sexual misconduct.

Learn more at smu.edu/sexualmisconduct.

CAMPUS AND COMMUNITY RESOURCES

Students may choose to report sexual misconduct to the campus officials listed below. These resources are available to all students, including students who have been accused of sexual misconduct, witnesses in these cases and friends of students involved in these cases.

Except for confidential resources, all other SMU faculty and staff members are mandatory reporters; they must report cases of sexual misconduct to SMU's Title IX Coordinator for follow-up.

CAMPUS RESOURCES

To the extent possible, the following campus officials will protect the privacy of all parties involved in a report, but are required to report cases of sexual misconduct to SMU's Title IX Coordinator for follow-up.

In addition, the following officials are some of the persons at SMU who are required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, to serve as Campus Security Authorities and notify SMU Police when a case of sexual assault, domestic violence, dating violence or stalking has been reported. However, they are not required to provide the name of the person reporting the case.

SMU Police (for criminal reporting)	214-768-3333 smu.edu/police
SMU Title IX Coordinator (for internal grievance information and reporting)	214-768-3601 smu.edu/iae
Violence Prevention & Support Services	214-768-4512 smu.edu/violenceprevention

CONFIDENTIAL CAMPUS RESOURCES

The following resources must honor confidentiality, except under very limited circumstances such as an imminent threat of danger to self or others.

SMU Counseling Services	214-768-2277 (an emergency contact number is provided at all hours) smu.edu/counseling
SMU Chaplain's Office	214-768-4502 smu.edu/chaplain

CONFIDENTIAL COMMUNITY RESOURCES

The Dallas Area Rape Crisis Center (DARCC)	972-641-7273 (24-hour hotline) dallasrapecrisis.org
Texas Health Presbyterian Hospital Sexual Assault Nurse Examiner (SANE) Program	214-345-6203 texashealth.org/dallassane

Anonymous reporting

Those who wish to anonymously provide SMU Police with information regarding suspicious or criminal activity may call 214-768-2TIP (2847) or submit a report online at smu.edu/2tip. The form may be submitted anonymously or with a name and contact information.

Those who wish to anonymously file a complaint or provide information regarding Title IX harassment to SMU's Title IX Coordinator can complete the [Title IX Harassment Complaint Form](#) posted at smu.edu/iae. The form may be submitted anonymously, or with a name and contact information, or by a third party. The form can be emailed to accessequity@smu.edu; submitted in Perkins Administration Building, Room 204; or mailed to the Title IX Coordinator, P.O. Box 750200, Dallas, TX 75275-0200.

DEFINING SEXUAL ASSAULT AND CONSENT

SMU strictly prohibits sexual misconduct, including sexual assault, and is committed to maintaining a campus where sexual assault does not occur. However, studies have shown that sexual assault is an underreported crime nationwide and that sexual assaults reported on college campuses often involve students who know one another. SMU seeks to provide a supportive environment for students to come forward to report any violations and to obtain help. All campus community members should be aware that sexual assault can happen to anyone and that sexual assault is not the victim's fault.

SMU defines two forms of sexual assault: non-consensual sexual contact and non-consensual sexual intercourse. Non-consensual sexual contact means any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Non-consensual sexual intercourse means any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Please see "Sexual Misconduct Definitions and Examples" on Page 17 for more information.

Consent means voluntary, clear, continuous, mutually understandable permission, given by words or actions, regarding one's willingness to engage in sexual activity.

A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction. Someone who is incapacitated (by alcohol, drug use, unconsciousness, disability, or other forms of helplessness) cannot consent. Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior or coercion. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with

another person. Silence or absence of resistance is not consent. Consent can be withdrawn at any time. Previous consent does not mean ongoing consent. For example, consent to certain acts does not mean consent to the same acts later in the same evening.

In addition to violating SMU policy and federal law, sexual assault is a crime punishable under Texas law by imprisonment from two to 20 years plus a fine up to \$10,000. A person convicted of sexual assault must register as a sex offender for the remainder of his or her life.

For the definition of sexual assault under Texas' Penal Code, see www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011.

