



Texas Wesleyan
UNIVERSITY

PREVENTION AND RESPONSE

WHAT YOU NEED TO KNOW

OUR COMMITMENT TO YOU | WHERE AND HOW TO MAKE A REPORT
GENDER DISCRIMINATION | SEXUAL HARASSMENT | SEXUAL ASSAULT/VIOLENCE
SEXUAL EXPLOITATION | CONSENT AND INCAPACITATION | RESOURCES AND SUPPORT

▶ [TXWES.EDU/TITLEIX](https://txwes.edu/titleix)

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INTRODUCTION

TEXAS WESLEYAN UNIVERSITY IS COMMITTED TO PROVIDING A SAFE AND POSITIVE LIVING, LEARNING, AND WORKING ENVIRONMENT.

The University has a responsibility to ensure that all students, staff, faculty, and visitors are able to enjoy the benefits and opportunities the University offers in an environment free from discrimination on the basis of sex or gender, including sexual assault and sexual harassment.

The University utilizes a variety of approaches to prevent and redress sex/gender discrimination. We realize that individual community members who are affected in some way by sex/gender discrimination may benefit from many sources of support and assistance. When a sexual assault is reported, Texas Wesleyan University is committed to ensuring that:

- A survivor's safety, privacy, and confidentiality is preserved to the greatest extent possible.
- The student is able to access advocacy, medical, mental health and other support services both on or off-campus in a timely manner with minimal hardship.
- Accurate and complete information about all options for recourse, including judicial, civil and criminal, will be communicated to the survivor/survivors.
- A survivor will be empowered to choose her or his options for recourse.
- A survivor's choices will be honored to the greatest extent possible and will not influence the manner in which the University provides advocacy or support to that individual.
- Should a survivor wish that the incident not be investigated, the college will work with her/him to honor her/his wishes whenever reasonable and possible.
- Reasonable academic and other accommodations will be instituted to facilitate the survivor's recovery.
- Sexual assault is a violation of the Code of Student Conduct and Texas Wesleyan University employee policies against Sexual Harassment/Assault and Workplace Violence.
- All proceedings will be handled according to due process, ensuring that both the survivor/survivors and the accused student/employee have their rights to due process upheld.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 prohibits sex/gender discrimination in all areas of education.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” (20 U.S.C. § 1681 & 34 C.F.R. Part 106)

Title IX applies to non-discrimination based on sex/gender to all recipients of federal funds, both public and private institutions. Title IX also applies to issues of program equity, such as in athletics, and to sexual harassment and sexual assault. Title IX prohibits harassing conduct of a sexual nature regardless of whether the harassment is aimed at gay or lesbian students. Sexual harassment can be done by individuals of the same or opposite gender.

WHAT ARE THE ROLES OF THOSE INVOLVED IN AN INVESTIGATION OF A SEXUAL MISCONDUCT COMPLAINT?

Complainant: An individual who files a complaint with the University alleging a violation of the Code.

Respondent: An individual who is found or alleged to have engaged in an act or acts of sexual misconduct.

Title IX Coordinator: University official responsible for monitoring the University’s implementation of Title IX, coordinating compliance and investigating complaints of sex/gender discrimination.

These individuals are selected based on the scope of their responsibilities and authority entrusted to them by the University to effectively respond and address issues relating to Title IX.

SEXUAL MISCONDUCT DEFINITIONS

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor/complainant.

Domestic Violence: Violence committed by a current or former spouse of the survivor, or by a person with whom the person shares a child, or by a person who is cohabitating with or has cohabitated with the survivor as a spouse or intimate partner, or by a person similarly situated to a spouse of a survivor under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth survivor who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Nonconsensual Sexual Contact: Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes, but is not limited to, any bodily contact with breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Nonconsensual Sexual Intercourse: Any sexual penetration or intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape:

- *Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration of a sex organ of another person, without consent.
- *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without consent, including instances where the survivor is incapable of giving consent because of his/her age or because of his/her temporary or permanent incapacitation.
- *Incest:* Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape:* Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Coercion: The use of manipulation or threat to force someone to have sex.

Sexual Exploitation: A situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-consensual Sexual Contact, and Non-consensual Sexual Intercourse. Examples of sexual exploitation include, but are not limited to, engaging in the following activities without the other person(s) consent:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed)
- Taking pictures or recording another in a sexual act, or in any other private activity (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)

- Exposing one’s genitals or breasts in non-consensual circumstances or inducing another to expose his or her genitals or breasts
- Prostitution
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection
- Administering alcohol or drugs (such as “date rape” drugs) to another person

Sexual Harassment: Includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities;
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
- Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive University environment.

Sexual Misconduct: Conduct including sexual harassment, sexual exploitation, and/or sexual violence.

Sexual Violence: Physical sexual acts perpetrated against a person’s will or when a person is incapable of giving consent due to the survivor’s use of drugs or alcohol or other disability, including age. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, or sexual coercion.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

WHAT SHOULD I DO IF I AM A SURVIVOR OF SEXUAL ASSAULT?

