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Sexual Harassment & Sexual Misconduct

What's Your Role?
All UTSA faculty, staff and some student employees are considered Responsible Employees, who have a role in preventing and reporting sexual misconduct and sexual harassment at UTSA.

UTSA is committed to providing an educational and working environment that is free from discrimination based on sex. In accordance with federal and state law, UTSA prohibits unlawful discrimination on the basis of:

- race,
- color,
- sex,
- religion,
- national origin,
- age,
- disability,
- citizenship,
- gender identity,
- gender expression, and
- veteran status in all aspects of employment and education.

Discrimination on the basis of sexual orientation, gender identity and gender expression is also prohibited pursuant to university policy. (UTSA HOP. 9.01 Nondiscrimination & 9.24 Sexual Harassment and Sexual Misconduct.

The Office of Equal Opportunity Services (EOS) serves as UTSA’s Title IX office and they are responsible for investigating all reported incidents of Sexual Harassment/Misconduct. For questions or to make a report, contact:

Office of Equal Opportunity Services & Title IX Office
UTSA Title IX Coordinator - Leonard Flaum
210-458-4120
utsa.edu/eos
eos.office@utsa.edu
**Sexual Harassment**

Sexual Harassment is unwelcome conduct of a sexual nature that is made either explicitly or implicitly a term or condition of a person’s student status, employment, or participation in University activities, and such conduct creates a Hostile Environment which is defined as unwanted physical or verbal sexual conduct that interferes with an individual’s ability to work or learn.¹

When thinking about sexual harassment, it’s important to understand that it applies to our entire campus. Whether we’re teaching in the classroom, engaging in campus activities, sending messages, or meeting with students individually, it’s essential to understand your role in preventing and reporting sexual misconduct/harassment at UTSA.

A 2017 study by the University of Texas System helps us understand the scope of the problem. Researchers found that 11% of all UTSA students reported having experienced faculty/staff-perpetrated sexist gender harassment and 20% reported having experienced sexual harassment by their peers.² So what can we do to help?

First, it’s important to know more about the types of sexual harassment that happen. UTSA recognizes 2 forms of sexual harassment: **Quid Pro Quo** and **Hostile Environment**

**Quid Pro Quo**

A Latin phrase meaning “this for that” is offering someone preferential treatment for sexual favors or threatening detrimental treatment if they are not given. This may be related to a job, participation or evaluation in a course, recommendations, or participation in campus activities.

For example, a professor may tell a student that if he or she goes out for drinks with him/her, they will get an A in the course.

**Hostile Environment**

Is behavior that creates an environment in which people feel uncomfortable, unsafe, or that they cannot participate equally in a program or activity. This includes anything that may negatively impact the work and learning environment.

Examples of sexual harassment include:

- Pressure to engage in a dating, romantic, intimate relationship or sexual activity
- Unwelcome touching, kissing, hugging, or massaging
- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual images
- Sexually explicit profanity
- Asking about, or talking about, sexual fantasies
- Behaviors that create a hostile environment for a third party:
  - For Example: Professor engages in a flirtation with one student, creating an environment that makes other students uncomfortable.
Harassment in the Classroom

Our goal as faculty members is to create the best educational environment possible, so consider how your words, actions, or materials might impact your students learning. Always strive to promote a culture of respect and fairness in the classroom.

**Course content** – Sometimes it’s necessary to the learning process to show material that might be sexual in nature that may make some students uncomfortable.

- Provide a notification in your syllabus about any content that could be seen as sexually offensive.
- Consider discussing content beforehand to let students know what it is and why it’s important to present in class.
- Directly relate content to the learning outcomes in the course.
- Consider providing alternative assignments if a student says they may be offended by content presented in class.

**Classroom behavior** – Student-to-student harassment is the most common form of sexual harassment on campus. Faculty are responsible for creating a climate that is conducive to learning for all students. College students’ experiences and attitudes about sexual harassment are varied, and they may be unaware of or uncertain about what is and is not harassment.

- Don’t let gender bias effect your judgment: male and female students are both equally likely to encounter sexual harassment in their college lives.
- Faculty should not let sexually harassing or degrading statements by other students go by whether they happen inside or outside of class.
- Faculty should consider how sexual harassment might happen in group situations in and outside of class.
  - For example, if a student suddenly starts avoiding their group, or skipping class, this may be a sign that a student is being harassed.

**Common Misconceptions about Sexual Harassment**

- **One time statements or incidents cannot be considered harassment.**
  
  Once is enough. Some people think that if it’s only one comment or an isolated incident then it doesn’t count. It may only take one occurrence of inappropriate sexual conduct to create a problem.

- **It is not sexual harassment if the intent was not sexual in nature.**
  
  Perception matters in sexual harassment/misconduct. This means if the recipient perceives your behavior as being sexual, unwelcome or offensive, it is. Your intent may have been to be comforting, funny, complimentary or educational, but to the recipient, it may be perceived as harassment. UTSA will apply the Reasonable Person’s standard to determine if something is harassment.