Students reporting a sexual assault can choose to pursue criminal charges, an internal grievance process under SMU's Title IX Harassment Policy or both of these processes. See "The Criminal Process and SMU Grievance Process" for more information.

GETTING HELP IN CASE OF SEXUAL ASSAULT

It is critical that any student who has experienced sexual assault find safety and seek medical attention immediately. Students also are urged to report a sexual assault to police as soon as possible, 911 or 214-768-3333. See "Reporting to Police" on Page 11 for more information.

Please know that sexual assault can happen to anyone and is never the victim's fault. If you are a victim, please know that you are not alone. SMU and community resources are available to help, including SMU Police, SMU Counseling Services, the Office of Violence Prevention & Support Services, and the SMU Title IX Coordinator.

Seek medical care and preserve evidence

Victims of sexual assault are urged to obtain medical care and a sexual assault exam that preserves forensic evidence as soon as possible. Time is of the essence because certain types of evidence can dissipate or become unavailable.

If victims do not opt for forensic evidence collection, health care providers still can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases. Obtaining a forensic exam does not require a person to file a police report, but it will help preserve evidence in case he or she decides at a later date to do so.

To preserve evidence before obtaining a sexual assault exam: Do not change clothes, bathe, shower or douche; do not eat, drink or use toothpaste or mouthwash; do not wash clothing, bed sheets, pillows or other potential evidence.

Where to go for a forensic exam

At **Texas Health Presbyterian Hospital Dallas**, 8200 Walnut Hill Lane, a certified Sexual Assault Nurse Examiner (SANE) will provide medical care and a sexual assault exam; call 214-345-6203 or visit texashealth.org/dallassane.

- The Dallas Area Rape Crisis Center (DARCC) is a community resource that provides confidential counseling and can assist students at Presbyterian Hospital Dallas; call 972-641-7273 (available 24/7) or visit www.dallas-rapecrisis.org.
- SMU Police officers, who are trained in sexual misconduct issues, are available to transport and accompany students to the hospital; call 214-768-3333. Officers will not be present during the exam. Students may bring a friend or family member for support. Please note that if asked to provide transport, SMU Police will file a police report; see “Reporting to Police” on Page 11 for more information.
- A confidential counselor in SMU Counseling Services who specializes in sexual misconduct issues also can accompany students to the hospital. Call 214-768-2277 (an emergency contact number is provided at all hours), or SMU Police can contact Counseling Services for students.

In addition to Texas Health Presbyterian Hospital Dallas, other area hospitals that have health care professionals authorized to perform medical/legal examinations are:

Parkland Hospital, 5201 Harry Hines Blvd.

Main phone, 214-590-8000

Victim Intervention Program/Rape Crisis Center, 214-590-0430 or www.parklandhospital.com/phhs/vip-rape-crisis-center.aspx

Methodist Dallas Medical Center, 1441 N. Beckley Ave.

Main phone, 214-947-8181

Sexual Assault Nurse Examiner (SANE), 214-947-8181 or www.methodist-healthsystem.org/sane-program

Texas Health Presbyterian Hospital Plano, 6200 W. Parker Rd.

Emergency room, 972-981-8003

www.texashealth.org/plano/Pages/Services/Emergency-Services/Sexual-Assault.aspx

For confidential counseling

SMU Counseling Services provides confidential counseling and assistance from counselors who specialize in sexual misconduct issues. Call 214-768-2277; an emergency contact number is provided at all hours.

The SMU Chaplain’s Office also provides confidential counseling; call 214-768-4502.

A community resource, the Dallas Area Rape Crisis Center (DARCC), provides confidential counseling and other assistance. Call 972-641-7273 (available 24/7) or visit www.dallasrapecrisis.org.

Academic and campus assistance

SMU also can assist victims by providing no contact orders, letters to professors requesting leniency, escort and transportation services, classroom and housing accommodations, assistance filing protective orders through the district attorney's office and assistance contacting local law enforcement if the sexual assault occurred off campus.

For more information, contact SMU's Title IX Coordinator, 214-768-3601, or email accessequity@smu.edu. You also may contact the Office of Violence Prevention & Support Services, 214-768-4512 or email preventviolence@smu.edu.