A survivor of sexual violence may have a large range of emotions following the incident. Going to a hospital immediately following an assault allows valuable evidence to be collected as well as appropriate care.

Seek medical attention immediately.

The primary concern for survivors of sexual violence is to address medical issues related to physical injury, sexually transmitted infections, and/or pregnancy. The secondary concern is the collection of evidence to aid in a possible criminal investigation. Valuable physical evidence can only be obtained within 96 hours of a sexual assault. Survivors are encouraged to seek medical attention immediately due to the limited time frame that evidence may be collected.

Report to campus or local authorities.

Campus Security or Local Police

You may file a police report with local police for sexual assaults that occur on or off campus. You may also file a report with the Texas Wesleyan Campus Security for sexual assaults that occur on campus. When making a report to police, you may use a pseudonym so that your name will not appear in public record files.

Dean of Students

You may contact the Dean of Students who will begin an investigation upon your request. If the respondent is a student, the Dean of Students will investigate any and all alleged violations to the Code of Student Conduct which could result in sanctions up to expulsion from Texas Wesleyan University. The Dean of Students will assess the immediate risk to the University community and take necessary actions to mitigate that risk.

Title IX Coordinator or Assistant Coordinators

You may also contact the Texas Wesleyan University Title IX Coordinator (Vice-President for Enrollment and Student Services) or an Assistant Coordinator (see list below). The Title IX Coordinator or Assistant Coordinator will begin conducting an investigation and will assume responsibility for your ongoing opportunities to take full advantage of your educational program.

Title IX Coordinator and Assistant Coordinators

Any of these campus authorities are available to assist you with reporting to police or to other campus officials/authorities.

- Vice President for Enrollment and Student Services (Title IX Coordinator)
First floor, Oneal Sells Administration Building, 817-531-4214
- Dean of Students
First Floor, Brown Lupton/Sid Richardson Building, 817-531-4872
- Associate Vice President for Human Resources
Basement, Oneal Sells Administration Building, 817-531-4403
- Athletic Director
Second Floor, Sid Richardson Building, 817-531-4874

WHAT IF DRUGS OR ALCOHOL WERE INVOLVED?

Sometimes people are afraid to complain about sexual harassment or violence because drugs or alcohol were involved. Texas Wesleyan University has a Good Samaritan and Medical Amnesty Policy which was created to place our highest priority on your safety and the safety of everyone on campus. Students who seek emergency assistance for themselves (medical amnesty) or another person (Good Samaritan) due to an emergency situation will not be subject to the conduct process.

WHAT ABOUT RETALIATION?

Texas Wesleyan University prohibits any form of retaliation against a complainant. Any allegation of retaliation will result in an immediate investigation and appropriate action consistent with the University's due process procedures.

Retaliation is any adverse action taken because you complained or a person thinks you complained.

Examples of retaliation can include, but are not limited to, the following:

- Lowering your grade
- Poor performance rating
- Changing work duties or assignments
- Exclusion from meetings
- Not being called on in class
- Change of work schedule
- Being threatened
- Acts of intimidation

WHAT IS CONSENT AND INCAPACITATION?

Consent: Words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Consent is absent when the activity in question exceeds the scope of consent given previously.

- Silence or the absence of resistance alone is not consent.
- Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- Continued pressure can be coercive, and is also a violation of this policy.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous dating relationship is not sufficient to constitute consent.
- In order to give effective consent, one must be at least 17 years of age in Texas.
- Consent cannot be given if someone is incapacitated due to the use of drugs and/or alcohol.

Incapacitation: A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to the voluntary or involuntary use of alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is incapacitated has violated this policy. Intoxication is not an excuse or a mitigating circumstance for the accused party of sexual misconduct to not realize the incapacity of the other.

RISK REDUCTION TIPS

Risk reduction tips can often take a survivor-blaming tone, even unintentionally. With no intention to survivor-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as clearly and early as possible.
- Tell a sexual aggressor “no” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a person who is intoxicated as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relay their intentions to you.
- Understand and respect personal boundaries.
- Do not make assumptions about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you do not have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Do not take advantage of someone’s drunkenness or drugged state.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

BYSTANDER INTERVENTION

Bystander intervention is action to effectively assist in the prevention of sexual violence due to feeling empowered and equipped with applicable skills and knowledge. Bystander intervention does not have to jeopardize the safety of the bystander. Bystander intervention and “bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence. This approach gives community members specific roles that they can use in preventing sexual violence, including naming and stopping situations that could lead to sexual violence before it happens, stepping in during an incident, and speaking out against ideas and behaviors that support sexual violence. It also gives individuals the skills to be an effective and supportive ally to survivors after an assault has taken place.” (<http://www.nsvrc.org/bystander-intervention-campaigns-and-programs>)

Bystander intervention can be something as quick as telling her/his friend that their sexist language is offensive or as great as a college student calling the police if s/he witnesses an act of sexual violence from a residence hall window. Regardless of the level of intervention, there are safe ways to help prevent sexual violence.

WHAT SHOULD I DO IF I WITNESS THIS BEHAVIOR?

