

TITLE IX POLICY AND PROCEDURES PROHIBITING SEXUAL ASSAULT AND OTHER GENDER-BASED MISCONDUCT INVOLVING STUDENTS.

A. INTRODUCTION. Rice University is committed to providing an environment that is free from gender-based discrimination. Title IX of the Higher Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities. Consistent with Title IX, the University does not tolerate sex discrimination, including sexual misconduct and relationship violence. “Sexual misconduct” is the umbrella term federal regulators use to categorize behavior that includes sexual assault, unwanted sexual contact, and sexual harassment. While all these behaviors are abhorrent and damaging, Rice views sexual assault as particularly so and will sanction that behavior most severely. “Relationship violence” is the term federal regulators use to categorize behavior that includes intimate partner violence, stalking and similar behavior. All sex discrimination, including sexual misconduct and relationship violence, is harmful, violates the rights and dignity of those affected, and violates Rice standards, federal law, and possibly State of Texas criminal law.

In a manner respecting the dignity and intrinsic human worth of the individual, the University will address all occurrences of sex discrimination that are reported to Rice. Rice encourages students to seek all remedies to these behaviors that they choose, in each venue or process that they choose. Rice will investigate occurrences reported to it, stop and appropriately sanction anyone who has engaged or is engaging in prohibited behaviors, and prevent these behaviors from reoccurring. Rice is committed to recognizing the trauma these behaviors can induce, and addressing the needs of students reporting sexual misconduct and other forms of sexual discrimination.

B. SCOPE. This policy applies to all classifications of Rice students at all times, on and off campus, as described in Rice’s Code of Student Conduct. This policy applies to all students, regardless of gender, sexual orientation, gender identity or their respective relationship to the parties involved in an allegation or report. Protection against Title IX violations discussed in this policy extends to persons of any sex, gender, sexual orientation or identity. For purposes of this policy, “reporting person” means the person who experienced the alleged violations. The “responding person” is the person who has been accused of violating this policy. This policy should be read together with, and interpreted in a manner consistent with, Rice’s Code of Student Conduct. When reports or allegations involve Rice employees, this Policy should also be read together with Rice Policy 830.

C. CONSENT. In order to understand this Policy, and the standards of behavior Rice University expects, it is vital that students and other community members understand the concept of consent. This must be understood and accepted to be a member of the Rice community. Rice defines consent according to the following guidelines:

1. Consent IS:

An active, ongoing, and voluntary agreement by each participant to engage in sexual activity or sexual contact, communicated by clear actions or words.

2. Consent IS NOT present:

. . . when someone is incapacitated (including due to consumption of alcohol or drugs, lack of sleep or unconsciousness); an incapacitated person cannot consent.

. . . simply because the person has consented to sexual activity in the past; past consent to sexual activity does not imply present or future consent to sexual activity; current consent must be communicated by clear actions or words.

. . . because the other person is silent or does not resist sexual contact; again, consent must be communicated by clear actions or words.

. . . if the person has withdrawn their consent, which the person may withdraw at any time.

. . . if there is coercion, force, threats, or the absence of true choice, any of which invalidates consent.

. . . if the person has consented to sexual activity with one person but others also participate in the sexual activity; consent to one person does not imply consent to others.

. . . when a person has not reached the legal age to consent or otherwise lacks the legal ability to consent.

3. **Incapacitation due to alcohol or drugs.** Rice will consider a variety of relevant factors when determining whether someone is incapacitated as result of alcohol or drugs. Those factors include, but are not limited to, ability to control one’s physical movements such as stumbling or falling, the lack of awareness of the current circumstances or surroundings, slurred or incomprehensible speech, the ability to communicate, combativeness or other emotional volatility, vomiting or incontinence. The determination of incapacitation is based on objective and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

4. **Consent can be withdrawn.** It is important to reemphasize that a person may withdraw their consent at any time before or during the sexual activity or contact.

5. **Relevant, illustrative examples.** Rice generally expects its students to comply with a higher standard of conduct and mutual respect than that required by law. Nonetheless it is useful for students to understand that Texas law defines “consent” by enumerating instances in which consent does not exist. Relevant, illustrative examples from Texas law are available in Appendix A at the end of this document.

