

# *Sexual Misconduct Prevention Quick Reference Guide*

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## **Definitions:**

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### Sexual Misconduct

Behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the workplace.

### Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal (what someone says), non-verbal (what someone does), or physical (touching) conduct of a sexual nature. It can include bullying or intimidation of a sexual nature or offensive remarks about a person's sex. It also includes sexual violence, interpersonal violence, and stalking.

### Sexual Violence

The worst form of harassment, which includes rape, sexual assault, fondling, incest, sexual battery, sexual coercion, and interpersonal violence (including domestic and dating violence).

### Responsible Employee

An employee who has the authority (or has been given the duty) to take action against an alleged violation of the "sexual misconduct" policy. These employees have a duty to promptly report violations of the policy to a Title IX Coordinator and cannot act as confidential reporting resources.

## **Examples of sexual misconduct, sex discrimination, or sexual violence:**

- Offering employment or educational benefits in exchange for sexual favors
- Leering or staring intently
- Displaying sexually suggestive objects, pictures, cartoons, or posters at work
- Making or using derogatory comments, slurs, or jokes
- Making sexual comments including graphic comments about someone's body
- Using sexually degrading words to describe an individual
- Sending suggestive or obscene letters, notes, invitations, texts, or emails
- Inappropriate touching or impeding or blocking someone's movements
- Following, monitoring, or threatening someone so much that they fear for their safety
- Committing abuse or violence against a current or former spouse or intimate partner, including roommates
- Getting someone so drunk they can't consent to having sex
- Asking a pregnant student to wait out the semester

## Selected information from training materials (CW 121):

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- Students, employees, contractors, and visitors are each responsible for maintaining a professional work environment by following the sexual harassment and misconduct [policies](#).
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or even a client or customer.
- There are two common types of sexual harassment:
  - Quid pro quo (or "this for that"): Using sexual conduct as a basis for employment decisions. There is a power difference between the harasser and the victim. For example, "If you go out with me, I'll give you a promotion."
  - Hostile environment: Reasonably interferes with a person's job or educational performance. When investigating, circumstances are considered. Includes the context, frequency, and severity of the conduct. It also includes whether the conduct was or could be considered physically threatening or humiliating.
- Change happens when we speak up. If you witness misconduct, report it.
  - Victims do not have to confront the harasser directly.
- Everyone is encouraged to report illegal or unethical behavior and there are many ways to [report](#) incidents of sex discrimination. Choose the one you feel most comfortable with.
- The behavior may be unacceptable to the other person, even if it is not meant to be sexual.
  - Making the harasser aware of their behavior is the key to it changing.
- Leering, staring, or gawking can be considered inappropriate or unprofessional behavior.
- How someone dresses does not indicate how they should be treated. Always treat people with respect at the workplace.
- The victim does not have to be the intended target of the misconduct and can be someone who is affected by the conduct because it interferes with their ability to perform their job, or it creates a hostile and intimidating work environment.
- It doesn't matter if the victim submitted to the harassment. He or she may still file a complaint.
- Responsible Employees, including Supervisors:
  - Are required to report sexual harassment allegations to a Title IX Coordinator AND Office of Inclusion and Equity (for employees) or Student Judicial Services (for students).
  - Put the university at risk when you do not report.
  - Have a higher responsibility to report the higher your position at the university.
- Retaliation is prohibited. Denying someone work or academic opportunities because they have complained about sexual harassment is against the law.
- Always call someone if you have questions!