IF YOU ARE A WITNESS TO A CRIME OF SEXUAL HARASSMENT, SEXUAL VIOLENCE, OR SEXUAL MISCONDUCT, YOU SHOULD REPORT THE INCIDENT TO CAMPUS OFFICIALS OR LOCAL POLICE. YOU MAY ALSO SPEAK WITH THE DEAN OF STUDENTS WHO CAN ASSIST YOU WITH FURTHER REPORTING AS APPROPRIATE.

WHERE TO REPORT:

> **Dean of Students**

817-531-4872
Brown-Lupton Campus Center, Suite 131

> **Campus Security**

817-531-4911

> **Human Resources**

If respondent is a university employee
817-531-4403
Oneal-Sells Administration Building,
Basement

> **Anonymously online at:**

▶ **TXWES.EDU/REPORT**

The electronic incident reports found on this page can be submitted anonymously. Individuals may also submit a report anonymously via the Campus Conduct Hotline:

txwes.edu/hr/conduct/
or by calling 866-943-5787

WHAT IS THE PROCESS FOR INVESTIGATING A COMPLAINT OF SEXUAL MISCONDUCT?

If you file a report with the Dean of Students or Title IX Coordinator, you will be contacted by a representative of the office to schedule a meeting where facts related to the incident will be collected. The purpose of the initial meeting will be to assure that you have access to all necessary resources and that there will be no impact on your opportunity to participate in your educational program. You should be prepared to address any changes to your university living arrangements or academic program that may be appropriate based on the circumstances.

Once you have filed a complaint, you will be updated regularly regarding the status of the investigation and any outcome of the investigation. As the individual filing the complaint, you are afforded the equal opportunity to participate in the investigatory process and any subsequent processes.

The process conducted by Texas Wesleyan will occur in parallel, but separate to any criminal investigation by the local police.

The decision to involve the local police will be made by the survivor/complainant unless a continued threat upon the Texas Wesleyan community is determined. Survivors/complainants are encouraged to report to local police and file criminal charges in addition to any reports made to school officials.

WHAT RESOURCES ARE AVAILABLE IF I DO NOT WANT TO FILE AN OFFICIAL REPORT?

A survivor of sexual assault is always encouraged to consult with trained medical/physical and mental health professionals regardless of whether the survivor elects to file a report with the local police or campus official. Contact information for on and off campus mental health professionals can be found in this publication. Typically, health professionals are able to maintain confidentiality and should discuss their confidential privilege when you meet.

LOCAL HOSPITALS:

> **John Peter Smith Hospital**

817-702-3431
1500 S. MAIN STREET
FORT WORTH, TEXAS 76104

> **Texas Health Harris Methodist Fort Worth**

817-250-2000
1301 PENNSYLVANIA AVENUE
FORT WORTH, TEXAS 76104

OTHER RESOURCES:

> **Fort Worth Police Department**

SURVIVOR ASSISTANCE: 817-392-4390
350 W. BELKNAP STREET
FORT WORTH, TEXAS 76102

> **Women's Center of Tarrant County**

RAPE CRISIS HOTLINE: 817-927-2737 (24 HOURS)
HELPLINE: 817-927-4000
1723 HEMPHILL
FORT WORTH, TEXAS 76110

> **Texas Wesleyan University Counseling Center**

817-531-4859
3112 E. ROSEDALE STREET
FORT WORTH, TEXAS 76105

QUICK FACTS



An estimated **20 – 25%** of females will be the victims of rape or attempted rape on campuses across the United States each year.

90% of those victims knows the attacker.

81% on campus and **84%** off campus attempted or completed sexual assaults are reported to law enforcement.

Students were surveyed at 171 colleges and universities and it was found that **74%** of all sexual assaults involved alcohol.



You are **100%** empowered.
Don't be afraid to speak up!



REPORTING INFO

WHERE TO REPORT:

Fort Worth Police Department

SURVIVOR ASSISTANCE: 817-392-4390
350 W. BELKNAP STREET
FORT WORTH, TEXAS 76102

Title IX Coordinator

817-531-4214
FIRST FLOOR, ONEAL SELLS
ADMINISTRATION BUILDING

Dean of Students

817-531-4872
BROWN-LUPTON CAMPUS CENTER,
SUITE 131

Campus Security

817-531-4911

Anonymously at:

▶ [TXWES.EDU/REPORT](https://txwes.edu/report)

The electronic incident reports found on this page can be submitted anonymously.

Campus Conduct Hotline

866-943-5787

▶ [TXWES.EDU/HR/CONDUCT](https://txwes.edu/hr/conduct)

REPORTING INFO:

- ✔ All allegations are taken extremely seriously
- ✔ Measures will be taken to protect the complainant
- ✔ Options are available like the Texas Wesleyan University Counseling Center and the Women's Center of Tarrant County



Office of the Student Life | 1201 Wesleyan Street | Fort Worth, Texas 76105 | 817-531-4872

▶ [TXWES.EDU/TITLEIX](https://txwes.edu/titleix)