Dating violence, domestic violence or stalking

As in cases of sexual assault, the first priority for victims of dating violence or domestic violence is to get to a place of safety and obtain medical attention and a forensic exam that preserves evidence. Victims of domestic violence, dating violence or stalking also are urged to contact police as soon as possible. Victims of violence or stalking also should save evidence such as any letters, emails, phone calls, videos, photos, texts, social media postings, computer screenshots, voicemails or other evidence that may be helpful in obtaining a protective order or pursuing criminal charges.

In addition to the SMU resources listed above, community and national resources include:

- Genesis Women's Shelter in Dallas, 214-946-4357 or www.genesisshelter.org
- The Family Place in Dallas, 214-941-1991 or www.familyplace.org
- Texas Council on Family Violence, 512-794-1133 or tcfv.org
- National Domestic Violence Hotline, 1-800-799-SAFE (7233)
- Stalking Resource Center, 855-4-VICTIM (855-484-2846) or victimsofcrime.org

THE CRIMINAL PROCESS AND SMU GRIEVANCE PROCESS

Students reporting sexual assault, dating violence, domestic violence or stalking have the right to choose to pursue a criminal process, an SMU internal grievance process or both processes. Students also may choose not to file a grievance or pursue criminal charges.

The internal grievance process and the criminal process, which are independent of each other, can be pursued at the same time. Please see the following sections for more information.

REPORTING TO POLICE AND PURSUING CRIMINAL CHARGES

SMU urges anyone who has experienced sexual assault, dating violence, domestic violence or stalking to alert police as soon as possible. SMU campus

authorities can provide assistance in notifying law enforcement authorities, at the victim's request.

On campus, SMU Police can be reached at 911 from a campus phone; at 214-768-3333 from a cell phone; or by picking up a blue-light phone on campus at any time of day or night.

In the case of an off-campus incident, students should call 911 to reach police in that jurisdiction or call 214-768-3333 to reach SMU Police, who can connect callers with police in the appropriate jurisdiction.

Crime victims have the right to choose to talk to police when they feel ready to do so, and also can choose to decline involvement with the police. SMU urges victims to notify police as soon as possible. Reporting an incident to police does not automatically lead to criminal charges being filed or criminal prosecution. However, when a victim immediately reports an incident, police are better able to collect evidence that may be helpful in building a criminal case, even if the victim decides to wait until a later date to pursue criminal charges. In addition, the victim will have input about his or her case after talking with police.

SMU is committed to responding to reports in a timely and respectful manner. When a victim makes a report to SMU Police, the police will request information about the circumstances of the incident and the alleged perpetrator in order to aid the investigation and build a criminal case.

In their operations and criminal investigations, SMU Police follow state and federal rules of procedure and evidence. The investigation conducted by SMU Police can include gathering evidence and witness statements, and obtaining search warrants and arrest warrants from a judge.

A crime alert is issued by campus email if SMU determines there is imminent danger, or the likelihood of a continuing danger, against which the campus community needs to be warned, or if an alert would aid in the prevention of similar crimes in the future. Crime alerts also are posted online at smu.edu/police.

SMU Police notify the Dallas County District Attorney's Office or other appropriate external law enforcement agency when a case of sexual assault has been reported and is under investigation.

When a victim decides to pursue criminal charges, a prosecutor in the District Attorney's Office determines whether sufficient evidence exists to press charges and present the case to a grand jury to obtain an indictment and proceed with a trial, after SMU Police have presented the findings of their investigation.

SMU Police are available to counsel and accompany students through the criminal process; call 214-768-3333 for more information.

In addition, when a case of sexual misconduct is reported to SMU Police, the police notify the SMU Title IX Coordinator, as required by the federal law Title IX. The SMU Title IX Coordinator will provide information about the victim's option to pursue an SMU grievance process under University policy, in

addition to the criminal process. See “Reporting to the SMU Title IX Coordinator and Pursuing an Internal Complaint” on Page 13 for more information.