## Victim Resources:

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- Emergencies situations should always use **911**
- [University of Texas Police Department](#) (UTPD) at 512-471-4441
  - Teaches free crime prevention and self-defense classes related to assault to university members.
- [Behavior Concerns Advice Line](#) (BCAL) at 512-232-5050
  - For behaviors that are concerning, but not an immediate threat to self, others, or property. Trained staff are available 24 hours a day.
- [Title IX Coordinators](#) at 512-232-3992 or email [titleix@austin.utexas.edu](mailto:titleix@austin.utexas.edu)
  - Provides information about available resources and coordinates the university's efforts to comply with Title IX. Helps ensure that people are aware of their rights and the university and its employees meet their legal obligations under Title IX.
- [Dean of Students](#) at 512-471-5017 or email [deanofstudents@austin.utexas.edu](mailto:deanofstudents@austin.utexas.edu)
  - [Student Emergency Services](#) at 512-471-5017: Can help with student absence notifications, outreach and advocacy, emergency funds, emergency shelter, and more.
  - [Student Judicial Services](#) at 512-471-2841: Investigates allegations related to policy violations, issues "no contact" directives to students, and administers the university's disciplinary process.
- [Counseling and Mental Health Center](#) (CMHC) at 512-471-3515
  - Open Monday-Friday, 8 a.m. – 5 p.m. Located in SSB, 5<sup>th</sup> floor. Provides **confidential** individual counseling, group counseling, classes, survivor advocacy services, crisis walk-in, medication evaluation, and prevention and outreach services.
- [CMHC Crisis Line](#) for students at 512-471-2255
  - A **confidential** service offered by CMHC where trained counselors are available 24 hours a day, including holidays.
- [University Health Services](#) at 512-471-4955
  - Provides **confidential** urgent care services and women's health exams, including sexually transmitted infection (STI) screening and HIV testing.
- [Employee Assistance Program](#) (EAP) for employees at 512-471-3366
  - Offers **confidential** counseling services for employees, as well as crisis intervention services and workplace threat information.
- Austin community resources
  - [SafePlace](#) at 512-267-SAFE (7299): Offers a 24-hour hotline that helps people who have experienced a sexual assault. They provide assistance during the forensic medical exam, individual and group therapy, and shelter services for victims of domestic violence.
  - [Austin Police Department](#) at 911: Provides emergency response, takes reports of sexual assaults, and overs counselors at 512-974-5037.
  - [St. David's Hospital Emergency Room](#) at 512-544-4240: Operates an emergency room at 919 East 32<sup>nd</sup> Street, which is north of campus.
  - [University Medical Center Brackenridge – Seton](#) at 512-324-7000: Operates an emergency room at 601 East 15<sup>th</sup> Street, which is south of campus.

## Relevant Laws and Policies that Apply to All UT Austin Employees:

### Federal Laws

- [Title VII of the Civil Rights Act of 1964](#)
- [Title IX of the Education Amendments of 1972](#)

### State Law

- [Texas Labor Code Section 21.010](#)

### UT System Policy

- [Board of Regents Rule 30105](#)

### UT Austin Policies

- [HOP 3-3031: Prohibition of Sexual Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking](#)
- [HOP 3-3050: Consensual Relationships](#)

## Ways to Report Sexual Misconduct and Sexual Harassment:

### Internal contacts (internal to The University of Texas at Austin)

- [Office of Inclusion and Equity](#) (for faculty/staff) at 512-471-1849
  - Email: [equity@utexas.edu](mailto:equity@utexas.edu)
  - Website: [www.utexas.edu/equity](http://www.utexas.edu/equity)
- [Institutional Title IX](#) Coordinator, LaToya Hill, at 512-232-3992
  - Email: [titleix@austin.utexas.edu](mailto:titleix@austin.utexas.edu)
- Any university official, administrator, or supervisor
- The Compliance and Ethics Hotline (anonymous) at 877-507-7321
  - Website: <https://www.reportlineweb.com/Welcome.aspx?Client=utaustin>
- [Student Emergency Services](#) (for students) at 512-471-5017
  - Email: [studentemergency@austin.utexas.edu](mailto:studentemergency@austin.utexas.edu)
  - Website: [deanofstudents.utexas.edu/emergency](http://deanofstudents.utexas.edu/emergency)

### External contacts (outside of The University of Texas at Austin)

- U.S. Department of Education's [Office of Civil Rights](#) at 800-421-3481
  - Email: [ocr.dallas@ed.gov](mailto:ocr.dallas@ed.gov)
  - Website: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
- Texas Workforce Commission's [Civil Rights and Discrimination](#) division
  - Phone: 512-463-2642 or 888-452-4778
  - Website: <http://www.twc.state.tx.us/customers/cwp/civil-rights-discrimination.html>
- U.S. [Equal Employment Opportunity Commission](#) (EEOC) at 800-669-4000
  - Email: [info@eeoc.gov](mailto:info@eeoc.gov)
  - Website: <http://www.eeoc.gov/employees/index.cfm>