

# Office for Civil Rights

## U.S. Department of Education

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## Anonymous Report

An individual may report an incident without disclosing his/her name, identifying the Respondent, or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of the University to respond. This information will be used for statistical purposes as well as for enhancing understanding of our campus climate so that we may strengthen sexual misconduct response and prevention efforts.

## Online Report

An individual may report an incident via an online reporting form. The online form will not be considered a complaint that would trigger a full investigation. An online report will result in electronic communication of resources or outreach from the Title IX Coordinator(s) within two business days within receipt. For emergency assistance, please dial 9-1-1.

Title IX Incident Reporting Form

[https://cm.maxient.com/reportingform.php?UnivofStThomas&layout\\_id=5](https://cm.maxient.com/reportingform.php?UnivofStThomas&layout_id=5)

## Mandatory Reporting

All members of the University community are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource as appropriate).

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, faculty and staff members must immediately dial 911 from an on-campus telephone whenever possible.

In non-emergency situations, faculty and staff members who are not Confidential Resources must promptly report suspected violations to the Title IX Coordinator(s) in person or by using the "Report It" Incident Reporting Form.

# University Response to Reports

The University is committed to responding to all alleged violations of this policy. Upon receiving a report of Sexual Misconduct, the Title IX Coordinator(s) will promptly contact the Complainant to discuss the availability of supportive measures, provide a written explanation of rights and options, and explain to the Complainant the process for filing a Formal Complaint. The Coordinator(s) will also explain if Informal Resolution is an option if a Formal Complaint is filed. \*A Complainant must file a Formal Complaint to access available Informal Resolution options.

## Privacy and Confidentiality

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms. "Confidentiality" refers to the circumstances under which information will or will not be disclosed to others. "Privacy" refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Requests for confidentiality or use of anonymous reporting may limit the University's ability to conduct an investigation or resolve an allegation using the University's disciplinary proceedings.

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

In some circumstances, the reporting responsibilities of University employees, or the University's responsibility to investigate, may conflict with the preferences of the Complainant and/or Respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.

Medical and counseling records are privileged and confidential documents that the Parties will not be required to disclose.

The University has an obligation to make reasonable efforts to investigate and address Complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator(s) may notify other University employees of the existence of the Complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and University sponsored events. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

Any additional disclosure of information related to the Complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

## Supportive Measures

Upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate supportive measures. Supportive measures mean individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the

filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to the University's program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment.

Supportive measures may include:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in work schedule or job assignment;
- Imposition of a mutual on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals; and/or
- Any other remedy that can be used to achieve the goals of this policy.

UST will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. In cases that meet the definition and jurisdiction of Title IX, Supportive Measures will also be non-punitive and non-disciplinary.

Any supportive measures will not disproportionately impact the Complainant. Requests for supportive measures may be made by or on behalf of the Complainant to any University official, including the Title IX Coordinator(s). The Title IX Coordinator(s) is responsible for ensuring the implementation of supportive measures and coordinating the University's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a Supportive Measure. The University will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by a University-imposed measure utilizing the disciplinary process deemed appropriate by the Title IX Coordinator(s).

## Interim Removal

In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, an authorized representative may summarily suspend, dismiss, or bar any person from the University. Prior to taking action against a student in response to an allegation that arises from a complaint under the jurisdiction of Title IX, the University will undertake an individualized safety and risk analysis and provide written notice to the Party. In all such cases involving students, actions taken will be reviewed promptly, typically within one week, by the appropriate University authority and removals subject to Title IX will include an opportunity for redress (appeal) by the Respondent. Complaints involving employees as the Respondent will be subject to the leave provisions that rest within Human Resources and could involve placing the employee on administrative leave (with or without pay) depending on the nature of the reported offense, the determination of an ongoing risk to public safety, and/or other factors as determined by Human Resources.

## Rights and Options

The Title IX Coordinator(s) will ensure that the Complainant receives an explanation of rights and options written in plain language with concise information. The written notification of rights and options will include the following:

- The importance of obtaining and preserving forensic and other evidence;
- The right to report or not report the alleged incident to the University, law enforcement or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- The right to request and receive assistance from campus authorities in notifying law enforcement;
- The right to request and receive assistance in obtaining and enforcing a campus-issued order of protection or no contact order;
- The right to speak to and receive assistance from on and off campus Confidential Resources and other organizations that provide support and services to victims and survivors;
- The right to assistance from the University in accessing and navigating campus and local health and mental health services, counseling, advocacy services, legal assistance, financial aid services and immigration/Visa assistance;
- The right to Supportive Measures with or without the filing of a formal Complainant, no matter where the incident is reported to have occurred and that the University will consider the Complainant's wishes with respect to available supportive measures including without limitation changes to academic, living, dining, working, and transportation situations;
- The right to request a Formal or Informal Resolution Process if cause is found to proceed under this Policy and a summary of the appropriate complaint resolution procedures;
- Contact information for all of the people and organizations listed herein; and
- Complainants have the right to request an end to the process except as set forth in this Policy.
- In the event that a Complaint is filed, the Complainant and the Respondent will receive a written notification of rights and options regarding the adjudication process, to include the following:
  - The right for Complainants and Respondents to be treated equitably by the University which includes providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following a grievance process that complies with this policy;
  - The right to a fair, impartial, proceeding that begins promptly and is completed within reasonably prompt timeframes;
  - The right to a resolution process that is consistent with the University's policies, transparent to the Complainant and Respondent, and in which the burden of proof and of gathering evidence rests with the University and not the Parties;
  - The right to a Support Person of the Party's choosing during the grievance process and to an Advisor of the Party's choosing for any hearing under the Title IX Grievance process. If a Party does not have an Advisor present at the hearing, the University will provide without fee or charge, an advisor of the University's choice for purposes of conducting cross examination;
  - The right to reasonable accommodations during any hearing, such as not being in the same room as the other Party;
  - The right to an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness;
  - The right to a determination regarding responsibility made at the conclusion of the resolution process and that the University makes no prior presumption of responsibility; and
  - The right not to be retaliated against for filing a Complaint and/or for participating in an Informal or Formal Resolution Process.

## Amnesty/Immunity

In order to encourage reports of conduct that is prohibited under this policy, the University may offer leniency with respect to other violations that may become known because of such reports, depending on the circumstances involved. The Title IX Coordinator(s) will make the determination on behalf of the University.

## Timely Warning

If the University receives a report of a Clery reportable crime that has occurred within the institution's Clery reportable geography, the institution will assess the report for purposes of sending a Timely Warning Notice (TWN). A TWN will be sent for reports that constitute a serious and continuing threat to the campus community and the UST Police Department will issue these according to University policy. In all cases of sexual misconduct, the Title IX Coordinator(s) will be notified. UST PD, as required by law, may also be required to complete an incident report, and publicly disclose the reported incident of sexual misconduct in the annual security report less personally identifying information. In addition, the University may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the University release the name or other personally identifiable information of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.