D. PROHIBITED BEHAVIORS. Title IX prohibits sexual misconduct and relationship violence (and numerous behaviors that fall under those broad terms), and this section attempts to describe more specifically some of the behaviors addressed by Title IX. These behaviors may also violate the Rice Code of Student Conduct, and in those cases the Code may be used to investigate and sanction violations. There may be other situations where the use of the Code is not appropriate or desired by the students involved, and so a remedy may be found under Title IX processes alone. Some of these behaviors have varying definitions in common usage or in the different systems (Rice, federal, state) that may address the behaviors. To the extent possible, Rice uses the terms below as they are intended to be used under Title IX. That is why the term “sexual misconduct” is sometimes used to reflect a general category of prohibited behaviors and is itself not one of the misbehaviors. A person committing sexual misconduct will have committed either sexual assault, unwanted sexual contact, sexual harassment, or some combination of these. Rice

officials will strive to use the more specific term for the behavior rather than the more general label of “sexual misconduct.”

1. **Sexual assault.** Sexual assault is a severe crime. It is also one of the most serious violations of Rice’s Code of Student Conduct. It may be defined as engaging in intentional and physical sexual acts without a person’s consent. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse, and under Title IX it is included under the umbrella term “sexual misconduct.” This use of the term in this policy should not be interpreted to understate its severity and the seriousness with which Rice responds to its occurrence.

2. **Sexual misconduct.** The Code of Student Conduct has always prohibited conduct that would fall under the category of sexual misconduct, including sexual assault and other forms of sexual violence, unwanted sexual contact, and sexual harassment. This broad category includes (but is not limited to) the following prohibited behaviors:

a. Sexual assault. See 1. above.

b. Unwanted sexual contact. Unwanted sexual contact is nonconsensual intimate touching of a sexual nature that does not necessarily constitute a sexual act. Under Title IX it is also a type of sexual harassment.

c. Sexual harassment. Sexual harassment is unwelcome conduct of a sexual nature and it is described in more detail in University Policy No. 830. It includes, without limitation, unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature when:

i. Submission to the conduct is made explicitly or implicitly a term or condition of a person's education or employment; or

ii. A person’s submission to or rejection of the conduct is used as the basis for educational or employment decisions affecting that person; or

iii. The conduct is sufficiently severe, persistent, or pervasive that it interferes with a student’s ability to participate in or benefit from educational programs or activities at Rice.

Under Title IX, sexual harassment also includes all acts of sexual violence.

3. **Relationship violence.** Rice’s Code of Student Conduct has always prohibited stalking and relationship violence. While all such behavior remains prohibited under the Code, this section provides some relevant definitions:

a. Intimate partner violence, domestic violence, and dating violence. Intimate partner violence, domestic violence, and dating violence refers to causing physical, psychological or emotional harm, or using threats or actions intended to cause physical, psychological or emotional harm to one’s current or former intimate partner, domestic partner, or dating partner.

“Dating violence” is often referred to as violence committed by a person who is or has been in a romantic or intimate relationship with the survivor.

“Domestic violence” is sometimes defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence the other person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Texas law encompasses some of these concepts in the crime of “domestic violence,” and definitions from the Texas Family Code are included in Appendix B at the end of this document.

Texas law also encompasses some of these concepts in the crime of “family violence,” and definitions from the Texas Family Code are included in Appendix C at the end of this document.

b. Stalking. Stalking refers to a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is defined under Texas law and definitions from the Texas Family Code are included in Appendix D at the end of this document.

c. Sexual exploitation. Sexual exploitation is taking nonconsensual or abusive sexual advantage of another person, including behaviors that, while not involving sexual contact, are meant to take sexual advantage of that person, or sexually benefit anyone other than that person. Examples include (but are not limited to) secretly recording sexual activity or activity in a bathroom or private dressing area, sharing videos or photographs of sexual activity without the consent of all parties depicted, engaging in voyeurism, exposing one’s genitals in a nonconsensual circumstance, and other invasions of sexual privacy.

d. Intimidation. Intimidation can occur from severe or repeated behavior intended to cause fear, to threaten, or to control another person. Examples include (but are not limited to) making threats, spreading rumors, or attacking someone physically or verbally. Intimidation may be closely related to stalking.

e. Retaliation. Retaliation is interference with the good faith reporting of suspected or actual wrongful conduct. The University prohibits any retaliation against any complainant or third-party reporter for reporting in good faith any misconduct to an appropriate University authority. Similarly, the University prohibits retaliation against responding students and witnesses. Retaliation includes forms of intimidation or any acts designed to make a person afraid to report wrongful conduct or participate in a University investigation, or acts otherwise meant to discourage a person from asserting their rights under University or law enforcement processes. Retaliation may include harm or threats of harm toward a reporting student, witness, or responding student, or against any person cooperating in the investigation of a complaint, or against family members or friends of such a person. The University will respond with strong action if retaliation occurs.

