

**Rationale and Plans for Continued Use of Race or Ethnicity in Admissions Decisions at  
the UT Southwestern Medical School  
Review Date: July 15, 2020**

As required by Rule 40303 of the Rules and Regulations of the Board of Regents of The University of Texas System, the Southwestern Medical School (the “Medical School”), a school of The University of Texas Southwestern Medical Center (“UT Southwestern”), initiated a review of its admissions policy and practices during FY 2020. After careful analysis, the Medical School has determined that it will continue using race or ethnicity as just one of many factors to be considered as part of a holistic applicant review when making determinations regarding admissions and/or student financial assistance.

**Mission:**

The central mission of UT Southwestern and the Medical School is to produce physicians who will be inspired to maintain lifelong medical scholarship and who will apply the knowledge gained in a responsible and humanistic manner to the care of patients. The mission of the Medical School includes an important focus on training primary care physicians and preparing doctors who will practice in underserved areas of Texas. To achieve this mission, it is essential that students be exposed to diverse viewpoints that can only be provided by faculty and fellow students with diverse socioeconomic and racial and ethnic backgrounds, experiences and interests. To practice responsible and humanistic medicine, physicians graduating from the Medical School must be sensitive to cultural differences and competent in understanding the needs of diverse patient populations. In addition, they must be committed to providing access to healthcare for vulnerable populations, and to reducing racial and ethnic disparities in healthcare delivery and outcomes. Therefore, the Medical School strives to provide students with an educational environment that offers them the opportunity to learn about the cultural uniqueness of others and to dispel any racial prejudice that they may bring with them to the University.

Additionally, as one of the premier academic medical centers in the nation, UT Southwestern is committed to developing leaders in the health care professions. The

Supreme Court recognized the role of institutions of higher education as the “training ground” for our country’s leaders. *Grutter v. Bollinger*, 123 S.Ct. 2325, 2341 (2003). However, the Supreme Court acknowledged that “in order to cultivate a set of leaders with legitimacy in the eyes of the citizenry it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity.” *Id.*

Presently, minorities continue to be significantly underrepresented within the medical profession. According to statistics from 2002 and 2004, African Americans constituted only 3.5% of all physicians practicing nationally, and only 4% of all physicians practicing in the State of Texas.<sup>1</sup> These numbers have not changed significantly. According to 2015 data, African Americans still constitute only 6% of all physicians nationally, and 5% of all physicians practicing within the state of Texas. Additionally, Hispanics constitute 6% of all physicians nationally and 8% of all physicians practicing within the state of Texas.<sup>2</sup>

Minority representation in leadership roles within the medical profession is similarly undersized. For example, the charts below reflect the limited representation of minorities within the medical educational system both at the national and state level. (Table 1, 2, 3)

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1 American Medical Association Database, 2002, and Texas State Board of Medical Examiners, February 2004.

2 American Medical Association Diversity in the Physician Workforce Facts & Figures 2018.

**Table 1 U. S. Medical Schools by Ethnicity**

Ethnicity	Faculty			Department Chairs	
	N	%		N	%
American Indian/Alaska Native	274	0.2%	American Indian/Alaska Native	4	0.1%
Asian	34,015	19.5%	Asian	286	8.7%
Black/African American	6288	3.6%	Black/African American	123	3.8%
Hispanic/Latino	5734	3.2%	Hispanic/Latino	120	3.7%
Native Hawaiian/Other Pacific Islander	141	0.1%	Native Hawaiian/Other Pacific Islander	1	0.0%
White	112,894	63.9%	White	2593	79.2%
Other	1456	0.8%	Other	10	0.3%
Multiple - Hispanic	3978	2.3%	Multiple	47	1.4%
Multiple - Non-Hispanic	3441	2.0%		41	1.3%
Unknown Race	8511	4.8%	Unknown Race	49	1.5%
Total	176,732	100%		3274	100%

Source: American Association of Medical Colleges, December 2018

**Table 2 Texas Medical Schools by Ethnicity**

Ethnicity	Faculty	
	N	%
African American	502	4.7%
Asian	2804	26.3%
Caucasian	5286	49.6%
Hawaiian/OPI	7	0.1%
Hispanic	546	5.1%
Native American	20	0.2%
Other	129	1.2%
Unknown	683	6.4%
Multiple – Hispanic	455	4.3%
Multiple – Non-Hispanic	216	2.0%
Total	10,648	100%

