SOUTHWESTERN UNIVERSITY

Help for Sexual Assault/ Sexual Misconduct

Where to go?
Who to talk to?

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I. MEDICAL ISSUES AND IMMEDIATE SAFETY

What are my immediate options if I am sexually assaulted or raped? Or think I have been?

You can contact the **SU Police** at 863-1944 (if the assault occurs on campus) or call 911 if you are off campus. **You should understand that**, if a crime has occurred, police officers in the State of Texas may choose to pursue an investigation **without your consent**. Therefore, reporting an assault to the police does not remain confidential. If you are not ready to call the police, you can make a confidential call to the **Williamson County Crisis Center Rape Hotline** (also known as the **Hope** Alliance) at 800-460-SAFE. Crisis counseling is available 24 hours a day on this hotline.

If you want to talk with someone on campus, you can contact an **SU Counselor** by calling 863-1252 during business hours. You can contact an **SU Nurse** by calling 863-1252 during business hours. You can contact the **University Chaplain** by calling 863-1527 during business hours. Or you can contact a Counselor, a Nurse, or the Chaplain after hours through the SU Police (dial 863-1944) and tell them you have an emergency and need to talk to one of the above.

What about medical attention?

To ensure your physical well-being, you need immediate medical care. The above mentioned resources can help you get to the appropriate hospital for a medical and/or forensic exam (called a rape kit) performed by a specially trained Sexual Assault Nurse Examiner (SANE). There are several hospitals in the area providing medical and SANE exams.

WILLIAMSON COUNTY SANE PROGRAMS

Cedar Park Regional Medical Center
Adult/Pediatric Program
1401 Medical Parkway
Cedar Park, Texas 78613
512-528-7000 (Main)
512-582- 7111 (ER)

Scott and White Healthcare-Round Rock
Adult/Adolescent Program
300 University Blvd
Round Rock, Texas 78665
512-509-0100 (Main)
512-509-9056 (ER)

St. David's Medical Center-Round Rock
Adult/Pediatric Program
Round Rock Avenue
Round Rock, TX 78681
512-341-1000 (Main)
512- 341- 6428 (ER)

Johns Community Hospital-Taylor
Adult/Pediatric Program
305 Mallard Lane
Taylor, TX 76574
512-352-7611 (ER)

Williamson County Children's Advocacy Center – Georgetown
Williamson County SANE Program
1811 SE Inner Loop
Georgetown, TX 78626
512-943-3701
Email: director@wilcocac.org

AUSTIN/TRAVIS COUNTY SANE PROGRAM

Austin/Travis County SANE Program
St. David's Medical Center – Austin
Adult/Adolescent Program
919 E. 32nd Street
Austin, TX 78705
512-476-1111 (Main)
512-544-8555 (ER)

Dell Children's Medical Center
Pediatric Program
4900 Mueller Blvd
Austin, Texas 78723
512-324-0000 (Main)
512-324-0150 (ER)

Children's Advocacy Center of Texas
8509 FM 969 Building 2
Austin, TX 78724
512-472-1164
www.centerforchildrenprotection.org

You should not shower, bathe, douche, urinate, defecate, or brush your teeth. You should stay in the clothes you are wearing, or (if you have already changed) bring clothes, sheets, or anything that was in contact with you during the assault with you in a PAPER BAG (do not use plastic bags) or wrap them in a clean sheet. You should bring a change of clothes with you. If you have changed or cleaned up, you can still go to the hospital.

Do I have to go to the hospital?

You do not have to go to the hospital if you really don't want to. But keep in mind that medical attention is necessary in order to be checked for internal injuries of which you may not even be aware, to be treated for certain STDs, and to receive information about HIV/AIDS and pregnancy. Also, a hospital is the only place at which you can have a rape kit done. It may be a good idea to have a rape kit done even if you think you won't want to press charges – many people change their minds later and want to press charges after all. You can do this as a "Jane Doe" which means that the collection of evidence part of the examination will then be paid for by the state. This gives you some time to decide if you want to press charges. Prophylactic medication to protect you against STDs or pregnancy will be billed to you separately. If you choose, you can pay for a rape kit out of pocket.

Even if your decide that you do not wish to have a rape kit done, you can still get checked for injuries, STDs, etc. You do not have to make a police report in order to get general medical attention.

What will happen at the hospital?

When you get to the hospital, in order to receive appropriate treatment, you need to tell them that you were sexually assaulted in order to receive proper treatment. It is normal to feel uncomfortable discussing your assault. You do not need to give all of the details of what happened right away, but you should tell the nurse what kinds of physical violations you experienced (i.e., oral, vaginal, or anal penetration). This helps them know where to look for injuries and evidence (if you have a rape kit done). You are allowed to ask any and all questions you have about procedures or medical concerns.

You have the right to be accompanied by a social worker, victims' advocate, or even a friend or relative of your choice during the exam. The hospital should call a victims' advocate for you, or you can call 800-460-SAFE. Alternatively, you also have the right to choose total privacy during the exam, so you can ask anyone other than necessary hospital personnel to leave.

In order to have physical evidence collected, you can file a report with the police, request a Jane Doe rape kit exam, or self-pay to have a rape kit done. A rape kit involves collecting evidence from the incident. It is collected by a specially trained Sexual Assault Nurse Examiner (SANE), who will collect hair, fluid and tissue samples. A gynecological exam will be done, and you will also be treated for any injuries and certain STDs. Pregnancy and HIV/AIDS testing options can be discussed, and they will give you information on follow-up testing.

Is there a time limit for having a rape kit done?

Bodily fluids must be collected within 72 hours of the incident—the sooner the better. Keep in mind that bathing, douching, brushing your teeth, or even just eating and drinking may eliminate crucial evidence. That is why it's very important to be examined *as soon as possible*.

What kind of evidence is collected during a rape kit?

The trained SANE nurse will collect the following evidence: oral swabs; head hair combings; pulled head hair samples; debris collection (such as dried blood, semen, saliva, hair, dirt, leaves, and fibers that may be on you); anal swabs; vaginal or penile swabs; pubic hair combings; pubic hair samples; fingernail scrapings; blood sample; and a saliva sample.

For women, the pelvic exam performed during a rape kit will be similar to the exam you have probably received from your own doctor. If you have never had a pelvic exam before, be sure to tell the nurse or doctor.

Do I have to make a police report in order to get a rape kit done?

In the State of Texas, you must make a police report, file as a Jane Doe or self-pay in order to have the evidence collected. Title IX states that once an official of the University or Police Department becomes aware of a sexual assault occurring they must investigate, regardless of your wishes. They will do their best to keep it anonymous, however anonymity cannot be guaranteed. Even if you don't think you want to press charges, it may be a good idea to have a rape kit done to collect evidence in case you change your mind in the future (many people do!). You can't get the evidence back once it's gone, and it is very difficult to prosecute without physical evidence.

Is all of this confidential?

Your medical exam is protected by the same laws that govern confidentiality of all health records. The rape kit and police reports are part of the investigation of evidence, and thus, if the case proceeds, will be part of the legal record. However, you can request that a pseudonym be used throughout the process and for any matters of public record.

Who pays for a rape kit?

If you file a report with a police agency, they pay for the rape kit. If you file a Jane Doe exam, the state will pay for the collection of evidence. Medications prescribed will be billed to you. Again, self-pay is another option. In addition, if you file a police report at a later time, you may be eligible for reimbursement by the State of Texas' Victims' Compensation Program for any related medical, emotional, or financial losses you suffered as a result of being the victim of a violent crime, even if the physical and emotional problems are not immediately apparent.

Can someone be with me during the rape kit exam?

Texas law specifically gives survivors of sexual assault the right and choice to have a trained advocate from the local crisis center in the room during a SANE exam. Often, the hospital or police will have already called the Williamson County Crisis Center (Hope Alliance) to send an advocate to the hospital. If not, you can call (800) 460-SAFE at any time. When the advocate arrives, he or she will introduce themselves and will provide support in any way possible. Survivors have the choice at all steps of the process regarding whether, and how, they would like an advocate involved.

If you are assaulted in Austin, you can request an advocate from SafePlace by calling (512) 267-SAFE.

How can a sexual assault advocate be of help to me?

Sexual assault advocates—whether from Williamson County Crisis Center (Hope Alliance) or from Austin's SafePlace—can:

- Inform you of your options and rights, and help access the legal system and the SANE program.
- Provide a person familiar with the process to answer questions.
- Provide crisis intervention and ease the process.
- Provide an advocate that doesn't have an investigative role.
- Stay with you and your loved ones through different stages of the investigative process.
- Help with immediate arrangements following completion of the SANE exam as needed (i.e. emergency shelter, safety plans).
- Inform you of the follow-up resources available, including medical care, psychological counseling, and the Victims' Compensation Program.
- Serve as a liaison to the court system (if your case goes to trial), help you prepare for court, attend hearings with you, and even help you to write your victim impact statement.