E. TITLE IX CONFIDENTIALITY AND DISCUSSIONS WITH RICE OFFICIALS

1. **Talking to somebody.** Rice encourages students who have experienced sexual misconduct or other forms of sex discrimination to talk with a trusted individual at Rice about what happened. This will enable the student to get needed support and enable Rice to respond appropriately to protect and provide remedies to students, as well as provide necessary protection to the broader University community.

2. **Rice employees have a duty to report.** Rice will always treat with discretion any reports and details about sexual misconduct and harassment. State law and Rice Policy 830, impose obligations on almost all Rice employees to convey information they receive regarding sexual misconduct, dating violence and stalking to a Title IX Coordinator.

“Confidential Employees” are employees who are **not** required to convey the identity of the reporting person or other facts the reporting person wishes to remain confidential to Rice’s Title IX Coordinators. It should be noted that Confidential Employees may be required by federal or state law to report the type of violation reported (e.g., sexual assault, dating violence, stalking) or other statistical information. Such reports do not include any identifying details or facts. If the reported behavior involves a minor, the confidential employee may be under a duty to report the incident to law enforcement.

Students should consider the distinction between Confidential and non-confidential employees when deciding to discuss with a Rice employee an occurrence of sexual misconduct.

3. **Where to find Confidential Employees.** At Rice, Confidential Employees are the professional staff at both the Rice Counseling Center and Rice Health Services, when a student is in or enters into a treating relationship with a licensed professional staff person in that office. Generally, a treating relationship begins when the student requests services with the licensed professional. These staff members (who are available to students on an emergency basis and by appointment) can keep the details of reports involving sexual misconduct or other Title IX violations confidential, including a student’s identity. The professional staff at the Rice Counseling Center and Health Services will answer any questions you ask about confidentiality. To broaden students’ base of support, Rice has also contracted for confidential off-campus support through the Houston Area Women’s Center (HAWC) and The Montrose Center, where students can discuss incidents and details that will not be disclosed to Rice officials and also receive support services. You may call HAWC directly at (713) 528-7273, The Montrose Center directly at (713) 529-0037, or call the Rice Counseling Center or RUPD for assistance in contacting, or obtaining transportation to, HAWC or The Montrose Center.

4. **Reporting to a Rice Employee, and what they will do.** Rice will first make sure the student is safe, and tend to any of his or her immediate needs. The first response should be to make sure the student is safe, and to talk with the student about whether the student needs medical attention, assistance of the police or other crisis services, or other immediate and practical responses.

Other than Confidential Employees discussed above, in general, all Rice employees have a duty to notify a Title IX Coordinator about all relevant facts of which they are aware. This includes, but is not limited to, all faculty and professional staff, including the advisors in the Student Wellbeing Office, college Magisters, Resident Associates, Head

Resident Fellows, college coordinators, coaches, faculty members, and Rice police officers.

Once a Rice employee knows about such a report, he or she will inform the appropriate offices so that Rice can give the student support. Rice will offer the student support options and will work with the student to implement the options the student wishes to pursue. Even when an employee is obligated to report to others, they will respect students' privacy and share information only with the appropriate offices. Depending on the situation and the student's wishes, these offices may include Student Judicial Programs, Student Wellbeing Office, The SAFE Office: Interpersonal Misconduct Prevention and Support, and RUPD, as well as a Title IX Coordinator. All of these offices are places where students can go to discuss their options, with no obligation to reveal names. Contacting these offices for information will not begin university disciplinary proceedings or criminal charges unless the student requests it or unless the University feels it must take immediate action to protect the safety and welfare of members of the University community.