- **You have to confront the person harassing you before reporting to the University.**
  
  While some people choose to confront the person harassing them to make them aware that their behavior is offensive and unwanted, you are not required to do so prior to notifying EOS.
- Vendors or contractors working for UTSA are not covered by UTSA policy if they harass students, faculty or staff.

If a student reports that they have been harassed by a vendor, contractor, or other third party you encounter at UTSA, you should report the conduct to the EOS. Vendors and Contractors are required to follow university policies.

- Off-campus conduct involving students, faculty and staff is not covered by UTSA policy.

Off-campus conduct between members of the UTSA community can contribute to a hostile environment and may violate university policy. A complaint can be made even if the conduct occurs off campus. EOS will determine jurisdiction.

- Students can’t sexually harass faculty.

Faculty may experience quid pro quo harassment by their students. For example: A student tells a faculty member that he’ll engage in a sexual relationship for a better grade.

A student may also create a sexually hostile environment. For example: a student may make sexual remarks about what a faculty member is wearing.

These instances can be challenging to faculty, particularly because of your role as an educator and classroom leader. Remember: As a member of the UTSA community, faculty have a right to a work environment free of sexual harassment.

- Faculty can engage in consensual romantic relationships with a student in their class.

Consensual relationships which include sexual and romantic relationships or dating between a university supervisor and supervisee, which includes relationships between a faculty member and a student as well as an athletic coach and a student, are prohibited.

Consensual relationships between supervisors and supervisees are prohibited unless the relationship has been reported in advance and a written plan to manage the conflict inherent in the relationship has been approved and documented. For example: a relationship existed prior to someone being hired by or beginning classes at UTSA. It’s helpful to review UTSA H.O.P. Policy 9.04 Consensual Relationships and UT System Policy UTS184 Consensual.

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**Title IX and Campus SaVE**

In addition to understanding sexual harassment, it's important for faculty to understand their responsibilities under Title IX and the Campus SaVE Act. Sexual Violence (Title IX) and Intimate Partner Violence (Campus SaVE) is a serious problem on college campuses and everyone has a role to play in prevention and reporting.

A recent University of Texas System study found that 1 in 10 UTSA students experienced unwanted sexual touching since their enrollment and 6% reported having experienced rape. It’s important to remember that victims’ rights are protected regardless of gender, sexual orientation, gender identity or gender expression.
Sexual Misconduct
Sexual Misconduct is a broad term encompassing non-consensual unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation.

Sexual misconduct under UTSA policy also includes:

- Sexual Assault,
- Sexual Violence,
- Sexual Intimidation and Exploitation,
- Sexual Harassment,
- Domestic Violence,
- Dating Violence and Stalking.

Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. (Review HOP 9.24 for definitions)

What Should You Do?
All UTSA faculty and staff are Responsible Employees and they have a duty to report sexual harassment, sexual violence and intimate partner violence to the Title IX office. If you are informed of any act of sexual assault, domestic violence, dating violence, stalking, or hate crimes, you are also required to notify the UTSA Police Department (UTSAPD).

It is not your responsibility to determine the validity of what is reported to you. Refer the reporting person to the Title IX office, UTSA Police Department (UTSAPD), Student Counseling Services, and Student Health Services.

Victim Rights

The victim has the option to, or not to, notify and seek assistance from law enforcement and campus authorities, but if they report the incident to you, a victim’s decision not to report to law enforcement does NOT relieve faculty or staff members from reporting the incident to the Title IX office.

Victims should be informed to contact UTSAPD to obtain information on the preservation of evidence. The victim will be informed by UTSAPD of their rights and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.

If the victim is a student they need to be made aware of the student discipline procedures the university can employ to address the perpetrator’s behavior and the academic remedies available to them. Inform the reporting person that UTSA will use its Handbook of Operating Procedures (Policy 9.24) to address the behavior and protect the victim.
Information for Investigation

Be ready to record any information provided by the reporting person that will assist the University in investigating a complaint:

- Dates and times of alleged conduct;
- names of the person or people involved;
- any possible witnesses; and
- the details of what happened.

It’s also important to save any documentation you may have been provided by the student.

It is not your role as a faculty member to question the reporting person about details of what happened. If they provide you with details record them, but do not question the reporting person about details.

FAQs

△ What if a student tells me the have been assaulted, but they have asked me not to report it.

Sometimes victims are reluctant to report, but you cannot guarantee confidentiality to a student reporting sexual harassment, sexual violence or intimate partner violence. You are still under an obligation to report incidents of sexual harassment/misconduct, sexual violence and intimate partner violence to the Title IX office.

△ What does this mean for the accused?

UTSA will ensure that both the accuser and the accused receive the same due process rights provided by the HOP and by using the Office of Student Conduct and Community Standards Policy.

Additional Resources

UTSA Office of Equal Opportunity Services
UTSA Human Resources Employee Relations
UTSA Counseling Services
UTSA Student Health Services
UTSA Student Conduct
Academic Affairs Ombudsperson
Student Affairs Ombudsperson
Sexual Harassment & Sexual Misconduct Online Module

To learn more, or to schedule a consultation with our Teaching & Learning Consultant, click here.