Protective orders

Crime victims in Texas are guaranteed certain rights, as outlined in the Code of Criminal Procedure. The Office of the Attorney General has more information: <https://texasattorneygeneral.gov/cvs/crime-victim-publications>.

SMU Police can assist victims in applying for a protective order, which tells a person to stay 500 feet from where the protected person lives or works. It instructs a person not to commit or threaten violence, or stalk the person applying for protection. Applications for protective orders are made at the Dallas County District Attorney’s Office Family Violence Division at the Frank Crowley Courthouse, 133 N. Riverfront Blvd., 214-653-3528. For more information: www.dallascounty.org/departments/da/media/ProtectiveOrder_Brochure_2015_eng.pdf

SMU Police keep a copy of protective orders on file. SMU honors protective orders and complies with the state laws regarding protective orders. If a protective order is violated, the protected person should call police immediately. For more information, call SMU Police at 214-768-3333.

Protecting information

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 alleged offense.

SMU will not include a victim’s personally identifying information in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and the daily crime log. In some cases, SMU may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures in a timely manner.

REPORTING TO THE SMU TITLE IX COORDINATOR AND PURSUING AN INTERNAL GRIEVANCE PROCESS

A student who reports sexual misconduct – including sexual assault, dating violence, domestic violence or stalking – may file a complaint under the University’s Title IX Harassment Policy with the SMU Title IX Coordinator in the Office of Institutional Access and Equity. The policy is online in the University Policy Manual, smu.edu/policy, and on the Office of Institutional Access and Equity website, smu.edu/iae.

The internal grievance process includes an investigation of the allegations, sanctions and an appeal process. Students reporting sexual misconduct are encouraged to share as much information as they are comfortable sharing. Pending the outcome of the grievance process and to protect the safety of the

SMU community, the University may impose temporary interim measures, such as no contact orders, campus restrictions and temporary suspension.

Students involved in a sexual misconduct case may qualify to receive amnesty for other violations of the Student Code of Conduct, such as alcohol violations, as outlined in the Conduct Review Process. The investigation will focus primarily upon the allegations of sexual misconduct.

For more information about this process or to file a grievance, contact the SMU Title IX Coordinator in the Office of Institutional Access and Equity at 214-768-3601 or email accessequity@smu.edu.

Retaliation prohibited

SMU prohibits threats or acts of retaliation against students who are involved in any manner of a report of sexual misconduct, investigation, proceeding, or hearing under SMU's Title IX Harassment Policy. Retaliation can take many forms, including sustained abuse or violence, threats, coercion, intimidation and discrimination. Students who engage in retaliation or harassment by any means – including in person, through others or on social media – will be subject to disciplinary action.

Retaliation is also a criminal offense under Texas law, and students may face criminal charges.

Students who observe retaliation or who are threatened in any way should promptly notify SMU Police, 214-768-3333; the SMU Title IX Coordinator, 214-768-3601; or the Office of Student Conduct & Community Standards, 214-768-4563.

Sanctions for sexual misconduct

When a student is found responsible for violating the Title IX Harassment Policy, a Sanctioning Panel imposes disciplinary sanctions. The Sanctioning Panel members are the Director of the Office of Student Conduct and Community Standards or his or her designee; a Deputy Title IX Coordinator; and an SMU student, all of whom have participated in Title IX training. The Sanctioning Panel may impose one or more of the following sanctions in addition to educational sanctions including, but not limited to, training, reflection exercises, research papers and community service:

Expulsion: An individual or group will be separated from the University on a permanent basis. An individual's expulsion will be permanently recorded on his or her academic transcript. Before this sanction is enforced, the President of the University will review it. A student expelled from the University may not enter campus grounds for any reason without the express written permission from the Office of the Dean of Student Life. A student expelled from the University will not receive a refund of any monies paid, including tuition, fees, and room and board.

