

UNTHSC NOTICE OF STUDENT COMPLAINANTS RIGHTS

Complainants Rights

UNTHSC does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by UNTHSC, as well as federal law, whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex based discrimination, UNTHSC wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus, as well as your rights and UNTHSC's responsibilities.

As a complainant of sexual assault, dating violence, domestic violence, or stalking, you will receive a full copy of our institution's policy. The policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your right to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and a respondent party, such as temporary or permanent changes in academic and working conditions, if reasonably available. The policy also addresses possible sanctions and interim and/or long-term protective measures that UNTHSC may impose following a report through the final determination of our discipline process. If you would like more information than is contained in this handout regarding any process or procedure, or if you'd like to make a report, ask questions about the policy, or need to request an accommodation to your class or working arrangements regardless of whether or not you chose to report the crime to law enforcement or campus police, contact the University's Title IX Coordinator:

Dr. Trisha Van Duser, 817-735-2508, Trisha.VanDuser@unthsc.edu, Student Service Center 221.

Definitions

The following definitions are helpful in understanding the University's policy prohibiting sex-based discrimination:

Consent: Words or actions that show an active, knowing and voluntary agreement to engage in sexual activity. Consent cannot be gained by force, coercion, manipulation, threats, or by taking advantage of the incapacitation of another when the individual knows or reasonably should know of such incapacity by use of alcohol or drugs. Consent is absent when the activity in question exceeds the scope of previously given consent, or the person is unconscious or

otherwise unaware that the prohibited conduct is occurring. Consent may be revoked at anytime (as defined in UNTHSC Policy 5.212 Prohibition of Sexual Assault and Retaliation).

Sexual Assault: Means the intentional or knowing penetration, no matter how slight, of the sex organ or anus with any body part or object, or oral sex, without consent.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by a person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship; type of relationship; frequency of interaction between the persons involved in the relationship.

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.

Bystander Intervention: A bystander is someone other than the complainant who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling the police when a potentially violent situation is unfolding, not leaving an unconscious person alone, or intervening when someone is being belittled, degraded, or emotionally abused.

What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking

After an incident of sexual assault and dating or domestic violence, the victim should consider seeking medical attention as soon as possible. Contact information for area hospitals are listed below.

Baylor All Saints Hospital (Fort Worth) Phone: 817-926-2544
Harris Methodist Hospital (Fort Worth) Phone: 817-250-2000
John Peter Smith Hospital (Fort Worth) Phone: 817-702-2839
Methodist Hospital (Dallas) Phone: 214-947-8181
Parkland Hospital (Dallas) Phone: 214-590-8000

It is important that victims of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence that may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infection.

Victims of sexual assault, domestic violence, stalking and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. To report an incident involving a sexual assault, domestic violence, stalking, and dating violence, contact the UNTHSC Police at 817-735-2600. The UNTHSC Police will assist any victim with notifying local police if they so desire. Additional information regarding local police departments is listed below:

Fort Worth Police Department (non-emergency) Phone: 817-335-4222
Dallas Police Department (non-emergency) Phone: 214-744-4444

Disciplinary Procedures Following a Complaint

Whether or not criminal charges are filed, the university or a person may file a complaint under the Student Code of Conduct and Discipline (07.126) or Prohibition of Sexual Assault and Retaliation (5.212) alleging that a student or employee violated University policy. Reports of all domestic violence, dating violence, sexual assault and stalking will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The university disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the complainant and promotes accountability. The policy provides that:

- 1.) The complainant and respondent each have the opportunity to attend a hearing before a properly trained hearing board;
- 2.) The complainant and respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
- 3.) A student conduct decision is based on preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the respondent student violated the university’s Student Code of Conduct and Discipline?”;
- 4.) The complainant and the respondent will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and
- 5.) The complainant and the respondent each have the right to appeal the outcome of the hearing as outlined in the Student Code of Conduct and Discipline and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university’s policy against Prohibition of Sexual Assault and Retaliation (5.212) in order to remedy any hostile environment. All conduct proceedings against students; however, will be resolved through the Student Code of Conduct and Discipline.

In all cases, investigations that result in a finding of more likely than not that a violation of the Student Code of Conduct and Discipline occurred will lead to the initiation of disciplinary procedures against the respondent. University sanctions, including: verbal warning, written warning, educational sanctions, loss of privileges, disciplinary probation, suspension, administrative withdrawal, expulsion, interim suspension, restitution, and the implementation of a no-contact order, may be imposed upon those determined to have violated this policy. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Code of Conduct and Discipline. Sexual assault, domestic violence, dating violence, and stalking are criminal acts, which also may subject the perpetrator to criminal and civil penalties under federal and state law.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Campus Resources

CARE Team: 817-735-2740

UNTHSC Police: 817-735-2600

Dr. Trisha Van Duser, Title IX Coordinator: 817-735-2508, Student Service Center 221

WellConnect Student Assistance Program: 800-326-6142

Student Health: 817-735-5051

Off-Campus Resources

Baylor All Saints Hospital (Fort Worth) Phone: 817-926-2544

Harris Methodist Hospital (Fort Worth) Phone: 817-250-2000

John Peter Smith Hospital (Fort Worth) Phone: 817-702-2839

One Safe Place (Fort Worth) Phone: (817) 916-4323

Fort Worth Police Department (non-emergency) Phone: 817-335-4222

Fort Worth Resources: <https://www.fortworthpd.com/programs/Victim-Assistance.aspx>

Dallas Police Department (non-emergency) Phone: 214-744-4444

Methodist Hospital (Dallas) Phone: 214-947-8181

Parkland Hospital (Dallas) Phone: 214-590-8000

Dallas Area Rape Crisis Center (Dallas) Phone: (972) 641-7273

Dallas Resources: <http://www.dallasdvresources.org/phone.php>

National Dating Abuse Hotline: 1-866-331-9474 www.ndah.org

Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- 1.) Being afraid of your partner.

- 2.) Constantly watching what you say to avoid a “blow up.”
- 3.) Feelings of low self-worth and helplessness about your relationship.
- 4.) Feeling isolated from family or friends because of your relationship.
- 5.) Hiding bruises or other injuries from family or friends.
- 6.) Being prevented from working, studying, going home, and/or using technology (including your cell phone).
- 7.) Being monitored by your partner at home, work, or school.
- 8.) Being forced to do things you don’t want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you or suspect someone you know is being abused, speak up or intervene.

- 1.) Get help by contacting Student Affairs for support services.
- 2.) Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- 3.) Consider making a report with UNTHSC Police and/or the Title IX Coordinator and ask for a “no contact” directive from the University to prevent future contact.
- 4.) Consider getting a protective order or stay away order.
- 5.) Learn more about what behaviors constitute dating and domestic violence, understand that it is not your fault, and talk with friends and family members about ways you can be supported.
- 6.) Trust your instincts- if something doesn’t feel right in a relationship, speak up or end it.

Traveling around campus (walking)

- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed on the campus.
- Be aware of open buildings where you can use a phone.
- Keep some change accessible just in case you need to use a pay phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.
- Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from the library very late at night is sometimes unavoidable; so try to walk with a friend.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.
- If walking feels unsafe, call UNTHSC Police for an escort.