What if I've been drinking/doing drugs? Will I get in trouble if I go to the hospital or talk to the police?

In most cases the police and medical personnel are going to be more concerned about your assault than any activities you were involved in at the time. This also applies to reporting to the school. Please do not hesitate to get help just because you were drinking or using drugs. Please see the Good Samaritan Policy for more information. http://www.southwestern.edu/live/files/2038-good-samaritan-policy

Should I worry about date rape drugs?

Date rape drugs are powerful sedatives or hallucinogens, such as Rohypnol (known as roofies, rope, roaches, R2), GHB, Burundanga, Ketamine, etc. These drugs can be easily slipped into drinks, and are generally tasteless, odorless, and colorless – so you don't know they are there. They tend to take effect in about 15-25 minutes. All of these drugs produce similar results: blackout or incoherence for 2-8 hours.

How would I know if I've been drugged?

If you are drinking and experience a "high" far beyond what would be normal for the amount of alcohol you have had, you may have been drugged. Other symptoms include sudden dizziness, incoherence, loss of balance, or losing sense of time or place. If your drink tastes slightly salty or metallic, or if it turns blue, it may be a sign of a drug. However, most people who are drugged don't taste, smell or see the drug.

The only way to know for sure if you've been drugged is to have someone get you to the hospital for testing *as soon as possible*.

What should I do if I think I've been drugged?

First, call a friend – you will need someone's help to think and act clearly. If you have to go to the bathroom, collect urine in the cleanest jar or cup you can find and rubber band some plastic around the top. You will take this with you to the hospital. Although this may sound weird or gross, drugs tend to break down in your system very quickly, and collecting urine is a way of preserving the evidence.

Remember, before you go to the hospital, try not to clean up in any way (bathing, douching, brushing your teeth, or changing clothes).

After I leave the hospital, where should I go if I don't feel safe going home?

An advocate from the Williamson County Crisis Center (Hope Alliance) can help you form a safety plan and decide where to go. If you don't have a friend, or relative that you feel comfortable staying with for the night, the Williamson County Crisis Center provides emergency shelter as needed in safe, confidential locations.

Do I need to seek medical care in the weeks after the assault?

Absolutely. You should seek follow-up medical care six weeks after your initial visit. This appointment is necessary for testing for STDs and pregnancy. If any STDs were transmitted during your assault, they will likely not be detected immediately afterward, so follow-up testing is essential. Your follow-up exam can be performed by your personal doctor, a women's clinic, SU Health Services, or a free clinic. You may also ask your ER doctor to give you a referral.

In addition to the follow-up medical exam, please be aware that bruises may show up 6 to 21 days after the assault. If bruises appear, call the police investigators in your case so that pictures can be taken for evidence.

I'm terrified that I may have gotten pregnant during the assault. What is emergency contraception?

Emergency contraception, better known as the "morning-after pill", is a safe and effective medication for the prevention of pregnancy after unprotected intercourse or rape. Sold under the brand names Plan B and Preven, it is essentially a high dose of the standard birth control pill.

Emergency contraception reduces the chances of getting pregnant following a sexual assault by about 75-89%, if taken within the first 72 hours after the assault. The sooner the pills are administered, the better the chances of preventing a pregnancy.

Please note that emergency contraception is <u>not</u> the same thing as an abortion. With emergency contraception, ovulation and implantation are prevented. If you are already pregnant, the morning-after pill will not affect you.

You can discuss where to obtain emergency contraception with the nurses or doctor in the ER, with your personal physician, with SU Health Services, or you can contact the toll-free hotline (1-888-NOT-2-LATE) or the website www.not-2-late.com.

Who can I call if I have other medical questions or concerns?

Feel free to contact the Director SU Health Services, Dinorah Martinez-Anderson, FNP., at 863-1252, or the Williamson County Crisis Center (Hope Alliance), at (800) 460-SAFE.

II. LEGAL ISSUES

FILING A REPORT WITH SU POLICE

How do I contact the police about being sexually assaulted?

If you think you have been sexually assaulted (even if you are unsure), you can call SU police 24-hours a day, at 863-1944, or dial 911.

If I talk to an officer, do I have to make an official report or press charges?

If a crime has occurred, police officers in the State of Texas, including SU Police, MUST pursue an investigation, even without your consent. Therefore charges may be filed if you report a sexual assault to the police.

Does it matter where the incident occurred? What if it happened in Austin or elsewhere?

If the assault occurred on campus or at an official campus-sponsored event held off campus (e.g., a fraternity or sorority party), the SU police have jurisdiction. Even if the assault occurred off campus, you can call the SU police and they will help get you in contact with the authorities who would have jurisdiction. If the assault occurred off campus and you would like to talk to the police in that jurisdiction directly, call 911.

What if I had been drinking or using drugs, or if I was violating any law or SU policy when the assault occurred? Won't I get into trouble if I report it?

In most cases the police are going to be concerned with the bigger crime, and sexual assault is a much bigger priority to them than underage drinking or campus violations. Please do not hesitate to call, even if you've been drinking or using drugs. Click on the link below to see SU's Good Samaritan Policy.

http://www.southwestern.edu/live/files/2038-good-samaritan-policy

What if time has passed (days, weeks) – can I still make a report?

Due to shock, confusion, or drugs or alcohol, many victims don't realize until later that they were forced or coerced into sexual activity. You can make a report whenever you feel ready. The police will follow the same procedures no matter when you come forward. Realistically, it helps your criminal or campus disciplinary case to come forward sooner, rather than later. But it is never too late to make a report!

Can I bring someone with me to talk to the police?

Yes, in fact the police encourage you to bring a trusted friend or family member. You can also request to have an SU counselor, an SU Sexual Misconduct Intake Advisor, or an advocate from Williamson County Crisis Center (Hope Alliance) accompany you through the reporting process to provide information and support.

What will happen when I contact the SU police?

When you call the SU police, they will ask you to come in and talk to an officer in person where you can talk safely and confidentially. They may encourage you to bring someone you trust, and they may ask if you'd like to have an SU counselor come to provide support.

The police officer will assess whether you need immediate medical attention, and if so, help you to get to an ER for a medical exam and/or a rape kit.

When a crime occurs, police officers in the State of Texas, including SU Police, MUST pursue an investigation, even if it is without your consent. Therefore charges may be filed if you report a sexual assault to the police.

If you report to SU police, they will ask you to provide a written statement. This should be written in the presence of a police officer. The officer will then go over the statement with you to ensure that it is complete. This report can serve as your statement for use in criminal charges or a campus disciplinary complaint, or both. That way, you do not have to tell your story over and over again.

Can my identity remain confidential if I file a police report?

Since police officers in the State of Texas must pursue an investigation if a crime has occurred, your identity will not remain confidential.

Should I file a police report if I don't think I'll press criminal charges?

If you choose to report your assault to a police officer, they may pursue an investigation and press criminal charges without your consent. You may choose to discuss your options before filing a police report by contacting Williamson County Crisis Center (Hope Alliance) at (800) 460-SAFE or a counselor from SU's Counseling Service.

When I'm making the police report, what if I forget things or can't remember exactly what happened?

Remember that the police are there to help you, and you can take your time in telling your story. The police officer understands you are probably very upset and confused and will try to make you as comfortable as possible, given the circumstances. That's another reason having a friend and/or an SU counselor there can be helpful.

When you file the report, it is important that you are accurate in each statement that you make to law enforcement officials. Inaccurate or incorrect information may cause the officers to follow false leads, wasting time and hurting your credibility as a witness. If you are not certain of something, be sure to say so. If you do not know something exactly, describe it in the best detail you can. Remember, the officers are not there to judge you – their intention is to investigate a crime. It is also important to describe what sexual acts were forced upon you; this can mean the difference between an assault versus an attempted assault charge. You need to tell the whole story even though you might be embarrassed. Remember, it is not your fault that these things happened – it is the fault of the perpetrator!

What are my options in terms of pressing charges?

If you have been sexually assaulted, you have numerous options (including doing nothing at all):

You can pursue criminal charges based on Texas state laws regarding sexual assault. This would entail making a police report followed by an investigation and possible criminal proceedings involving the District Attorney's office.

You can pursue a case through a civil suit. This option generally seeks monetary remedies and does not involve jail time or campus disciplinary sanctions for the perpetrator.

Finally, you may choose to formally press charges through the campus disciplinary system based on SU's Sexual Misconduct Policy. This would involve making a report to the Dean of Students, the Sexual Misconduct Officer, or an Intake Advisor, expressing a desire to register a formal complaint. Once notified of allegations, an investigation and a hearing with the Sexual Misconduct Hearing Board will follow. Disciplinary options proceed much more quickly than criminal charges, but if the accused is found guilty, outcomes would be limited to campus-level sanctions.

How do I decide whether to pursue criminal charges?

