

# Rice University

## Sexual Misconduct Policy FAQs

### 1. Why is Rice implementing a new Sexual Misconduct Policy?

Rice has always prohibited all forms of sexual harassment, sexual violence, stalking, and relationship violence under the Code of Student Conduct. The Policy is intended to further explain the different options for resolution of these complaints, and to reemphasize how survivors and those affected by sexual misconduct can access all of the available resources, at Rice and off-campus.

### 2. What is included in “sexual misconduct”?

Sexual misconduct is a broad, umbrella term that includes several specific behaviors. Examples of these prohibited behaviors can range in severity from verbal comments of a sexual nature that are severely offensive or repetitive, to sexual intercourse that is forced and without consent. The defined prohibited behaviors in the Policy include:

- Sexual Assault
- Unwanted Sexual Contact
- Sexual Harassment

Relationship violence, while it may not necessarily be sexual in nature, is also prohibited under this Policy, as it always has been under the Code of Student Conduct. Relationship violence includes:

- Intimate Partner Violence
- Stalking
- Exploitation
- Intimidation
- Retaliation

While none of these behaviors are tolerated at Rice, the level of severity varies, as will the level of sanctions in a University disciplinary context.

### 3. What if I experienced a particularly uncomfortable incident, but I am not sure that this Policy applies to my experience?

If a student is unsure whether a particular experience constitutes sexual misconduct or relationship violence, Rice encourages that person to have a discussion with a trusted advisor about processing that experience and/or reviewing the options. Students can always contact the Counseling Center, the Student Wellbeing Office, RUPD, or SJP to get answers about possible resolution options, or just general information and support. Remember that an initial report to SJP does not mean you are bringing allegations under the Rice Code of Student Conduct, and an initial report to RUPD does not mean you are pursuing criminal charges.

### 4. What does “consent” mean at Rice?

Rice defines “consent” as:

- Active
- Ongoing
- Voluntary agreement by each participant
- Communicated by clear actions or words

Communication between participants is the key; everyone should be on the same page about sexual boundaries and be able to make an informed choice about whether or not to participate in sexual activity.

### **5. What about the role of alcohol and consent?**

A person that is incapacitated due to alcohol (or other drug) consumption cannot give consent. Alcohol impairs the mind's ability to make an informed, true choice. A person can be incapacitated due to alcohol (or drugs), yet still be awake and able to talk/stand/walk. That being said, not every sexual encounter involving alcohol is sexual violence. We all are a part of Rice's culture of care, and no one wants to be in a position where he/she may be taking advantage of, or harming, another individual. Students pursuing sexual activity should be aware when a potential sexual partner seems intoxicated, and know that he/she may be unable to give consent.

### **6. What if I was harassed/assaulted, but at the time I was drinking alcohol or using drugs? Will I get in trouble if I report the incident?**

Rice encourages survivors to report incidents of sexual misconduct and relationship violence. The main concern is that students in need of help are easily able to access all of the resources Rice has in place. When addressing behavior as dangerous as sexual misconduct and relationship violence, Rice will refrain from disciplining a reporting student for violating rules pertaining to alcohol or drug usage. That being said, amnesty does not apply to alleged perpetrators who may have provided or been using alcohol or dangerous substances in violation of Rice policies.

### **7. Does Rice use the state law definitions of sexual assault and consent from the Texas Penal Code?**

No. The disciplinary process at Rice is not a legal process. These cases are not decided in a court of law, and therefore are not guided by the Texas laws regarding evidence, criminal procedure, or the statutory definitions contained in the Penal Code. Rice generally holds its students to a higher standard of conduct than that required by law, as reflected in the Code of Student Conduct and the Policy. The Policy does include some definitions of offenses cited from the Penal Code and the Family Code, however these definitions are included only for reference and comparison to the Rice definitions.

### **8. What are the different options for reporting sexual misconduct and relationship violence? Does a report always have to go through SJP?**

A survivor of sexual misconduct or relationship violence has the power to choose the reporting option that best fits his/her needs. The University response to these reports is focused on the survivor and what that student needs in order to be able to safely and

successfully continue as a Rice student. Depending on the situation and wishes of the reporting student, that response may include a number of offices on campus, such as:

- RUPD: 713- 348-6000 (24 hours a day)
- Student Judicial Programs: 713-348-4786 (Monday thru Friday, 9:00 a.m. to 5:00 p.m.)
- Student Wellbeing Office: 713-348-3311 (Monday thru Friday, 9:00 a.m. to 5:00 p.m.)
- Rice Counseling Center: 713-348-4867 (24 hours a day)
- Title IX Resource Navigator: 713-348-3311 (Monday thru Friday, 9:00 a.m. to 5:00 p.m.)

