1. Title

Sexual Harassment, Sexual Misconduct, and Consensual Relationships

2. Rule and Regulation

Sec. 1 Environment. The educational and working environments of The University of Texas System and all of the institutions shall be free from sexual harassment, sexual misconduct, inappropriate consensual relationships, and other inappropriate sexual conduct. Engaging in such conduct or relationships is unprofessional and unacceptable.

Sec. 2 Adoption of Policies. Each U. T. System institution and U. T. System Administration shall adopt policies and procedures prohibiting sexual harassment, sexual misconduct, other inappropriate sexual conduct, and regarding consensual relationships in substantial compliance with the Office of General Counsel model policies and procedures. Each institution's policy must include definitions of prohibited behavior, sanctions for violations, and the protocol for reporting and responding to reports of assault. Each institution must review the policy each biennium and submit changes to the Board for approval.

Sec. 3 Publication of Policies. The institution's policies and procedures must be published through the institution's website on a web page dedicated solely to the policy through the institution's website and in the institution's *Handbook of Operating Procedures* after review and approval by the appropriate Executive Vice Chancellor and the Board.

3. Definitions

Sexual Harassment – Unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, student status, or participation in University activities; or

b) Such conduct is sufficiently severe or pervasive that it interferes with an individual’s education, employment, or

participation in University activities, or creates an objectively hostile environment; or

c) Such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive environment.

Sexual assault, sexual exploitation, dating violence, domestic violence, and stalking are behaviors that may constitute sexual harassment.

Sexual Misconduct – A broad term encompassing a range of nonconsensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

Inappropriate Consensual Relationships – A consensual sexual relationship, romantic relationship, or dating between a university faculty member or other employee and any employee or student over whom the individual has any direct or indirect supervisory, teaching, evaluation, or advisory authority, unless the relationship has been reported in advance and a plan to manage the conflict inherent in the relationship has been approved and documented.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or classroom. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

4. Relevant Federal and State Statutes

Equal Employment Opportunity Commission, *Guidelines on Discrimination Because of Sex* (defining sexual harassment), 29 Code of Federal Regulations § 1604.11(a) (1988)

Texas Penal Code Ann. § 39.03 – Official Oppression

Texas Education Code Section 51.9363 – Campus Sexual Assault Policy

Campus Sexual Violence Act (SaVE Act), Pub. L. No. 113-4, Section 304, 127 Stat. 89 (2013)

5. Relevant System Policies, Procedures, and Forms

The University of Texas System Administration Policy UTS105, *Sexual Orientation Nondiscrimination Policy*

The University of Texas System Administration Policy UTS184, *Consensual Relationships*

The University of Texas System Administration Internal Policy INT134, *Sexual Harassment and Misconduct*

6. Who Should Know

Employees

7. System Administration Office(s) Responsible for Rule

Office of Academic Affairs
Office of Health Affairs
Office of General Counsel
Office of Employee Services

8. Dates Approved or Amended

Editorial amendment to Number 4 made March 29, 2016
Editorial amendment to Number 4 made March 17, 2016
November 5, 2015
May 14, 2015
August 22, 2014
December 10, 2004

9. Contract Information

Questions or comments regarding this Rule should be directed to:

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