You don't have to decide right away! In deciding whether or not to pursue charges, consider the following pros and cons:

Advantages:

Reporting the crime can be an empowering step on the path to healing. Remember, you have nothing to be ashamed of – it's the perpetrator who committed a crime!

If you report the crime and the perpetrator is caught and convicted, you may have protected others from falling victim to the perpetrator. Also, your report may help strengthen another survivor's report.

You don't have to go through it all alone – you can request assistance from a sexual assault advocate from Williamson County Crisis Center (Hope Alliance), SafePlace, or from an SU counselor.

You may be eligible for Crime Victims' Compensation by the State of Texas.

Drawbacks:

Pressing charges can be an emotionally difficult experience, particularly as you will need to revisit the story many times. However, this repetition can also provide a source of healing.

You may not always have control over how the case proceeds. The District Attorney may decide to prosecute the case without your cooperation or the DA may decide not to prosecute even if you choose to report the crime and press charges. If the DA decides not to file, you are entitled to know why. (Please remember that even if you decide not to press criminal charges, you are entitled to pursue a formal complaint through the campus disciplinary system – see page 20).

The statistics on conviction can be disappointing – fewer than one in five cases will go to trial, and of those, fewer still will result in conviction.

Can the police protect me if I'm afraid my attacker (or his/her friends) will come after me?

SU police and administrators take sexual misconduct complaints very seriously and will make every effort to prevent retaliation from occurring. One of the reasons you are encouraged to make a report to administrators or the police is so that your rights can be protected. The University does not tolerate any kind of retaliation, and if it occurs, the accused would face University disciplinary procedures.

In September, 2003, Texas enacted a law allowing sexual assault victims to pursue a protective order against their attacker. The protective order does not require a conviction or even a pending criminal proceeding, and there are no fees or lawyers required—contact the District or County Attorney's office at 1 (800) 983-9933.

What if I hear about a friend being raped – should I tell the police about it?

You can call the SU Counseling Services (512-863-1252) to discuss your concerns and talk about options. They will listen to you and help you to consider options of how to help your friend.

Who can I call to get more information about legal issues and options?

While there may be limits to confidentiality (see page 10), you can call the SU Police Chief at (512) 863-1944. You may also contact the Victim/Witness Coordinator for the Williamson County DA's Office at (512) 943-1234.

CRIMINAL PROSECUTION

What happens if criminal charges are pursued?

First, you must make a police report and agree to a full investigation. The DA's office will then decide whether there is enough evidence to present the case to the Grand Jury. If the DA's office decides there is not enough evidence, the case will end there. You are entitled to ask questions and be provided with information from the DA's office about your case and the steps of the legal system – don't be shy about asking questions!

If the DA decides to present the case to the Grand Jury, there are three possible outcomes: an indictment of the suspect (called a "true-bill"), after which the case goes to trial; a "no-bill" (meaning the Grand Jury decides that there is not enough evidence to indict), after which the case ends, or a "pass", after which the case also ends.

If the suspect is indicted for trial and pleads "not guilty," there will be several hearings before the actual trial. You will be subpoenaed to testify as a witness. The Assistant DA assigned to your case can give you information on the trial process and your part in it. It is a good idea to utilize an advocate from the Williamson County Crisis Center (Hope

Alliance) to help you prepare for the emotional experience of providing witness testimony. The entire criminal trial process could take weeks, months, or even years.

Does it matter when I file criminal charges?

Prosecutions are more successful in cases where the victim reports the assault to the authorities as quickly as possible. However, some cases are pursued even when there has been some time delay. It is up to the DA to determine whether to pursue the case, so it is worth checking with the DA's office if you are unsure.

If criminal charges are not pursued, do I have other options?

Yes. Whether or not criminal charges or pursued, you have other options: you may file a civil suit, or you can pursue disciplinary action on campus (if the perpetrator is a currently enrolled student). Details about this option can be found beginning on page 25.

PURSUING A CIVIL SUIT

How is a civil suit different from a criminal prosecution?

In a civil suit, you are seeking money damages or other civil remedies that do not involve prison time. In some ways, winning a civil suit might be easier than winning a criminal trial. Unlike the criminal proceedings, which require testimony and evidence showing the defendant is guilty "beyond a reasonable doubt," the civil proceedings only require "a preponderance of evidence." However, keep in mind that civil suits are not confidential, and evidence will have to be presented.

How do I pursue a civil suit?

You initiate a civil lawsuit by contacting an attorney. Attorneys can be found in the phone book or by contacting the Austin Bar Association's Lawyer Referral Service (www.austinlrs.com/index.asp or 512- 472-8303). Other options are the Sexual Assault Legal Line at (888) 296-SAFE and Victims Initiative for Counseling Advocacy & Restoration of the Southwest 1-888-343-4414 www.tlsc.org (free legal help).
Once you contact a lawyer, s/he can explain the process in detail, and you can decide whether or not to proceed from there.

How much does a civil suit cost?

Filing a civil suit is usually free if the attorney takes the case on a contingency basis, meaning the attorney only gets paid if he or she wins, although you may have to pay for some expenses if you lose.

Will the police or District Attorney's office be involved?

Civil actions are not part of the criminal system, therefore the police and DA will not be involved. However, your personal attorney can request copies of the police or DA reports for your case.

III. THE SU SEXUAL MISCONDUCT INTAKE ADVISORS

What is the role of a Sexual Misconduct Intake Advisor?

The Sexual Misconduct Intake Advisor serves to receive and provide information regarding sexual misconduct if you are reporting your assault to the Dean of Students. They assist as necessary to protect the interests of both parties involved as well as those of the University. **They MUST report any information they receive about an incident of sexual misconduct to the Dean of Students**.

The Intake Advisors can collect information regarding alleged sexual misconduct and review immediate safety and well being information with you. The Intake Advisor will also review adjudication options with you as well as additional sources of support and information. While the Intake Advisor can provide support and important information, they do not serve as a counselor and do not make recommendations as to how you should proceed.

Intake Advisors can also serve on the Sexual Misconduct Hearing Board to hear cases involving alleged student or student organization sexual misconduct. In addition, an Intake Advisor may serve as your advisor should you choose to take your case to the Hearing Board.

Will the Intake Advisor who received my initial complaint serve on the Hearing Board?

No. The Intake Advisor who receives your initial complaint will not be able to serve on the Hearing Board.

Will the information I provide to the Intake Advisor be confidential?

The Sexual Misconduct Intake Advisor must report your assault to the Dean of Students, but will maintain confidentiality within the limits of the law. However, the Dean of Students is then required to make an anonymous report of every incident to the University Police for statistical purposes only. In addition, at the discretion of the accuser, the Intake Advisor may give the name of the accuser to the police to initiate an investigation.

Who are the Sexual Misconduct Intake Advisors?

The Intake Advisors are recommended by the Office of the Provost for two-year terms and receive formal training prior to serving as Intake Advisors. The names and contact information for the current Intake Advisors can be found on Student Life's website. Intake Advisors may also be reached after hours by contacting the SU Police Department at (512) 863-1944.

IV. CAMPUS DISCIPLINARY PROCESS

What is SU's policy on sexual misconduct? Is sexual misconduct the same as rape or sexual assault?

Rape and sexual assault are legal terms that apply under Texas' criminal statutes. SU has its own personal conduct policies that include "sexual misconduct" (see Appendix C of this booklet or the current Student Handbook for the entire policy). The University defines sexual misconduct as any non-consensual contact, including but not limited to, unwanted sexual touching and/or sexual intercourse.

Consent to sexual acts requires an affirmative verbal response to a specific sexual suggestion. Without an affirmative verbal response, consent is not present. The absence of "no" does not mean "yes" and consent may be withdrawn at any time. It is also important to recognize that a person whose judgment is substantially impaired by drugs or alcohol, by other physical or mental impairment, or by various forms of coercion cannot give consent to sexual contact.

Students who violate the sexual misconduct policy may be subject to the University's disciplinary system, if the victim elects to file a complaint with the University or if an official of the University is made aware that an assault has occurred.

In compliance with Title IX, whenever a University official learns of any sexual misconduct, an investigation must be pursued, even if the victim does not want to file a complaint. The goal behind Title IX's mandate is to maximize the safety of all students on campus.

Can a student organization be held responsible for sexual misconduct?

Yes, student organizations may be held responsible for sexual misconduct if certain conditions exist. (See Sexual Misconduct Policy page 38 for complete list of conditions.)

What are my options for seeking redress through SU for sexual misconduct?

If you have an unwanted sexual experience you can make a formal complaint through the campus disciplinary system.

If I file a complaint through the University disciplinary system, can criminal or civil options still be pursued?

Yes. The campus disciplinary system is not meant to supplant other options. Regardless of your decision to file a complaint through the University disciplinary system, the options of pursuing criminal charges and civil lawsuits remain. However, if you file criminal or civil charges, you may have to wait until evidence collection is complete before the University pursues disciplinary options.