5. **Confidentiality and anonymity within the Title IX response.** Once Rice tends to the immediate needs of the student, it then assesses the situation, including determining the reporting student's further needs and wishes. This response may also be referred to as a "Title IX Investigation," and is separate from a Student Judicial Programs or law enforcement investigation. This response is an opportunity to assess what else might be done to help the student and to protect the community. This can usually take place without disclosing the reporting student's information, if that is what the student wishes.

a. Rice's Title IX response is trauma-informed, and is designed to meet the needs of the reporting student and assess the broader safety needs of the community. At Rice, the Title IX response will likely include one of Rice's Title IX Coordinators and the Support Resource Navigator.

For students pursuing University disciplinary charges, every effort will be made to coordinate these responses to minimize the trauma on the student.

b. The Title IX Coordinator will endeavor to honor requests for privacy from a reporting student. When possible, Rice will honor a request to withhold a reporting student's name from the responding student, though in some cases it may be necessary to provide the name to a responding student to aid an investigation or allow the person to respond to the accusation. In some cases, if the alleged misconduct could pose a threat to the University community, Rice might be obligated to pursue disciplinary action against the responding student (under the Code of Student Conduct) despite the reporting student's wishes not to pursue action. The Title IX official that conducts the Title IX investigation will make this decision. Decisions that are contrary to the reporting student's wishes are not made lightly, are infrequent, and made only after Rice carefully balances the reporting student's wishes with the need to protect the Rice community from a potential threat. In these cases, the reporting student will be notified before his or her name is revealed to a responding student or university action is pursued.

c. If a student reporting sexual misconduct or other sex discrimination wishes to pursue the University disciplinary process, the Title IX investigation can lead to an investigation by Student Judicial Programs.

d. If a student reporting sexual misconduct or other sex discrimination wishes to pursue criminal charges through the criminal justice system, Rice's Title IX official will explain the potential options for doing so and facilitate contacts with the appropriate law enforcement officials. Any criminal investigation or prosecution is separate from Rice disciplinary processes and may occur at the same time.

e. A student reporting sexual misconduct or other sex discrimination may choose to pursue University disciplinary charges (under 5.c. above), criminal prosecution (under 5.d. above) or both, or neither. Rice supports all students reporting sexual misconduct or other sex discrimination in making the choice to pursue any, all, or none of the available remedies. Students may use support resources regardless of whether they decide to pursue the disciplinary process or criminal charges.

6. **Clery Act compliance.** Even in cases where the reporting student does not want to pursue action by the University or law enforcement agencies, or where the student desires his or her identity not be revealed, the University may nonetheless have a responsibility to make timely crime warnings under the Clery campus crime reporting law. If a crime warning is issued, the reporting student will not be identified. Rice will include the incident in its Clery Act reporting of campus crimes (though students should note this does not involve identifying persons involved or specific details of the incident).

7. **What is considered a "report"?** In this policy, the term "report" means telling a Rice employee about an incident of sexual misconduct or other sex discrimination.

F. RICE RESOURCES AFTER AN INCIDENT OF SEXUAL MISCONDUCT. A strength of Rice's system is that there are many ways for both reporting and responding students to start talking about their experiences and to have their needs supported.

1. **Resource Navigators.** Rice offers the assistance of Resource Navigators to help students who have experienced or have been accused of sexual misconduct or sex discrimination. Students may call (713) 348-3311 and ask to speak with a "Resource Navigator." Resource Navigators are available during business hours to talk with students about resources and supportive measures Rice can offer on an interim or final basis as a result of a Title IX investigation. Resource Navigators are available to discuss possible supportive measures. Resource Navigators can also assist students reporting sexual misconduct in seeking medical treatment, hospital transport, or Sexual Assault Nurse Examiner (SANE) exams after a sexual assault, as well as facilitating contacts with appropriate law enforcement officials. Resource Navigators can also accompany a student and provide support through Rice's disciplinary system or through the criminal complaint process. A Resource Navigator's presence in disciplinary meetings and hearings may be in addition to the single support person allowed in the meeting or hearing. Resource Navigators are "Responsible Employees" for Title IX purposes and are obligated to disclose reports to a Title IX Coordinator.