Under Title IX, the reporting process does not automatically involve SJP. The reporting student will have the option to pursue a University disciplinary case with SJP if that is what the student chooses. Students can consult any of the offices listed above about options and resources with no obligation to reveal names or initiate University level charges.

**9. If a student wants to pursue University level disciplinary charges against the accused student, what is the process?**

A survivor can consult with SJP about options for disciplinary proceedings prior to deciding whether or not to move forward with University level charges. If the reporting student then decides to pursue disciplinary action against the alleged perpetrator, SJP will handle the investigation and adjudication following the report of sexual misconduct or relationship violence. An SJP investigation typically involves one or more meetings with the reporting student, the accused student, any witnesses, and an opportunity for each party to submit further information for consideration. SJP often works with RUPD to gather statements from the parties involved. The SJP staff member investigating the matter will make a determination of whether to charge the alleged perpetrator under the Code of Student Conduct, whether (based on a preponderance of the evidence) a violation occurred, and what sanction will apply if a responding student is found In Violation. Students should be aware that when a formal SJP disciplinary process commences, all reporting and responding students involved will be notified of the existence of the proceeding, and the responding student will have access to the identity of the reporting student.

**10. Can I bring someone with me to the meetings about my case?**

Both the reporting and the responding students have the option to bring a support person of their choice to the meetings about their case. These conversations have a tendency to be especially difficult for the students involved, so the role of the support person is to provide emotional support and listen to the information discussed in the meeting. Having another person to talk to later, who heard the same information, may be helpful and supportive to the involved students. The support person should just act as a second pair of ears and shoulder to lean on. If a student intends to bring a support person to a meeting, the student should let SJP know they are planning to bring someone and who that person is.

### **11. Who can a student talk to that is confidential, and doesn't involve Title IX or SJP?**

Most professional staff and faculty at Rice are "Responsible Employees" in the Title IX context, and are obligated to disclose reports of sexual misconduct and relationship violence to a Title IX Coordinator. If a student wants to talk about an incident in a completely confidential setting, there are other "Confidential Employees" available to students on campus. The licensed professional counselors in the Rice Counseling Center and the medical staff at Student Health Services will not report or disclose the information discussed when the reporting student is in a treating relationship with that staff member. Generally, a treating relationship begins when the student requests services from the licensed professional. The staff in these offices are equipped to answer all of the questions a student may have about reporting options at Rice, the available support resources, and can discuss what best suits that particular student's needs. Rice also works with the Houston Area Women's Center to provide counseling and support to students affected by sexual misconduct and relationship violence in a completely confidential setting. Students may call any of these campus resources directly for assistance.

- Rice Counseling Center (answered 24 hours a day): 713-348-4867
- Student Health Services (business hours): 713-348-4966
- Houston Area Women's Center (answered 24 hours a day): 713-528-7273

### **12. What if a student wants to file criminal charges with the Houston Police Department and Harris County?**

The choice to pursue legal action against an alleged perpetrator through the criminal justice system is always an option available to reporting students. RUPD can help a student to navigate that process. A report made to HPD will be handled in the external criminal justice system and is separate from any University process. A criminal investigation handled by external legal and law enforcement agencies can run concurrently with a University disciplinary case, and the University case against an alleged perpetrator will continue to move forward regardless of any decisions made in a criminal court of law.

### **13. Why does Rice get involved in these cases? Why not just let the police handle relationship and sexual violence cases?**

As stated above, reporting students always have the option to pursue criminal charges through external law enforcement and legal systems. RUPD is a law enforcement agency, just like HPD, so a report to RUPD is a report to the police. Rice and RUPD will assist a student who chooses to pursue criminal charges, but the external legal system will only accept charges from the survivor of the assault. In addition, once Rice is made aware that an incident of sexual misconduct or relationship violence has occurred, the University is federally mandated to investigate that incident and tend to the needs of the survivor. Of course, we want all members of the Rice community to be safe and able to succeed in their academic and personal endeavors free from fear and hostility.