Victims who do not want to seek legal ramifications for the assailant – but who want a formal hearing of their complaint – might choose the campus disciplinary system. The campus disciplinary route proceeds much faster than the criminal system, and includes campus-level punishment if the accused student pleads or is found guilty.

FORMAL COMPLAINTS THROUGH UNIVERSITY DISCIPLINARY SYSTEM

How do I initiate a sexual misconduct complaint through the SU disciplinary system?

Your first step is to contact Jaime Woody, Associate VP and Dean of Students, or Dr. Glada Munt, the University's Sexual Misconduct Officer. You are encouraged to bring someone with you to meet with Jaime Woody or Dr. Munt (e.g., a counselor, a Sexual Misconduct Intake Advisor, a professor, or even a friend). Students often find that "another set of ears" helps them to feel supported and to keep track of what options are discussed in the meeting.

When you meet with Jaime Woody or Dr. Munt, the first thing they will do is listen to you as you tell what happened. Next, they will explain how the disciplinary process works.

Once you meet with Jaime Woody or Dr. Munt an investigation will begin. You will first complete a written statement. If you need additional time to write a full statement, you may make a very brief initial statement that you intend to seek a disciplinary hearing involving another student. This is so the accused student can be notified that there is a complaint pending against him/her, which includes a warning of no contact and no retaliation against the accusing student. You may then complete your full written statement at a later time. If you have made a statement with the police, a copy of that statement will suffice as your written complaint. The next step is a hearing by the Sexual Misconduct Hearing Board (Hearing Board).

What is the Sexual Misconduct Hearing Board?

The Hearing Board is the only board that can hear cases involving alleged student or student organization sexual misconduct, except during Special Periods (see Sexual Misconduct Policy page -- for information on Special Periods). Any other violation of University policy that occurred during the alleged sexual misconduct may also be adjudicated by the Hearing Board.

Who will be on the Hearing Board that hears my case?

The Hearing Board will consist of five Intake Advisors, at least three of whom must be members of the faculty. No Intake Advisor who received the complaint may serve on the Hearing Board for that complaint (contact the Dean of Students for a complete list of Intake Advisors).

What can I expect at a Sexual Misconduct hearing?

Briefly, the Sexual Misconduct Officer or the Dean of Students is responsible for presenting charges to the Hearing Board. At this point, the accused may enter a plea. In the absence of a plea, or in the case of a not guilty plea, the hearing continues. If the accused pleads guilty, the Hearing Board will consider statements from the accused and the accuser. The Sexual Misconduct Officer, the Dean of Students, or Hearing Board members may ask questions at that time.

If the accused pleads not guilty or makes no plea, the Sexual Misconduct Officer or the Dean of Students will present witnesses in support of the charges, including any witnesses provided by the accuser. The Hearing Board members may ask questions, for clarification purposes only, during the witness's direct testimony. Upon completion of the testimony by the accuser or a witness, the Hearing Board, the Sexual Misconduct Officer or the Dean of Students can conduct more complete questioning. Should the accused or the accuser have a question of a witness, or of each other, that question must be provided at the conclusion of the witness's statement and must be presented to the chair, who will determine whether to ask the question of the witness.

The Sexual Misconduct Officer or the Dean of Students will then present witnesses on behalf of the accused. It is the choice of the accused whether or not to testify. Again, the Hearing Board members may ask questions for clarification purposes only during the direct testimony of the witness. Upon completion of the testimony by the accused or a witness, the Hearing Board may conduct more complete questioning. Once again, should the accused or the accuser have a question of a witness, that question must be provided at the conclusion of the witness's statement, and must be presented to the chair who will determine whether to ask the question of the witness.

The Hearing Board chair may declare a recess if s/he believes that either the accuser or the accused is emotionally unfit to continue or that there is fatigue of any party in the proceedings.

Upon completion of the witnesses' statements and questioning, the Hearing Board will commence deliberation of guilt or innocence in closed session. If the accused is found guilty, or pleads guilty, both the accused and accuser may make personal statements, followed by questions from the Hearing Board. Character witnesses for the accused may then be offered. At this time, the Hearing Board moves into closed session. The Sexual Misconduct Officer or the Dean of Students offers any history of discipline problems and the Hearing Board deliberates on sanctions. The accused is then informed of the sanctions and reminded of the right to appeal. The accuser is also notified of the outcome of the hearing and the right to appeal.

Who may attend the hearing?

The only persons entitled to be present at the hearing are the Sexual Misconduct Officer or the Dean of Students, the accuser, the accuser's advisor, the accused, the accused's advisor, witnesses (during their testimony only), the Hearing Board members and a Residence Life staff member, if necessary.

Do I need a lawyer or an advisor during these proceedings?

When you appear before the Hearing Board, you are entitled to be accompanied by an advisor of your choosing. Since the advisor can provide support throughout the process, it is a good idea to select an advisor you trust. Since the campus disciplinary process is different than criminal charges in the legal system, the advisor must be a member of the campus community and cannot be a lawyer. The advisor can be an Intake Advisor as long as s/he is not serving on the Hearing Board. However, if criminal charges are being pursued simultaneously, both the accused and the victim are entitled to have their lawyers present.

What if I am afraid to confront the accused face-to-face during the hearing?

Because it can be traumatizing for some victims to confront the accused, SU has developed an alternative hearing procedure. In this case, you and your advisor would be connected to the process via telephone conferencing technology instead of being physically present at the hearing. All other aspects of the hearing will remain the same.

If the accused pleads guilty or is found guilty by the Hearing Board, what are the potential sanctions?

There is no "mandatory minimum" in disciplinary procedures, and any action taken is at the discretion of the Hearing Board. There are several potential sanctions for students or student organizations found in violation of the Sexual Misconduct Policy including: 1) Alcohol Ban, 2) Disciplinary Probation, 3) Expulsion, 4) Loss of Privileges, 5) Mandated Counseling or Assessment, 6) Room Reassignment, 7) Parental Notification, 8) Physical Restrictions, 9) Social Probation, 10) Special Programs or Projects, and 11) Suspension.

More than one sanction may be imposed for any single violation.

If the accused is found guilty but I don't think the penalty is fair, can I appeal it?

Yes. If you are unsatisfied with the outcome of the campus hearing, you may file an appeal with the University as well as still pursue charges through the criminal system or file a civil lawsuit.

OTHER CONCERNS ABOUT SEXUAL MISCONDUCT ON CAMPUS

How long after the incident do I have to file a complaint? Is there a statute of limitations?

There is no "statute of limitations" in the campus disciplinary system. However, the accused must be currently enrolled at SU at the time of the disciplinary hearing.

What if I was also violating an SU policy at the same time the sexual misconduct happened – e.g., if I were drinking underage – could I still file a complaint for the sexual misconduct?

Often sexual misconduct involves alcohol or drugs. In most cases, campus administrators are going to focus on the greater violation. For example, violating the sexual misconduct policy is seen as a higher priority than an alcohol violation, so you should consider a formal complaint even if you had been drinking.

What if I fear retaliation from my attacker, or one of his/her friends?

SU police and administrators take sexual misconduct complaints very seriously and will make every effort to prevent retaliation from occurring. One of the reasons you are encouraged to make a report to administrators is so that your rights can be protected. The University does not tolerate any kind of retaliation, and if it occurs, the accused would face further University disciplinary procedures.

What if I am sexually violated by an SU student somewhere away from campus (e.g., study abroad, on spring break, etc.)?

Any student participating in an officially sponsored campus activity is subject to the policies that govern student conduct. If you have questions about a specific incident, it is best to contact Jaime Woody or Police Chief Brown anonymously to discuss jurisdiction issues which will allow you to decide if you want to pursue filing a complaint.

What if I am sexually violated by a faculty or staff member?

Sexual misconduct by an employee of the University may violate SU's Sexual Harassment Policy, as well as criminal law. Your best course of action is to contact the Dean of Students (Jaime Woody) and/or the Sexual Misconduct Officer (Dr. Glada Munt).

V. SEEKING COUNSELING

What kinds of emotional responses are common for someone who has been raped?

Unwanted sexual experiences (of any kind) can elicit many reactions. You may feel guilt, shame, shock, sadness, anger, confusion, worthlessness, self-doubt, fear, loss of trust, helplessness, or numbness. There's no "right" or "wrong" way to feel after a sexual violation. In addition to your feelings, you may notice poor concentration, nightmares, changes in eating or sleeping habits, excessive crying, mood swings, anxiety or worry, or sexual problems. Another area of concern in the aftermath of a sexual assault involves spiritual issues.

Many victims (mistakenly) believe they should "just forget it and move on with life." This may work temporarily, but in the long term feelings will surface and need to be addressed. Please keep in mind that it is never too late to talk to a counselor. Some

people aren't ready to share their story for days, weeks or even years. You can take your time and decide to talk about it whenever you are ready.