2. **24 hour resources.** You can also contact these resources 24 hours a day, seven days per week:

a. RUPD

(713) 348-6000 (answered 24 hours a day)

dispatch@rice.edu

b. Rice Counseling Center

(713) 348-3311 (answered 24 hours a day)

rucc@rice.edu

c. Houston Area Women's Center/www.hawc.org

(713) 528-RAPE (7273) (answered 24 hours a day)

d. The Montrose Center/www.montrosecenter.org

(713) 529-0037 (answered 24 hours a day)

3. **During business hours.** You can contact these resources during normal business hours:

a. Student Wellbeing Office

(713) 348-3311 (normal business hours)

wellbeing@rice.edu

You may request the Resource Navigator.

b. The SAFE Office: Interpersonal Misconduct Prevention and Support/Resource Navigator

(713) 348-3311 (normal business hours)

wellbeing@rice.edu

c. Student Judicial Programs

(713) 348-4786 (normal business hours)

sjp@rice.edu

d. Title IX officials (normal business hours):

i. Dr. Richard Baker

Executive Director of EEO Programs and Affirmative Action and
Title IX Coordinator

(713) 348-6401

richard.a.baker@rice.edu

ii. Allison Vogt, LMSW

Deputy Title IX Coordinator/Associate Dean of Students

(713) 348-2273

avogt@rice.edu

iii. Stacy Mosely

Deputy Title IX Coordinator/Senior Associate Athletic Director

(713) 348-5829

mosely@rice.edu

4. **Off campus health care.** Rice's proximity to the Texas Medical Center means a student has many options in seeking off campus health care. A student who has experienced sexual misconduct or other sex discrimination always has the option to seek treatment for injuries, preventative treatment for potential sexually transmitted diseases, and other health services of the student's choosing.

5. **SANE exam.** Whether arranged independently or through Rice's Resource Navigator or through RUPD, a student who has experienced sexual misconduct should consider medical treatment in order to preserve evidence, which may also expand the student's options later if seeking law enforcement action or University disciplinary action. Students can contact a sexual assault nurse examiner (SANE) directly by calling the off-campus facilities, or by contacting Rice's Resource Navigator, HAWC, The Montrose Center, or RUPD.

6. **Hospital accompaniment.** A student wishing to be accompanied to a hospital or health care provider for purposes of seeking treatment following sexual misconduct (or seeking to preserve evidence) may call the Resource Navigator, HAWC, The Montrose Center, or RUPD at the numbers listed above.

7. **Resources are available.** Rice counseling and support services, as well as on- or off-campus health care resources, are available to a student reporting sexual misconduct regardless of whether the student chooses to participate in Rice's disciplinary process, or in the law enforcement process.

G. TITLE IX COORDINATOR AND DEPUTY TITLE IX COORDINATORS.

1. **Role of Title IX officials.** The Title IX officials listed above can:

- a. help students understand the available options and remedies related to sexual misconduct or other sex discrimination;
- b. identify and implement appropriate supportive measures for involved students; these supportive measures may be recommendations from a Resource Navigator or other Rice professional;
- c. answer questions about Rice policies and procedures;
- d. can help students report a situation to the appropriate officials in light of the student's expressed wishes;
- e. find resources to address an incident or situation that affects a student directly or indirectly;
- f. determine informal remedies or administrative measures to de-escalate or alleviate a difficult situation;

- g. oversee the University's response to Title IX complaints; and
- h. identify and address any patterns or systemic problems in the University's compliance with Title IX.

2. **Title IX officials can facilitate other reporting.** Title IX Coordinators can also facilitate making a report of sexual misconduct or other sex discrimination to Student Judicial Programs (SJP), or RUPD or other law enforcement agencies. Remember that an initial report to SJP does not mean a student must pursue the disciplinary process under the Rice Code of Student Conduct, and an initial report to RUPD does not mean a student has decided to pursue criminal charges. Whether a student wishes to pursue either of these options ordinarily remains the student's choice, but reporting to SJP and RUPD is a way to begin these processes and to preserve your ability to choose these options later.

H. REPORTING SEXUAL MISCONDUCT OR OTHER SEX DISCRIMINATION.

1. **Reporting options.** Reporting options include:

- a. a criminal complaint filed with appropriate law enforcement agencies (usually RUPD or the Houston Police Department),
- b. a report to Student Judicial Programs,
- c. a report to a "Responsible Employee" (including one of Rice's Title IX Coordinators).