Suspension: An individual or group will be dismissed from the University for an assigned time period and under the conditions deemed necessary by the

Sanctioning Panel. A student suspended from the University may not enter campus grounds for any reason during the period of her/his suspension without the express written permission from the Office of the Dean of Student Life. A student suspended from the University before an academic semester ends will not receive a refund of any monies paid, including tuition, fees, and room and board. No academic credit earned during the period of suspension at any other institution may be transferred to SMU. A disciplinary suspension and its effective dates are recorded on a student's academic transcript. The notation remains for the time the student is enrolled in the University and is removed three (3) years after graduation. If the student leaves the University before graduation, the notation is removed three (3) years after the anticipated date of graduation from the University.

Deferred suspension: Individual or group suspension may be deferred (not enforced). Deferred terms (i.e., conditions of the deferred suspension and its duration) will be set by the Sanctioning Panel. If the student is found responsible for violating the terms of the deferred suspension during the period established by the Sanctioning Panel, the student may be suspended.

Conduct probation: A student or group is given a warning that further violations will result in consideration of suspension. The student or a group representative may be required to report to a Conduct Officer on a regular basis during the period of the probation.

Formal conduct warning: The individual or group will be given formal notice by the Sanctioning Panel that they have violated this policy. If the individual or group is found in violation of a further charge, that case will be considered more seriously.

TITLE IX AT SMU

As defined by the U.S. Department of Education's Office for Civil Rights, Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance, including SMU.

Title IX prohibits all forms of sexual harassment, including sexual assault and other acts of sexual violence. Title IX requires universities and colleges to investigate reports of sexual harassment and to provide internal grievance procedures. These procedures offer students reporting sexual assault and other acts of sexual violence an avenue for holding violators accountable for their actions, in addition to the criminal process.

Title IX also requires the University to appoint a Title IX Coordinator. SMU's Title IX Coordinator resides in the Office of Institutional Access and Equity, which develops and manages University policies, procedures and programs of equal opportunity, diversity and affirmative action. The Office serves SMU students, employees, applicants and visitors. SMU's prohibition against

discrimination, including on the basis of sex, includes any employment practice, education program or educational activity.

SMU's Title IX Coordinator and Deputy Coordinators are available to assist students who have questions or concerns regarding sexual misconduct or who wish to file an internal complaint under the University's Title IX Harassment Policy. The Coordinator and Deputies also can provide students with information about SMU and community resources. Please feel free to contact any of the following SMU employees for assistance. Deputies serve campus-wide; their departments and schools are listed for informational purposes only.

SMU Title IX Coordinator

- Samantha Thomas, Office of Institutional Access and Equity, 214-768-3601 or email thomassa@smu.edu

SMU Deputy Title IX Coordinators

- Denise Gauthier, Office of Institutional Access and Equity, 214-768-3601 or email dgauthier@smu.edu
- Martin L. Camp, Dedman School of Law, 214-768-2839 or email mlcamp@smu.edu
- Griffin Sharp, Office for Health Promotion, Student Affairs, 214-768-2393 or email gksharp@smu.edu
- Susan Vollmerhausen, Athletics, 214-768-4963 or email vollmerhause@smu.edu
- Reva Pollack, Graduate Studies, 214-768-4202 or email reva@smu.edu

Learn more about Title IX and read SMU's Title IX Harassment Policy at smu.edu/iac.

SEXUAL MISCONDUCT EDUCATION AND PREVENTION

SMU's Office of Violence Prevention & Support Services (214-768-4512), the Women & LGBT Center (214-768-4792) and Counseling Services (214-768-2277) coordinate and provide educational and prevention programs on sexual misconduct. The Office of Institutional Access and Equity (214-768-3601) also provides education on Title IX and the University's Title IX Harassment Policy.

Education for incoming students includes a required comprehensive online course and an informational program before the first week of the fall term. All students are required to take Wellness courses, which provide information on respectful relationships. A research-based bystander intervention training program developed by SMU psychology professors also is provided in Wellness courses. Information about SMU's sexual misconduct procedures, policy and resources is posted at smu.edu/sexualmisconduct.