Is there psychological counseling available on campus?

Yes, SU has counselors available to meet with students, and all are experienced in helping people heal from traumas such as rape. Counseling services are free and confidential, and there are both male and female counselors available. You can call 863-1252 to make an appointment with a counselor. The counseling service is located in the Charles and Elizabeth Prothro Center for Lifelong Learning, Suite 200, in the same suite as the nurse.

If I tell a counselor what happened to me, will they have to report it to the University or the police?

No. Confidentiality laws protect the conversations you have with a counselor, and no report will be made to campus police or to administrators without your written consent. You may talk to a counselor about your options, and he/she will help you to make decisions about what you want to do – whether it's to do nothing, to file criminal charges, or go through the campus disciplinary process.

What will meeting with an SU counselor be like?

Your first appointment with SU Counseling Services starts with some brief paperwork, including a checklist of your current concerns and information about our confidentiality policies. Texas law is very strict about confidentiality, and anything you talk about with one of our counselors is protected by this law (with a few exceptions regarding safety of a child or vulnerable adult or an assault by someone in the counseling profession).

Your initial meeting with a counselor may be 50 minutes long, and is an opportunity to share whatever is on your mind. You can choose to reveal as much or as little information about your situation as you'd like. Near the end of the session, you and the counselor will discuss together what your options are and what you'd like to do next. For some students, just coming in once feels like enough; other students choose a period of short-term counseling to work on concerns about the sexual assault and how it has affected their emotional well-being and relationships.

If I'm not comfortable seeing a counselor on campus, are there any off-campus options?

Yes. Williamson County Crisis Center (Hope Alliance) has a 24-hour hotline you can call to discuss your concerns (800-460-SAFE). They will inform you of free and confidential counseling options that they offer at their center in Round Rock. Similar services are also available in Austin at SafePlace (512-267-SAFE).

Another option is to seek counseling from a mental health provider in your hometown or in the Austin/Georgetown community. There are psychologists, social workers, and licensed professional counselors who specialize in treatment of traumas such as sexual assault. If you would like to pursue medication treatment of your symptoms, you can consult with a psychiatrist. You can obtain a referral to a private therapist from either the

Williamson County Crisis Center or the SU counselors. If you'd like to use your insurance benefits to cover therapy, you can bring the list of approved therapists from your insurance provider and a counselor can assist you in finding a referral.

If you've made a police report regarding your sexual assault, you may qualify for Texas' Crime Victims' Compensation Fund to help pay for your counseling and/or medical costs.

If you are not yet ready to talk to a counselor, there are also national hotlines that provide information and support about sexual violence issues. Austin's SafePlace has a hotline (512-267-SAFE) and a website with lots of information (www.austin-safeplace.org/info.htm). RAINN (Rape, Abuse & Incest National Network) has a 24 hour hotline (800) 656-HOPE and a website (www.rainn.org).

I have a lot of spiritual questions about what happened to me. Is there someone I can talk to who specializes in these concerns?

It is very common to have spiritual or faith concerns in the aftermath of a sexual assault. Common concerns include questions about virginity or whether the assault was some sort of punishment. Many victims wonder what role God or their faith can play in their healing and recovery.

Dr. Beverly Jones is the University Chaplain. She is trained to provide spiritual and moral support to students of all faiths, including students who are not affiliated with any particular church or religion. They will listen as you talk about what happened (you can share with them as much or as little as you feel comfortable), and they will help you to sort out issues that make you feel fearful, angry, or embarrassed. All discussions with Religious Life are completely confidential and are free. Students may consult with Religious Life before seeking further guidance from their own spiritual leader or tradition. They can also help you find local resources in your particular faith, or refer you to a pastoral counseling service.

The Religious Life office is located in the Howry Center, or you can make an appointment by calling (512) 863-1527.

I am in need of medical or psychological care for the aftermath of the rape – can I get any help in paying for this?

As the victim of a violent crime, the injury you received because of the assault may require medical and/or psychological care. While the local police department will pay for the emergency medical exam and the rape kit (as long as you file a report), you may also ask the State of Texas to reimburse you for any medical, emotional, or financial losses you suffered as a result of being the victim of a violent crime, even if the physical or emotional problems do not develop immediately. This is called the Crime Victims' Compensation (CVC) program.

To qualify for the CVC, the crime must occur in Texas or be committed by a Texas resident. The crime must be reported to the police within a "reasonable period" after the incident. You must file for compensation within three years of the crime. Finally, the

crime victim must have cooperated fully with law enforcement officials in the investigation and prosecution of the case. Total claims must not exceed $50,000.

To find out the qualifications and application procedure in detail, please contact the Office of the Attorney General at 1 (800) 983-9933 or www.oag.state.tx.us/victims/cvc.shtml.

VI. ACADEMIC CONCERNS

Since I was sexually assaulted I've had difficulty going to class and/or getting my work done. Is there anything I can do?

SU's Center for Academic Success (CAS) is here to help you deal with any academic questions and concerns, including finding out if you qualify for any short-term accommodations. Because every situation is different (depending on such things as your academic standing, the time in the semester, your course load, etc.), a CAS Advisor will work with you individually to see what can be done to help you through this difficult time.

Please note that it is better to come talk to someone in the CAS sooner rather than later – ignoring the problem or just trying to "figure it out on your own" might make you feel worse, and delays may impact the resolution of your situation!

Here are the steps you take to address your academic concerns:

1. Schedule an appointment with a CAS Advisor by calling (512) 863-1286. Both female and male advisors are available to help you.

2. You can tell the CAS Advisor that you suffered a traumatic experience and need accommodations.

3. CAS Advisors will help assess what your academic situation is – class by class – and what your options might be. Options may vary for each class.

4. The CAS Advisor will consult with your professors to determine what options are available. You will be held accountable for your academic responsibilities, but some accommodations may be made. You will then discuss the specific arrangements directly with your professor.

Do I have to tell my professors what happened? Do I need to make a police report to get services?

You do not need to make a police report or press charges to qualify for accommodations. As for how much you reveal to your professors, you need to keep in mind that they must report the assault to the Dean of Students. You can discuss this with your SU Counselor or SU medical staff to determine whether this would be a reasonable option for your particular situation. In many cases, very limited information is all that needs to be revealed. You can discuss with your Advisor how much or little information you would feel comfortable revealing.

What if I just can't stay in school? Can I get a leave of absence?

One of the options you might consider is dropping a class or even withdrawing from the semester. Academic withdrawals are handled on an individual basis, and may require specific procedures. Before you make a decision, talk to your CAS Advisor to determine what all of your options are, how each would affect your academic progress and emotional well-being (BOTH are important!), and then make an informed decision.

How will this affect my GPA? My scholarships? My student loans?

When you meet with the CAS Advisor, be sure to mention any concerns you have about financial aid or scholarships. The CAS Advisor can assist you in gathering accurate information about your specific case. In many cases, there may be some leeway in terms of scholarships, etc., but every case is different.

I have a class with the person who assaulted me. Can something be done?

Be sure to mention to whoever you are working with - your SU Counselor, your Intake Advisor, or Dean of Students if you are in a class with the person who assaulted you. Every effort will be made to take action that will lead to a fair resolution of the situation, including the possibility of transferring one of you from the class.

APPENDIX A: MEDICAL FOLLOW-UP OPTIONS

If you have insurance, you may want to use your regular doctor. However, if you don't have insurance, are too far away from your doctor, or are just uncomfortable seeking medical information and treatment from your doctor, there are other options:

SU Health Services (512) 863-1555

Emergency Contraception Hotline (888) 668-2528
http://www.not-2-late.com

Provides general information about medications (e.g., the morning-after pill) and will give you the closest locations to receive prescriptions and treatment.

Planned Parenthood www.ppaustin.org/clinics.html

Clinics provide affordable pregnancy testing, birth control services, STD testing, HIV screening, emergency contraception.

Downtown Austin	(512) 477-5846
South Austin	(512) 276-8000
North Austin	(512) 331-1288

Community Health Services

Clinics provide complete birth control services, pregnancy testing, HIV and STD screening, annual exams; accept Medicaid, and have a sliding fee scale.

Georgetown	(512) 930-3280
Round Rock	(512) 248-3256
Taylor	(512) 352-7697

Williamson County and Cities Health District

Clinics provide STD and HIV screening and treatment; have sliding fee scale services.

Georgetown	(512) 930-4386
Round Rock	(512) 248-3257
Taylor	(512) 352-5201

APPENDIX B: LEGAL RIGHTS OF SEXUAL ASSAULT SURVIVORS IN TEXAS

Adult survivors of sexual assault have the legal right to decide whether to file a police report or third-party information report.

Survivors may use a pseudonym and have their address and phone number kept out of all files relating to the case. (TX Code of Criminal Procedure 57.02)
Jane Doe law
A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault must pay for the forensic part of the exam. (TX Code of Criminal Procedure 56.06) This will not cover expenses such as emergency birth control and/or medications; these may be covered under Crime Victim's Compensation.