2. **Talking to someone without making a report.** There are options available to students besides making a report. Talking to a licensed counselor in the Rice Counseling Center, or licensed medical professional in Rice Health Services, while in a treating relationship with the professional, is private and confidential; the professional is not required to share the information further, and consequently Rice will not pursue responsive action unless it receives a report independently. Under an agreement with Rice, the Houston Area Women's Center (HAWC) and The Montrose Center also provide counseling and support services to individuals reporting sexual misconduct and other sexual discrimination. Discussing incidents with these resources will not result in any disclosure to or investigation by Rice's Title IX Coordinator; however, talking only with these resources will not enable Rice to take any corrective measures or provide supportive measures to a reporting student on interim or final basis, nor will it allow Rice to take any action to protect the broader community. See "Confidentiality" (above) for more details.

I. OPTIONS FOR INVESTIGATION AND INVESTIGATIVE PROCEDURES.

1. **Assessment and supportive measures.** When Rice learns of a report of sexual misconduct or other sex discrimination a Title IX official will conduct the necessary assessment of the reported information. The assessment is focused on evaluating the needs of the students involved and making determinations as to next steps in an impartial manner. This assessment does not automatically initiate a Student Judicial Programs investigation or law enforcement investigation; the decision to initiate these other processes is generally made by the reporting student, though the Title IX official can help the reporting student initiate the disciplinary or law enforcement process.

During a Title IX assessment or an SJP investigation, and before a final decision is reached, Rice may offer either the reporting student or the responding student supportive

measures. Either the reporting student or the responding student may also request supportive measures. The adoption of supportive measures will be made on a case by case basis, based on all relevant information. Examples of supportive measures include changes to housing arrangements, changes to class schedules, or the issuance of a no-contact order (see F.1. for more detail).

2. **Police investigation.** If the reporting party makes a report to the police agency having jurisdiction over the alleged conduct, that police agency (very often RUPD) will conduct a law enforcement investigation under the agency's investigation procedures. At RUPD, this will involve discussing with the reporting student the options available for responding to the report or complaint and ascertaining the student's wishes on how to proceed.

3. **Student Judicial Programs (SJP) investigation.** If the reporting student requests to pursue the disciplinary process under the Code of Student Conduct against the responding student, SJP will investigate. An investigation by SJP may include:

- a. meeting with the reporting student,
- b. meeting with the responding student,
- c. meeting with any witnesses,
- d. soliciting written statements from the reporting student, responding student, and any witnesses, as needed,
- e. reviewing University records and information,
- f. reviewing any related RUPD reports and evidence,
- g. reviewing any publicly available information,
- h. determining what more likely than not occurred,
- i. issuing and applying any appropriate sanctions,
- j. notifying reporting and responding parties of the outcome of the investigation and their respective rights to appeal the SJP decision, and
- k. other additional steps that may be necessary.

4. **Keeping identity of reporting student from responding student in an SJP investigation.** In the course of an SJP investigation, the responding student will usually learn the name of the reporting student. If the reporting student requests not to have his or her identity revealed to the responding student, Rice may be limited in the disciplinary actions available against that responding student. Even in these cases, Rice will take steps necessary to limit the effects of the sexual misconduct it believes may have occurred and to prevent its reoccurrence, which may include increased security, education or training for students or staff, or increased public awareness of Rice's policies against sexual misconduct.

5. **Procedural rights in SJP investigation.** During an SJP investigation, the reporting student and responding student will be extended the same procedural rights as explained in the procedures under Rice's Code of Student Conduct. To encourage students to report incidents of sexual misconduct, Rice will grant amnesty to certain students involved in a

report of sexual assault for behavior that would otherwise be a violation of the Code of Student Conduct. Rice will refrain from taking disciplinary action against a student who, in good faith, reports being a victim of, or a witness to, an incident of sexual assault when the violation of the Code of Student Conduct is in relation to the incident of sexual assault. A reporting student's, or a witness's, related misconduct may be addressed as a health or wellbeing concern but will not be addressed as a punitive or disciplinary matter. Amnesty does not apply to a student who reports his or her own commission of sexual assault, or assistance in the commission of sexual assault.

6. **Sharing information.** During an SJP investigation, information may be shared between SJP, RUPD, and/or Title IX officials.

7. **Timeline of a SJP investigation.** Student Judicial Programs will make every effort to complete an investigation as promptly as possible (within 60 calendar days), but that investigation timeline will vary from case to case depending on the complexity of the particular factual situation. Student Judicial Programs will notify the reporting and responding student, as well as a Title IX official, if it appears the investigation will require more than 60 days. If an investigation is ongoing during school breaks or between school years, Rice will endeavor to continue the investigation during the break unless doing so would compromise the process.