Campus-wide programs include Sexual Assault Awareness Month, Relationship Violence Awareness Month, National Night Out and Take Back the Night. Programs also are available to individual classes, Residential Commons and

Greek organizations upon request. Students may call Violence Prevention & Support Services, 214-768-4512, or email preventviolence@smu.edu. Students involved in raising awareness of sexual assault and relationship violence include the student organizations Not On My Campus; Team One Love; the Feminist Equality Movement (FEM); and The Well: Health Promotion and Wellbeing.

Campus security

SMU Police officers are sworn police officers, licensed by the Texas Commission on Law Enforcement Officer Standards and Education, who have the responsibility and duty to enforce campus regulations and all local, state and federal laws.

SMU Police patrol campus 24 hours a day, seven days a week. The department coordinates actions with neighboring agencies and criminal investigations with the Dallas County District Attorney's Office. Emergency blue-light phones across campus connect directly to SMU Police.

SMU Police provide crime prevention education and self-defense training; call 214-768-3333.

SMU urges students to use a safety escort. SMU Safety Escort by Tapride offers free rides on campus from 7 p.m. to 3 a.m. during the fall and spring terms when classes are in session; download the app and learn more at smu.edu/BusinessFinance/CampusServices/ParkingAndIDCardServices/parkingservices/TapRide.

SMU Police are also available to provide secure rides on campus; call 214-768-3388. SMU Rides provides rides off and on campus 24 hours a day; the full cost of the ride is charged to the student's SMU account; call 214-768-7433 (RIDE).

Crime reports

SMU Police maintain a daily crime log, which is available online at smu.edu/police and to the public for review during business hours, at the dispatch window at Patterson Hall, 3128 Dyer Street.

SMU's Annual Security and Fire Safety Report, posted online at smu.edu/cleryreport, includes reported crimes for the previous three years.

SEXUAL MISCONDUCT DEFINITIONS AND EXAMPLES

Definitions

Consent: Voluntary, clear, continuous, mutually understandable permission, given by words or actions, regarding one's willingness to engage in sexual activity. A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse *or* the threat of such abuse.

Domestic violence: A felony or misdemeanor crime of violence committed by a current or former spouse of the victim or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or anyone who is protected from the respondent's acts under the domestic or family violence laws of the jurisdiction.

Gender-based harassment: Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Incapacitation: The inability to provide consent due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents an individual from having the capacity to give consent.

Retaliation: Any adverse action, or attempted adverse action, against an individual (or group of individuals) because of their participation in any manner in an investigation, proceeding or hearing under the University's Title IX Harassment Policy, including individuals who file a third-person report. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct. Retaliation can take many forms, including sustained abuse or violence, threats, coercion, intimidation and discrimination. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the Title IX Harassment Policy. Any individual or group of individuals engaging in retaliation can be held responsible. Examples of conduct which may be retaliation include, but are not limited to:

- Threats of harm to an individual or the individual's property;
- Forcing or pressuring an individual to take time off from school or work;
- Pressuring an individual to refrain from talking to the media;
- Removing an individual from sports teams or other extracurricular activities for reporting Title IX harassment;
- Unreasonably failing to accommodate an individual's housing or academic needs; or
- Terminating, demoting, reassigning or denying benefits to an employee.

Sex discrimination: Giving preferential treatment to one gender to the disadvantage of the other because of his or her gender. It may occur also when policies or practices are facially neutral, but have a disproportionately adverse impact on a particular gender when applied.

Sexual assault (non-consensual sexual contact): Any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Sexual contact includes: intentional contact with the breasts, buttock, groin or genitals, or touching another

with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, mouth or other orifice.

Sexual assault (non-consensual sexual intercourse): Any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; or oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Sexual harassment: A form of sex discrimination that means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either an explicit or an implicit term or condition of an individual's employment, academic evaluation or advancement, or status in a course, program or activity of the university;
- b. submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment or unduly interfering with an individual's work or academic performance. For purposes of the Title IX Harassment Policy, "undue interference" is defined as improper, unreasonable or unjustifiable behavior going beyond what is appropriate, warranted or natural.