Survivors may apply for Crime Victim's Compensation to pay for expenses related to the crime such as medical bills, lost wages, and certain other expenses. (TX Code of Criminal Procedure 56) Survivors must cooperate with law enforcement to be eligible for these benefits.

Law enforcement cannot require a survivor filing a report of sexual abuse/assault to submit to a lie detector test. They must inform the survivor that a complaint may not be dismissed solely because the survivor did not take the polygraph exam nor on the basis of the exam results if the survivor chooses to take the exam. (TX Code of Criminal Procedure 15.051)

If the offender is indicted for the crime, the survivor can receive notice of HIV/AIDS test results of the offender. (TX Code of Criminal Procedure 21.31)

The survivor's safety must be considered when bail is set for the offender. (TX Code of Criminal Procedure 21.31)

A survivor of sexual assault may apply for a protective order without regard to the relationship between the victim and the alleged offender. (TX Code of Criminal Procedure 7A)

Survivors may make a written request and be notified of all legal proceedings. (TX Code of Criminal Procedure 56.08)
Survivors may write a "victim impact statement" and have the information in it considered during punishment and parole. (TX Code of Criminal Procedure 56.03)

Survivors may receive notice of any parole proceedings and defendant's release from prison after notice. (TX Code of Criminal Procedure 56.02(7)

A survivor can choose to file a civil lawsuit against the offender to seek compensation for physical and emotional damages. The standard of proof is lower than for criminal prosecution, but the survivor must have their own attorney. Victims Initiative for Counseling Advocacy & Restoration of the Southwest provides free legal help for victims of sexual assault in Texas. They can be reached toll free at 1-888-343-4414 or www.tlsc.org. Private attorneys may be retained and they will often take on these cases if the offender has assets or money.

Source: Texas Association Against Sexual Assault (TAASA)

APPENDIX C: SU SEXUAL MISCONDUCT POLICY

Section 1
STATEMENT

Southwestern University affirms the rights of its students to live, work, and learn in an atmosphere of mutual respect, free from the threat of sexual assault or any other form of sexual contact without mutual consent. Accordingly, any form of sexual misconduct will not be tolerated. The University is committed both to a campus-wide program of education and prevention, and to a timely and appropriate response to any reports of such activity.

In compliance with Title IX, whenever a University official learns of any sexual misconduct, an investigation must be pursued, even if the victim does not want to file a complaint. The goal behind Title IX's mandate is to maximize the safety of all students on campus.

Section 2
JURISDICTION

Southwestern University has the right to review and respond to on and off-campus violations of the University's Sexual Misconduct Policy by students, groups of students, or student organizations (see definitions in Section 17). The University may take disciplinary action in response to incidents that take place during official functions of the University, or those sponsored by registered student organizations, or incidents that have a substantial connection to the interests of Southwestern University regardless of the location in which they occur. When a student is convicted of any crime (on or off campus), the University reserves the right to pursue its own internal disciplinary proceedings.

An action involving a student in a legal proceeding in civil or criminal court does not affect the University's ability to pursue its own internal judicial proceedings. The judicial proceedings operate independently from criminal and civil procedures.

Section 3
DEFINITION OF SEXUAL MISCONDUCT

The University defines sexual misconduct as any non-consensual sexual contact between students, including but not limited to unwanted sexual touching and/or sexual intercourse. Sexual touching includes, but is not limited to, any touching of the breasts, buttocks, groin or genitals or the use of any of these parts for

touching another. Sexual touching includes forcing one to self-touch on any of these parts. The definition of sexual misconduct includes contact by means of an object.

In University disciplinary proceedings, consent to sexual acts requires affirmative verbal response to specific sexual suggestion. Without affirmative verbal response, consent is not present. The absence of “no” does not mean “yes.” Sexual history, previous sexual involvement, or a lack of response do not create consent. Consent to a sexual act does not create consent to other sexual acts. Moreover, consent to a sexual act at any given encounter does not create consent for a future encounter.

Consent may be withdrawn at any time by any party.

A person whose judgment is substantially impaired by drugs or alcohol or by other physical or mental impairment cannot give consent to sexual contact. Substantial impairment means that a person cannot make a reasonable or rational decision about an important matter, such as the decision to have sexual contact with another person. Evidence of substantial impairment often includes, but is not limited to, unconsciousness (whether continuous or periodic), extreme or sudden onset of sleepiness, slurred or incoherent speech, dizziness, incoordination, lack of steady gait, nausea, or impairment in attention or memory.

Consent cannot be given or obtained when there is any form of coercion, including but not limited to, the application or threat of physical force or threats of social disparagement to the victim, or threats to withhold benefits to which the victim may be entitled.

Coercion may include tacit coercion, as may happen when one party holds significant power over another. Such a power differential may make verbal expressions of consent by the less powerful party open to doubt, at any hearing.

A student organization (as defined in Section 17) **may** be held responsible for sexual misconduct when any of the following conditions exist:

1. the violation occurs on its premises with the knowledge and/or involvement of a member of the organization, or when a reasonable and prudent person would conclude that a member of the organization should have had such knowledge.
2. the violation occurs in conjunction with an organization-related event, regardless of whether the event is held on or off campus;
3. one or more members of an organization permit, encourage, aid, or assist any of its members, alumni/alumnae, or guests in committing a violation;
4. one or more members of a student organization, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fails to prevent that action or to intercede on the victim’s behalf;

5. one or more members of an organization fail to immediately report to appropriate University authorities their first-hand knowledge of a violation;
6. alcohol or other drugs made available or knowingly allowed by the organization during an organization-related event were a factor in a violation, and that organization did not take reasonable precautions to ensure the safety of the members and their guests.

Three principles are critical in understanding the University's position in regards to sexual misconduct:

1. Consent of all parties is mandatory.
2. Consent may be withdrawn at any time by either party.
3. Alcohol and other drugs impair judgment and undermine the possibility for consent.

Section 4
IMMEDIATE RESPONSE OPTIONS

- A student who believes s/he has had an unwanted sexual experience (even if s/he is unsure), may contact SU Police twenty-four-hours a day by calling (512) 863-1944, or by dialing 0 from a campus phone (if the assault occurs on campus). The SU Police will help the student get to the appropriate hospital for medical treatment, if necessary. One can also call 911, if the assault occurred off campus. The student does not have to press charges; **however, the student should understand that, if a crime may have occurred, police officers in the State of Texas (including SU Police) may choose to pursue an investigation without the student's consent.**

NOTE---CHANGE IN POLICE PROCEDURE

One should understand that if a crime has occurred, police officers in the State of Texas MUST pursue an investigation even **without the victim's consent**. Therefore, reporting an assault to the police no longer remains a confidential process. If one chooses to file a report, the police encourage the student to bring a trusted friend or family member for support. One can also request to have an SU counselor, an SU Sexual Misconduct Intake Advisor, or an advocate from Williamson County Crisis Center to accompany her/him through the reporting process.

- A student may talk with an **SU counselor by calling 863-1252** during business hours. After 5:00 p.m. or on weekends, one can call the **SU Police (dial 863-1944)** and tell them it is an emergency that they do not want to report to the police. The Police can then connect the student with a counselor.

- A student may contact **Health Services at 863-1252**. After 5:00 p.m. and on weekends, a call the **SU Police (dial 863-1944)** and tell them it is an emergency. The Police will then connect you with a campus nurse.

- The **Office of Religious Life** may be reached by dialing **863-1965, or by calling the campus operator (dial 0 on campus)**.

- If one chooses to go directly to the hospital (it is recommended that s/he have someone trusted accompany him/her for support—the **Williamson County Rape Hotline** can provide accompaniment to the hospital) the list of hospitals that offer SANE (Sexual Assault Nurse Examiners) is listed on page 3 of this booklet or can be located at **http://www.southwestern.edu/studentlife/misconduct.php**

- The Southwestern University booklet ***Help for Sexual Assault/Sexual Misconduct: Where to go? Who to talk to?*** may be obtained from any **RA, SU Police, the Dean of Students Office, or the Counseling Center.** It can also be accessed on-line at **http://www.southwestern.edu/studentlife/misconduct.php**

Section 5
ADJUDICATION OPTIONS

If a student has had an unwanted sexual experience, there are numerous options, including doing nothing or any of the following:

1. One can pursue charges based on Texas state laws. This would entail making a police report followed by an investigation and possible criminal proceedings involving the appropriate District Attorney's office. Except to provide any properly requested evidence to the prosecutor or attorneys, Southwestern University is not necessarily involved.

2. One can pursue a case through a civil suit. This option generally seeks monetary remedies and is initiated by contacting an attorney of the student's choosing and at the student's expense. Agencies that can help one find an attorney include **the Austin Bar Association's Lawyer Referral Service – www.austinlrs.com/index.asp or (512) 472-8303 or the Sexual Assault Legal Line at 888-296-SAFE**. Except to provide any properly requested evidence to the prosecutor or attorneys, Southwestern University is not necessarily involved.