J. STUDENT JUDICIAL PROGRAMS ADJUDICATION AND APPEALS PROCEDURES. SJP proceedings follow the procedures detailed in the Code of Student Conduct. The following materials further explain and supplement the Code procedures for cases involving allegations of sexual misconduct and other sex discrimination.

1. **Choosing an SJP investigation.** When a reporting student wishes to pursue a University disciplinary process through SJP, the student should contact SJP at 713-348-4786 or sjp@rice.edu.

a. As in all other adjudications under the Code, Student Judicial Programs uses a "preponderance of the evidence" standard to determine whether a violation occurred in a sexual misconduct or sex discrimination disciplinary proceeding. This standard is used to determine where the greater weight of the information lies and focuses on the probable truth, accuracy, credibility and persuasiveness of information available, rather than merely examining the amount of information. This means that if the responding (accused) student chooses not to provide information in response to an allegation, the determination of whether a violation occurred will be based on the preponderance of the available evidence.

b. All University disciplinary proceedings, including allegations of violations of this policy, are adjudicated by the trained, professional staff of SJP. The SJP staff member investigating the report or allegation will make a determination of whether to charge the responding student under the Code of Student Conduct, whether (based on a preponderance of the evidence) a Code violation occurred, and the appropriate sanction if a responding student is found to have violated the Code.

c. Both the reporting student and/or responding student are entitled to raise concerns about conflicts of interest by contacting a Title IX Coordinator or a

Deputy Title IX Coordinator. In general, the mere existence of a disciplinary history for either the reporting party or responding party, without more, does not substantiate a conflict of interest.

d. Rice does not consider mediation an appropriate tool in SJP cases involving sexual assault allegations.

e. Support persons in disciplinary proceedings.

i. When a support person is allowed. Rice recognizes that talking about an incident or allegation of sexual misconduct or other sex discrimination with SJP during disciplinary proceedings might be difficult for some reporting and responding students. While it is appropriate and necessary for the conversation about such an incident to take place directly between the student and the professional staff of SJP, some students might want to have a friend or other support person present in the room during these conversations. Reporting students and responding students may each choose to bring a single support person of their choice, in addition to the Resource Navigator, to SJP meetings regarding allegations of sexual misconduct or other sex discrimination.

ii. Role of support person. SJP meetings and disciplinary proceedings are not legal proceedings. Support persons are not expected or allowed to act as lawyers or advocates for the students involved during meetings or proceedings in the disciplinary process. The support person may help by providing emotional or moral support during the meetings or proceedings, and by listening carefully to information provided, including about the SJP process and resources available to the student. Having another person to talk to later who heard the same information may be helpful and supportive to the students involved.

iii. Limits on a support person's participation. The support person's role is intended primarily as one of emotional and moral support. The support person may not participate in or disrupt the discussion in a meeting or proceeding, and he or she is limited to talking with the student during breaks or passing an occasional note to the student during the meeting or proceeding. Support persons must follow the instructions of the professional staff of SJP in how they conduct themselves in the meeting or proceeding and may be asked to leave if they interfere with the conduct of the meeting or proceeding or fail to comply with the instructions of the SJP staff member conducting the meeting or proceeding.

iv. Who may be a support person. The same individual may not serve as the support person for both the reporting and responding student in a single disciplinary proceeding. SJP may decline to allow any person to serve as a support person if there is an actual or potential conflict of interest, in which case the student may bring a different support person. If a student intends to bring a support person to a meeting or proceeding, the student must notify SJP in advance, including identifying the support person.

2. **Students involved will be notified.** All reporting and responding students involved in a disciplinary proceeding will be notified of the existence of the disciplinary proceeding. These students will have the opportunity to:

- a. submit materials or information for SJP's consideration, and/or
- b. identify witnesses (whom SJP, at its discretion, may interview to gain additional, relevant information about the incident).

3. **Prior sexual history and prior or current relationship.** Information regarding the reporting student's prior sexual history with anyone other than the responding student is not permitted in investigations and not considered relevant. In addition, the mere fact of a current or prior consensual dating or sexual relationship between the students involved does not itself imply consent or preclude a finding of sexual misconduct.