Sexual harassment includes two categories:

- "Hostile environment sexual harassment" means verbal, physical or visual forms of harassment that are sexual in nature, "sufficiently severe, persistent, or pervasive" and unwelcome. A single, severe incident, such as a sexual assault, could create a hostile environment. A "hostile environment" is often created by a series of incidents.
- "Quid pro quo sexual harassment" means "this for that." An example of this form of sexual harassment occurs if a member of the faculty (or staff member) stipulates that one's grade or performance rating (or participation on a team, in a play, etc.) will be based on whether one submits to unwelcome sexual conduct. Whether one refuses a sexual demand or submits to it is not relevant; the conduct violates the law.

Sexual misconduct: Includes sexual harassment, gender-based harassment, sexual violence, sexual assault, dating violence, domestic violence, stalking and sexual exploitation.

Sexual violence: A physical sexual act perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment prohibited by Title IX and the University's Title IX Harassment Policy.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress.

Examples

If sufficiently severe or pervasive, the following types of actions serve as non-exhaustive examples of Title IX harassment prohibited by SMU:

- Physical sexual acts perpetrated against a person's will, or where a person is incapable of giving consent due to that person's use of drugs or alcohol or due to an intellectual or other disability;
- Direct or implied statements, threats or demands for sexual favors, sexual advances, accompanied by implied or actual promises of preferential treatment for submission to such demands; or implied or actual threats that failure to submit to such demands may result in adverse treatment concerning the person's admission, enrollment, employment, work status, promotion, grades or recommendation;
- Persistent unwelcome flirtation, requests for dates, repeated and unwanted staring, advances or propositions of a sexual nature;
- Gratuitous displays of sexually suggestive objects or pictures, including images displayed, transferred, forwarded or shared via the Internet, text messaging or other electronic means;
- A pattern of conduct unrelated to an academic course or the requirements of the workplace intended to cause discomfort or humiliation or both that includes one or more of the following: comments of a sexual nature; sexually explicit statements, questions, jokes, anecdotes or gestures; a pattern of conduct that would cause discomfort or humiliation, or both, to a reasonable person to whom the conduct is directed and that includes one or more of the following:
 - unnecessary touching, such as patting, pinching, hugging or repeated brushing against a person's body;

- remarks of a sexual nature about a person’s clothing or body; or
- remarks about sexual activity or speculations about previous sexual experience.
- Treating individuals adversely because they do not conform to stereotypical norms of feminine or masculine gender behavior.

Acts of Title IX harassment may take many different forms. Examples include the following: direct threats and other verbal statements; email or other electronic messages; physical contact; jokes; gestures; and pictures or other visuals.

Harassment that violates SMU policy goes beyond the mere expression of views or thoughts (spoken or written) that an individual may find offensive. The conduct must be sufficiently severe or pervasive as to limit unlawfully an individual’s ability to participate in or benefit from the activities of SMU. Further, one must evaluate such conduct from the perspective of a reasonable person in the alleged victim’s position, taking into account the totality of the circumstances involved in a particular matter.

INFORMATION FOR FACULTY AND STAFF

SMU urges faculty and staff members who experience sexual misconduct – including sexual assault, dating violence, domestic violence or stalking – to seek help. SMU’s Title IX Harassment Policy applies to employees as well as students.

SMU resources

SMU Police, for 24/7 emergency help and criminal reporting. Call 911 or 214-768-3333, or pick up a blue-light phone on campus. If off-campus, call 911 to reach police in your jurisdiction.

SMU Title IX Coordinator, for internal grievance information and reporting. Call 214-768-3601, or email accesssequity@smu.edu.

Employee Assistance Program, for confidential counseling and referral services for all full-time and part-time benefit-eligible faculty and staff and their dependents. Call 1-877-704-5696, or visit smu.edu/BusinessFinance/HR/-BenefitsAndWellness/HealthAndOtherBenefits/Employee-Assistance-Program.

Workplace Violence Assessment Team, which meets as needed to assess cases involving employees whose behavior is considered potentially threatening, violent or harmful to themselves or others. Immediate concerns should be reported to SMU Police at 214-768-3333. Employees may report emerging concerns to 214-768-THREAT, email threat@smu.edu or submit an online reporting form at smu.edu/BusinessFinance/HR/Resources/SafetyatSMU/PreventingWorkplaceViolenceatSMU.