3. If a student chooses to remain anonymous, they may meet with Counseling Services, Health Services or the University Chaplain.

4. The accuser can pursue formal University disciplinary action by informing the Sexual Misconduct Officer, the Dean of Students, or an Intake Advisor of his/her desire to register a formal complaint. Any member of the University community can be the accuser. The University also reserves the right to act as the accuser via Residence Life staff, Dean of Students, or SU Police.

Once the University is notified of allegations of sexual misconduct an investigation must be started. If the accuser desires to proceed with a formal complaint against the accused, again a prompt investigation by the University will follow.

Section 6
SEXUAL MISCONDUCT INTAKE ADVISORS

The Intake Advisors are recommended by the Office of the Provost for two-year terms and receive formal training prior to serving as an Intake Advisor. This training includes, among other topics, referral sources for assistance, presentations on how Southwestern adjudicates sexual misconduct cases, dynamics of acquaintance rape scenarios, variable survivor reactions, myths and facts about sexual assault that apply to both men and women, sensitivity to sexual orientation factors and appropriate standards of proof. It is not the function of this individual to serve as a mental health counselor. S/he serves as a neutral party receiving and providing information and assisting as necessary to protect the interests of both parties involved, as well as those of the institution.

Section 7
SEXUAL MISCONDUCT HEARING BOARD

The Sexual Misconduct Hearing Board ("Hearing Board") is the only board that can hear cases involving alleged student or student organization sexual misconduct, except during Special Periods (defined in Section 17), when the Special Periods Committee on Discipline shall act as the Hearing Board. Any other violation of University policy that occurred during the alleged sexual misconduct may also be adjudicated by the Sexual Misconduct Hearing Board when it is hearing the charge of sexual misconduct. If the Hearing Board chooses to hear any such other violation, it will announce its decision to do so prior to the commencement of the hearing.

The Hearing Board shall consist of five Intake Advisors, at least three of whom must be members of the faculty. No Intake Advisor who received the complaint may serve on the Hearing Board for that complaint. Every attempt will be made to have gender diversity within the Hearing Board.

The Sexual Misconduct Officer or the Dean of Students will choose the chair of the Hearing Board. The Hearing Board shall be provided with the charge(s), the accuser's written complaint, the written reply of the accused (if any), attachments or list of witnesses, and any other documents or materials submitted by the parties or obtained during the investigation.

The accuser and the accused will be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing. The accuser and the accused can request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing. The decision to grant a dismissal shall be made in the sole discretion of the Sexual Misconduct Officer or the Dean of Students.

Section 8
THE SEXUAL MISCONDUCT HEARING

The Sexual Misconduct Officer or the Dean of Students (as long as the Dean is not the accuser) is responsible for presenting charges to the Hearing Board. At this point, the accused may enter a plea of guilty or not guilty. In the absence of a plea, or in the case of a not guilty plea, the hearing continues.

In the event the accused pleads guilty, the Hearing Board will consider statements from the accused and the accuser. The Sexual Misconduct Officer, the Dean of Students or Hearing Board member may ask questions at that time.

Under usual circumstances, the accuser attends the hearing as a witness. The accuser and the accused have the right to attend the full hearing, excluding the deliberation of the Hearing Board, if they so choose. If the accused has been formally notified of the hearing but fails to attend, the Hearing Board will hear the case in his/her absence.

If the accused pleads not guilty or makes no plea, the Sexual Misconduct Officer or the Dean of Students will present witnesses in support of the charge(s), including any witnesses provided by the accuser. Written, signed statements may be accepted and read in lieu of an appearance by a witness. The Hearing Board members may ask questions, for clarification purposes only, during the witness's direct testimony. Upon completion of the testimony by the accuser or a witness, the Hearing Board, the Sexual Misconduct Officer or the Dean of Students can conduct more complete questioning.

Should the accused or the accuser have a question of a witness, or of each other, that question must be provided at the conclusion of the witness's statement and must be presented to the chair, who will determine whether to ask the question of the witness, based on relevance or other factors at the chair's discretion.

The Sexual Misconduct Officer or the Dean of Students will then present witnesses on behalf of the accused. It is the choice of the accused whether or not to testify. Once again, the Hearing Board members may ask questions for clarification purposes only during the direct testimony of the witness.

Upon completion of the testimony by the accused or a witness, the Hearing Board may conduct more complete questioning. Once again, should the

accused or the accuser have a question of a witness, that question must be provided at the conclusion of the witness's statement, and must be presented to the chair who will determine whether to ask the question of the witness, based on relevance or other factors at the chair's discretion.

The Hearing Board may, during a hearing, request additional information or witnesses and may take a recess of sufficient time to acquire the information. The Hearing Board chair may also declare a recess, if s/he believes that either the accuser or the accused is emotionally unfit to continue or that there is fatigue of any party in the proceedings.

Upon completion of the witnesses' statements and questioning, the Hearing Board will commence deliberation of guilt or innocence in closed session. A preponderance of the evidence standard will apply, meaning that it is more likely than not that the accused student committed the conduct violation. If the accused is found guilty, or pleads guilty, both the accused and accuser may make personal statements, followed by questions from the Hearing Board. Character witnesses for the accused may then be offered. Such witnesses are limited to two, and a total time of fifteen minutes is allotted. At this time, the Sexual Misconduct Officer or the Dean of Students will be expected to offer any history of former discipline problems. The Sexual Misconduct Officer or the Dean of Students may also recommend appropriate sanctions. Those recommendations will be given in the presence of the accused. These are recommendations only and are not binding. This is followed by deliberation on the penalty by the Hearing Board in closed session. The accused is then informed of the penalty and reminded of the right to appeal. The accuser is then notified of the outcome of the hearing and the right to appeal.

If the accused is a student organization, the organization shall be represented at the hearing by its president (or designee appointed from within the student membership of the organization).

The only persons entitled to be present at the hearing are the Sexual Misconduct Officer or the Dean of Students, the accuser, the accuser's advisor, the accused, the accused's advisor, witnesses (during their testimony only), the Hearing Board members and an officer of the SUPD and/or a Residence Life staff member, if necessary. However, if criminal charges are being pursued simultaneously, both the accused and the victim are entitled to have their lawyers present.

Section 9
RIGHT OF A STUDENT TO HAVE AN ADVISOR

When a student appears before the Sexual Misconduct Hearing Board as an accuser or accused, he or she is entitled to be accompanied by one advisor of his or her choosing. The advisor must be from campus and may be a student, a member of the faculty, or a member of the administration. An Intake Advisor may serve as advisor, provided s/he is not serving as a Hearing Board member for the

case. The advisor may not speak for the accuser, nor the accused, nor may s/he argue the case. The advisor cannot be a lawyer, and the student may not have a lawyer present unless a criminal case is being simultaneously pursued, at which point both parties are entitled to have legal representation.

Section 10
ALTERNATIVE PROCEDURE

If the Sexual Misconduct Officer or the Dean of Students concludes in his/her discretion that implementation of the usual sexual misconduct hearing procedure would result in significant trauma for the accuser or alleged victim, the accuser will have an additional option. The accuser and his/her advisor would be connected to the process via telephone conferencing technology instead of being physically present at the site of the hearing. This option does not require the consent of the accused. All other aspects of the hearing remain the same.

Section 11
APPEALS

Appeals may be made by both the accused and the accuser. Appeals must be submitted in writing to the Office of the Vice President for Student Life within five business days from the date of written notification of the hearing results. An appeal must concisely set forth the grounds for appeal, as well as provide any supporting material.

The grounds for appeal are as follows:

- The hearing was not conducted in a manner consistent with the established Hearing Board procedure (see Section 8).

- Information is available that was unavailable at the time of the hearing, and the new information is relevant to the Hearing Board's determination.

- Sanction(s) is (are) inappropriate for the violation(s).

A decision on the appeal rendered by the Vice President for Student Life (or designee) is final and will be mailed, within ten business days of receipt of the appeal, to both the accuser and the accused.

The Vice President for Student Life (or designee) may take the following measures on appeal:

1. Uphold the original decision(s) and sanction(s).
2. Uphold the original decision(s) and alter sanction(s).
3. Refer the case back to the Sexual Misconduct Hearing Board for rehearing and review. (Both accused and accuser will be informed of the outcome of any resulting rehearing or review.)

Where an appeal is based on assessed sanction(s), the Vice President for Student Life (or designee) may reduce but not increase sanctions imposed. A rehearing or review by Hearing Board may not result in more severe sanctions.

The outcome of the appeal process is final.

Departures from these procedures and errors in their application shall not be grounds to withhold disciplinary action unless, in the sole judgment of the Vice President for Student Life (or designee), the departures or errors were such as to have prevented a fair and just hearing.