4. **Finding of a Code of Student Conduct violation.** A finding of a Code violation for any of the behaviors prohibited by this policy may result in any combination of the following:

- a. Sanctions against the responding student (see "Sanctions" section in the Code of Student Conduct for more information about possible sanctions),
- b. Supportive measures made for the reporting student (though supportive measures may also be sought by either student through a Title IX official, independent of the decision to pursue an SJP investigation),
- c. Further training, education, and awareness for appropriate segments of the Rice community about issues of sexual misconduct and other sex discrimination.

5. **Notification of decision.** The reporting student and the responding student will be notified of the decision simultaneously and in writing. The responding student will be notified of all sanctions imposed on him or her; the reporting student will be notified of all sanctions that directly relate to the reporting student, as well as any measures taken to eliminate any hostile environment that may have been created and prevent its reoccurrence. Rice will not require the students to abide by a nondisclosure agreement that would prevent redisclosure of information related to the outcome of the disciplinary proceeding.

6. **Appeals.** Decisions made under the Code of Student Conduct are appealable by either the reporting or responding party (as explained in Code of Student Conduct).

7. **Meetings with judicial officials.** Students may be asked to meet with judicial officials a number of times, before charges are decided on, after charges are made, and in the investigation and adjudication process. Students are expected to be honest, respond to questions, and be forthcoming with relevant information. SJP may record the meetings, in which case the SJP official will tell the students involved that the meeting is being recorded.

8. **Resignation of responding student.** If the responding student resigns or graduates from Rice while a disciplinary case involving charges of sexual assault, sexual harassment, dating violence or stalking is pending, SJP will continue the investigation and adjudication of the report until a final determination of responsibility is made. The

responding student in that case would not be issued an official transcript until the case is resolved.

K. PREVENTION AND EDUCATION

1. **Training for undergraduate students.** Rice provides student training during new student orientation and throughout the academic year. The programming includes bystander intervention strategies, ways to respond to support a reporting student, Rice misconduct policies, information about how to seek support services both on and off campus, identifying Confidential Employees and Title IX Coordinators on the campus, explaining how to report an instance of sexual assault or other sex discrimination through the Rice disciplinary process and/or through the campus police or local law enforcement. Rice contracts with HAWC and The Montrose Center to develop and facilitate these educational programs.
2. **Training for graduate students.** Graduate students receive training through an online module addressing issues of sexual harassment and sex discrimination.
3. **Title IX officials and Student Judicial Programs outreach.** Rice also conducts ongoing outreach efforts by its Title IX officials, as well as SJP, to educate students about this policy.

L. TRAINING

1. **Confidential Employees.** Confidential Employees are trained regarding the resources available on and off campus to support students, in addition to the confidentiality provisions under Title IX and under their professional licensure.
2. **All other Rice employees.** Rice faculty and staff are trained on appropriate response, resources available at Rice after sexual misconduct and other sex discrimination, as well as services available off campus. Rice employees are instructed as to how to help students access resources, ways a student can report through the Title IX process and through SJP, RUPD or local law enforcement. More information on training for employees is available at safe.rice.edu.

M. AMENDMENT. Rice reserves the right, in its sole discretion, to correct or amend this policy at any time, with the approval of the Deputy Title IX Coordinator/Associate Dean of Students and the Board of Trustees.

Appendix A

Rice generally expects its students to comply with a higher standard of conduct and mutual respect than that required by law. Nonetheless it is useful for students to understand that Texas law defines “consent” by enumerating instances in which consent does not exist. Relevant, illustrative examples from Texas law include:

A sexual assault . . . is without the consent of the other person if:

- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
- (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
- (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) the actor is a public servant who coerces the other person to submit or participate;
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code. (Tex. Penal Code Ann. § 22.011.)

Appendix B

Texas law encompasses some of the concepts pertaining to relationship violence in the crime of “dating violence,” which is defined as

- (a) . . . an act, other than a defensive measure to protect oneself, by an actor that:
 - (1) is committed against a victim or applicant for a protective order:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
 - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b). [Texas Family Code § 71.0021]

Appendix C

Texas law also encompasses some of the concepts pertaining to relationship violence in the crime of “family violence,” which is defined as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Texas Family Code Sections 261.001(1)(C), (E), (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by [Section 71.0021](#). [Texas Family Code § 71.004.]

Appendix D

Stalking is defined under Texas law as occurring if

(a) . . . on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Texas Penal Code [Section 42.07](#), or that the actor knows or reasonably should know the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

[Texas Penal Code § 42.072]