Community and national resources

- The Dallas Area Rape Crisis Center (DARCC), 972-641-7273 (available 24/7) or dallasrapecrisis.org
- Genesis Women’s Shelter in Dallas, 214-946-4357 or genesishshelter.org

- The Family Place in Dallas, 214-941-1991 or familyplace.org
- Texas Council on Family Violence, 512-794-1133 or tcfv.org
- National Domestic Violence Hotline, 1-800-799-SAFE (7233)
- Stalking Resource Center, 855-4-VICTIM (855-484-2846) or victimsofcrime.org

HOW FACULTY AND STAFF CAN HELP STUDENTS IN CASE OF SEXUAL MISCONDUCT

It is important that all faculty and staff members are informed about SMU procedures regarding sexual misconduct, as well as resources that support students. **Please remember that all faculty and staff are mandatory reporters.** Except for staff in Counseling Services and the Chaplain’s Office, all other faculty and staff must notify the Title IX Coordinator of all sexual misconduct reports; 214-768-3601.

Faculty and staff members should follow these steps if a student comes to them to report sexual misconduct:

1. Urge the student to seek medical attention.

In cases of sexual assault, dating violence and domestic violence, a certified Sexual Assault Nurse Examiner (SANE) at Texas Health Presbyterian Hospital Dallas can provide care and an exam that preserves evidence; 214-345-6203. SMU Police and Counseling Services can accompany students to the hospital. Learn more on Pages 9-11, “Getting Help in Case of Sexual Assault.”

2. Encourage the student to alert police.

SMU Police can be reached 24/7 at 214-768-3333, or the student can call 911 in the jurisdiction where the incident occurred to connect with police there.

3. Inform the student about campus and community resources.

Inform the student about the campus and community resources listed on the next page, including contacting SMU’s Title IX Coordinator in the Office of Institutional Access and Equity to learn about reporting options and to file an internal grievance.

4. Notify the SMU Title IX Coordinator.

Inform the student that you are required to report the sexual assault to SMU’s Title IX Coordinator for follow-up; 214-768-3601. The student may request that his or her name be withheld; however, this request for anonymity may impede an investigation.

SMU resources

The following campus officials will protect students’ privacy to the extent possible, but are required to report sexual misconduct to SMU’s Title IX

Coordinator, and also must report sexual assault, dating violence, domestic violence and stalking to SMU Police.

- SMU Police (for criminal reporting), 214-768-3333
- Title IX Coordinator (for information and internal grievance reporting), 214-768-3601
- Office of Violence Prevention & Support Services, 214-768-4512

Confidential SMU resources

The following resources must honor confidentiality, except under very limited circumstances such as an imminent threat of danger to self or others.

- SMU Counseling Services, 214-768-2277 (available 24/7)
- SMU Chaplain's Office, 214-768-4502

Confidential community resources

- The Dallas Area Rape Crisis Center, 972-641-7273 (24-hour hotline)
- Texas Health Presbyterian Hospital Dallas Sexual Assault Nurse Examiner Center, 214-345-6203

For more information, contact SMU's Title IX Coordinator at 214-768-3601, email accessequity@smu.edu or visit smu.edu/sexualmisconduct.

Southern Methodist University (SMU) will not discriminate in any employment practice, education program, education activity, or admissions on the basis of race, color, religion, national origin, sex, age, disability, genetic information, or veteran status. SMU's commitment to equal opportunity includes nondiscrimination on the basis of sexual orientation and gender identity and expression. The Executive Director for Access and Equity/Title IX¹ Coordinator is designated to handle inquiries regarding the nondiscrimination policies, including the prohibition of sex discrimination under Title IX. The Executive Director/Title IX Coordinator may be reached at the Perkins Administration Building, Room 204, 6425 Boaz Lane, Dallas, TX 75205, 214-768-3601, accessequity@smu.edu. Inquiries regarding the application of Title IX may also be directed to the Assistant Secretary for Civil Rights of the U.S. Department of Education.

¹Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.



Learn more at smu.edu/sexualmisconduct