Section 12
INTERIM SANCTIONS

In certain instances, it may be necessary for the University to impose interim sanctions, including suspension, pending a hearing. This action may be necessary when in the sole opinion of the Sexual Misconduct Officer or the Dean of Students (or designee), the continued presence of the accused student may constitute a threat or disruption to the normal academic process of the University, or where the student is considered a danger to other students or to him/herself. In such cases, a hearing will be scheduled as soon as appropriate after interim sanctions commence.

Section 13
RIGHTS OF THE ACCUSER

The rights of the accuser are as follows:

1. To request and be assisted in making those academic and/or living arrangement changes which the University can reasonably accommodate, as prompted by and related to the circumstances of the case

2. To be informed in writing of the time and date of the sexual misconduct hearing and the charges against the accused

3. To have an advisor (See Section 9)

4. To supply the Sexual Misconduct Officer or the Dean of Students with a written statement and any evidence in support of the complaint

5. To appear as a witness at the hearing

6. To request alternative hearing procedures (See Section 10) in which the accuser does not have to be physically present at the hearing site

7. To supply the Sexual Misconduct Officer or the Dean of Students with a list of witnesses in support of the accusations

8. To attend the entire hearing exclusive of closed sessions

9. To provide questions of witnesses to the hearing chair for consideration (See Section 8)

10. To be informed of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal

11. To appeal the decision (See Section 11)

12. To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing.

13. To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing.

Section 14
RIGHTS OF THE ACCUSED

The rights of the accused are as follows:

1. To be informed in writing of the time and date of the sexual misconduct hearing and of the specific charges

2. To know the name(s) of his/her accuser and witness(es)

3. To have an advisor (See Section 9)

4. To supply the Sexual Misconduct Officer or the Dean of Students with any evidence in support of his/her defense

5. To appear as a witness at the hearing

6. To attend the entire hearing exclusive of closed sessions

7. To not appear at the hearing

8. To supply the Sexual Misconduct Officer or the Dean of Students with a list of witnesses in defense of the accusation(s)

9. To provide questions of witness(es) to the hearing chair for consideration (See Section 8)

10. To receive a written decision from the Hearing Board

11. To appeal the decision (See Section 11)

12. To be notified of any sanction(s) by the Sexual Misconduct Officer or the Dean of Students within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)

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13. To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing

14. To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing

Section 15
SANCTIONS

If the accused student or student organization is found in violation of University Sexual Misconduct Policy, the notification will also include notice of any sanctions which may be imposed by the Sexual Misconduct Hearing Board. Such sanctions may include, but are not limited to, those listed below. More than one sanction may be imposed for any single violation. A history of inappropriate behavior by the student or student organization and the nature or severity of an incident are considered in determining appropriate sanctions. If disciplinary sanctions are not fulfilled by the sanctioned student, more serious disciplinary sanctions may be imposed by the University Committee on Discipline.

Alcohol Ban: Alcohol may be banned from all functions and/or from specific premises, even if all students are of legal age.

Disciplinary Probation: Disciplinary probation may include any or all of the following sanctions as determined by the disciplinary body: (a) a warning that future misconduct will bring serious consequences; (b) prohibition against keeping or operating a car at the University; (c) prohibition against holding any elective office on campus or representing the University off campus.

Students placed on disciplinary probation may not graduate, re-enroll, or confirm registration until the terms of probation are met.

Expulsion: Expulsion is the permanent dismissal of a student or an organization. Expelled students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Expelled organizations must cease to exist within twenty-four hours, unless the Hearing Board directs otherwise.

Loss of Privileges: Denial of specified privileges for a designated period of time.

Mandated Counseling: Requirement that a student take part in a counseling program conducted by University Counseling staff or other licensed professional. This includes signing a “Request and Authorization to Exchange Information” form provided by the Dean of Students (or designee). The Hearing Board may require the student to participate in a counseling program that addresses particular issues, such as substance abuse.

Mandated Counseling Assessment: Assessment and/or session in the Counseling Service by a specified date. This includes signing a “Request and Authorization to Exchange Information” form provided by the Dean of Students (or designee). Unless otherwise stated by the Hearing Board, the student is required to follow all recommendations made by the Counseling Services staff as a result of the assessment, including further assessment or treatment off campus.

Mandated Off-Campus Assessment: An off-campus assessment by trained professionals may be required regarding alcohol, drugs and/or mental health. This includes signing a “Request and Authorization to Exchange Information” form provided by the Dean of Students (or designee).

Mandated Room Reassignment: A written notice that the behavior merits the immediate relocation of the student to another campus location.

Parental Notification: Parent(s) and/or legal guardian(s) of dependent students under 21 receive notification detailing judicial sanctions imposed upon their son/daughter in response to violations of designated policies.

Physical Restrictions: A directive that forbids a student(s) to be in specified locations on University premises.

Social Probation: Prohibits a student organization from having any social activities (including parties) on or off campus for a specified period of time.

Special Program or Projects: Requirement that a student participate or assist in the planning of a program or project that is relevant to the violation. The project must be pre-approved and completion verified by the Dean of Students.

Suspension: Suspension is the forced withdrawal of a student or an organization for a specifically stated period of time. Suspended students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Suspended organizations must cease to exist within twenty-four hours, unless the Hearing Board directs otherwise.

Section 16
RECORDS

Accurate records of hearings and other actions by administrators shall be kept in the student's and/or organization's files in the Office of Student Life. These records will be made available to the Vice President for Student Life (or designee) upon appeal. Records of hearings, including tapes, usually include information provided by several students. Therefore, they are not considered to be a part of any one student's record, and are not made available to anyone outside the hearing or the campus appeal process, except under proper subpoena and in accordance with law.

Student disciplinary hearing files will be maintained for ten years following graduation. At the end of these designated time periods, disciplinary hearing files may be destroyed.

Section 17
OTHER SEXUAL MISCONDUCT POLICY DEFINITIONS

Sexual Misconduct Officer: The Sexual Misconduct Officer is an administrator who is appointed for a one-year term by the Vice President for Student Life. The gender of the Sexual Misconduct Officer is opposite of the Dean of Students and his/her responsibilities related to the sexual misconduct hearing process are identical to that of the Dean of Students.

Special Periods: When the Sexual Misconduct Hearing Board cannot be assembled to hear a case, the Special Periods Committee on Discipline will hear the case and act as the Hearing Board under this policy. These periods include, but are not limited to, the first two weeks of the semester, finals week, vacations, and summer terms.

Student: An individual is considered a Southwestern student and is expected to comply with all University policy upon submittal of his/her enrollment deposit and the inception of orientation move-in day. This student status remains until one graduates or withdraws from the University. A deposited individual may be subjected to disciplinary action before move-in day if s/he violates a University policy while on campus or in any interaction with University personnel. Individuals who are both students and employees will be treated as students for the purpose of this policy and procedure, only if their primary relationship to the situation is that of a student. Allegations against individuals who are regular employees (regardless of student status) will be handled under the appropriate personnel policies. Where appropriate, student also includes student organizations.

Student Organizations: Any group that has complied with the formal requirements for University recognition or regulation is a student organization. (Adopted 4/6/06)

QUICK LIST OF RESOURCES

Williamson County Crisis Center (24/7 hotline) www.wccc.info/	(800) 460-SAFE
SU Campus Police	(512) 863-1944
SU Counseling Services	(512) 863-1252
SU Health Services	(512) 863-1555
SU Dean of Students	(512) 863-1624
SU Chaplain	(512) 863-1527
SU Center for Academic Success	(512) 863-1286
SafePlace of Austin (24/7 hotline) www.austin-safeplace.org	(512) 267-SAFE
Cedar Park Regional Medical Center	(512) 528-7000 (Main) (512) 582- 7111 (ER)
Scott and White Healthcare-Round Rock	(512) 509-0100 (Main) (512) 509-9056 (ER)
St. David's Medical Center-Round Rock	(512) 341-1000 (Main) (512) 341-6428 (ER)
Williamson County Children's Advocacy Center Georgetown	(512) 943-3701
Johns Community Hospital ER (in Taylor)	(512) 352-7611
St. David's Hospital ER (in Austin)	(512) 397-4240
RAINN (Rape & Incest National Network) www.rainn.org/	(800) 656-HOPE
Emergency Contraception Information www.not-2-late.com	(888) NOT-2-LATE
Victims Initiative for Counseling Advocacy & Restoration of the Southwest www.tlsc.org (free legal help)	(888)-343-4414
Austin's Bar Association Lawyer Referral Service www.austinlrs.com/index.asp	(512) 472-8303
Sexual Assault Legal Line www.women-law.org	(888) 296-SAFE

Texas Association Against Sexual Assault www.taasa.org	(512) 474-7190
Security on Campus Inc. www.securityoncampus.org	(888) 251-7959

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