

Memo to: All UH-Downtown/PS Holders

UH-Downtown/PS 01.A.13

From: Max Castillo, President

Issue No. 3

Effective Date: 09/04/08

Subject: Sexual Assault Policy

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1. PURPOSE

This PS sets forth the University of Houston-Downtown (UHD) policy on sexual assault.

2. DEFINITIONS

- 2.1 Employee: An individual receiving a salary, wages, other compensation and/or stipend support from the University.
- 2.2 Employee Assistance Program (EAP): A confidential counseling and referral program, available to eligible employees and their families, which provides assistance with personal and/or family problems.
- 2.3 Student: An individual registered or enrolled for credit or non-credit in a course or program offered by the University of Houston-Downtown.
- 2.4 Student Assistance Program (SAP): A confidential counseling and referral program, available to students, which provides personal support for a wide range of issues, from everyday concerns to serious problems. The SAP is managed through the Counseling Services Department at UHD.

3. POLICY

- 3.1 It is university policy that sexual assault, including rape and other sex offenses, is a violation of the university's Student's Rights and Responsibilities Policy, the University's Sexual Harassment Policy, and the Texas Penal Code.
 - 3.1.1 UHD provides programming to enhance sexual assault awareness and prevention throughout the year with specific emphasis during annual Sexual Assault Awareness Week programs. Selected faculty and staff members and community experts give presentations and provide resources on request.
- 3.2 A faculty member, staff member or student who commits sexual assault may also be charged with a violation of the University's Sexual Harassment policy. This policy explains which administrator the victim should contact to obtain information about penalties up to and including expulsion for students and termination of employment for faculty and staff. See the Student Handbook, the Staff Handbook or the appropriate university policy for more information on sexual harassment.

3.3 A sexual assault victim may seek on-campus assistance by contacting any of the following: UHD Police Department, Counseling Services, Student Health Services, the Office of the Vice President for Student Services/Enrollment Management and Office of the Vice President for Employment Services and Operations. Staff members from these offices can provide assistance in notifying the proper law-enforcement authorities, if the victim so desires. To file an emergency sexual assault report off-campus, call the Houston Police Department (911) or the Houston Area Rape Crisis Center (713-528-7273). For non-emergency reports of sexual assault to off-campus law enforcement officials, victims should call the Houston Police Department or appropriate law enforcement agency.

3.3.1 Because evidence of sexual assault and attacker's identity may be left on the victim's body and clothing, a victim should not wash or dispose of any clothing worn at the time of the attack until the victim has been examined at a hospital emergency room. (If the victim changes clothes, all clothing worn at the time of the attack should be placed in a paper, not plastic bag.) A victim of sexual assault should undergo a physical exam as expediently as possible because the evidence deteriorates quickly and is important in proving the assault in criminal proceedings. The hospital staff will collect evidence, check for injuries, and deal with the possibility of exposure to sexually transmitted diseases.

3.4 A student victim who wishes to file a complaint of violation of the university's Sexual Assault policy against a student should notify the Discipline Officer in the Office of Student Services/Enrollment Management. The Discipline Officer can assist the victim in reporting the assault to on- or off-campus law enforcement authorities. While criminal investigations will be conducted by the appropriate law enforcement authorities, the Discipline Officer will conduct an on-campus hearing or investigation. Possible sanctions against a student found guilty of sexual assault through on-campus proceedings include probation, suspension, or expulsion. See the Student Rights and Responsibilities Policy, Sections 3.2.21, 3.2.28, and 3.2.2.23 found in the Student Handbook, for more information on procedures and sanctions.

3.5 A faculty or staff victim who wishes to file a complaint of violation of the university's Sexual Assault policy should notify the Campus Relations/Affirmative Action Officer (CR/AAO). The CR/AAO can assist the victim in reporting the assault to on- or off-campus law enforcement authorities. While criminal investigations will be conducted by the appropriate law enforcement authorities, the CR/AAO may conduct an on-campus investigation. Possible sanctions/disciplinary actions against an employee/student found to have violated this policy include up to termination of employment (for employees) or expulsion from the university (for students).

3.6 A victim who wishes to file a complaint of violation of the University's Sexual Assault policy against a faculty or staff member should notify the CR/AAO who can assist the victim in reporting the assault to on- or off-campus law enforcement authorities. While criminal investigations will be conducted by the appropriate law enforcement authorities, the CR/AAO may conduct an on-campus investigation. A faculty or staff member found

guilty of sexual assault through on-campus proceedings will be subject to disciplinary action(s) up to and including termination. Refer to [PS 02.B.03](#) and [PS 10.A.06](#) for more information on disciplinary procedures and sanctions for faculty and staff members.

- 3.7 The accuser and the accused perpetrator are entitled to have an advisor or advocate present during campus disciplinary proceedings. Both parties shall be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.
- 3.8 After reporting a sexual assault, a victim may request a change in academic or employment situations. Accommodations will be made only if requested by the victim, and only if such changes are reasonably available. A student victim may request assistance from the Office of Student Services/Enrollment Management or the UHD Police Department. If the victim is a faculty or staff member, assistance may be obtained from the CR/AAO, UHD Police Department, and the appropriate supervisor.
- 3.9 Counseling and referral information for survivors of sexual assault are available on campus through Counseling Services, the Employee Assistance Program (EAP), and off-campus through the Houston Rape Crisis Coalition, the Houston Health Department V.A.S.A. Program, the Houston Area Women's Center, and the Baytown Area Women's Center.
- 3.10 For more detailed information on sexual assault response and prevention procedures, please refer to the resources available in the following offices: Counseling Services, Student Health Services, ESO, UHD Police Department, and the Office of Student Services/Enrollment Management.

4. PROCEDURES

There are no procedures associated with this policy.

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party (Reviewer): Student Discipline Officer and Campus Relations Officer

Review: Every five years on or before July 1st.

Signed original on file in Employment Services and Operations.

7. POLICY HISTORY

Issue #1: 07/01/93

Issue #2: 08/16/99

8. REFERENCES

UHD PS 02.A.15

UHD PS 02.B.03

UHD PS 10.A.06

Student Handbook

Staff Handbook