Source: American Association of Medical Colleges, December 31, 2018

**Table 3 UT Southwestern Medical Center by Ethnicity**

Ethnicity	Faculty		Department Chairs/ Center Directors	
	N	%	N	%
African American	103	3.7%	1	2.3%
Asian	895	31.9%	3	6.8%
Caucasian	1512	53.8%	39	88.6%
Hawaiian/OPI	4	0.1%	0	0.0%
Hispanic	160	5.7%	0	0.0%
Native American	5	0.2%	0	0.0%
Other*	95	3.4%	1	2.3%
Unknown*	17	0.6%	0	0.0%
Multiple	17	0.6%	0	0.0%
<b>Total</b>	<b>2808</b>	<b>100%</b>	<b>44</b>	<b>100%</b>

Data as of November 5, 2019

\**Other* Indicates faculty who intentionally wanted to identify as “Not Specified” whereas *Unknown* indicates faculty whose race/ethnicity field was left blank.

If the Medical School is to accomplish its mission, it must prepare its students to be care providers and leaders of the State of Texas. This is especially compelling as a significant percentage (81%) of its graduates and trainees practice in Texas ranking 3<sup>rd</sup> in the nation according to the AAMC State Workforce Report 2019.<sup>3</sup> Racial and ethnic diversity in the Medical School student body will impact the composition of practitioners in Texas and will contribute to the development of leaders in the healthcare field who are better prepared to address the needs of the Texas population. (Table 4)

**Table 4**

Race Ethnicity	Texas Population	Texas Physician Population
White	42%	63%
Hispanic	40%	8%
African American	11%	5%
Asian	6%	18%
Native American & Other groups	1%	6%

\*Texas Demographic Center and Texas Health Professions Resource Center Published in *Tex Med.* 2017;113(7):26-32.<sup>4</sup>

**Current Admissions Procedures:**

The admissions process at the Medical School seeks to identify applicants who have the potential for success in the medical curriculum, who will become physicians who provide patient care in a responsible and compassionate manner, and who may help to fulfill the three-fold mission of the Medical School (training primary care physicians, educating doctors who will practice in medically underserved areas of Texas, and preparing physician-scientists who seek careers in academic medicine and research). Annually, the Admissions Committee receives training in unconscious bias and reviews the admissions policy and the AAMC personal attributes for successful medical school candidates which includes interpersonal competencies, intrapersonal competencies, thinking and reasoning, and science competencies. All interviewers receive specialized training prior to conducting applicant interviews on how to conduct a holistic review of candidates using the established factors.

The Medical School admissions process is comprised of three stages – Screening, Interviews, and Selection – using two parallel groups of applicants (Group I and Group II). The initial screening stage of the Medical School’s admissions process does not consider race or ethnicity at all. Group I applicants are invited to interview based solely on MCAT and GPA. Applicants who do not meet the academic standards to be placed in Group I may be placed in Group II and invited for an interview based on a set of established factors: personal qualities, academic parameters, and mission-related factors. The Medical School considers race or ethnicity as it relates to mission-related factors in the screening process only for Group II applicants.

During the selection stage, applicants in Group I receive an individualized, holistic review and are evaluated on a broad range of factors. Additional consideration may be given to four categories: 1) personal qualities (e.g., extra-curricular activities, motivation, communication skills, socioeconomic status, compassion, integrity, maturity, and leadership); 2) academic parameters (e.g., college or university, majors, courses, and

recommendation letters); 3) characteristics identified on interview (e.g., motivation, interpersonal skills, creativity, intellectual capacity, and overall impression); and 4) mission-related issues (e.g., career interests in underserved areas, primary care, or academic medicine/research). A Group 1 applicant does not receive any consideration based solely on race or ethnicity.

During the selection stage, all applicants in Group II receive an individualized, holistic review of their application and interview results to identify those applicants with qualities, attributes and accomplishments that demonstrate they will contribute to the mission of the Medical School. No point system or ranking is used during the selection stage for Group II applicants, but race or ethnicity is one of many factors considered as part of the individualized review.

The Medical School has used race or ethnicity in a narrowly tailored manner as one factor in its holistic review of applicants since 2004, in conjunction with a variety of race-neutral alternatives (e.g., recruitment trips to undergraduate institutions with large minority student populations; additional orientation and recruitment events for accepted minority applicants).

#### **Analysis of Current Admissions Procedures:**

While these admissions processes (in conjunction with the race-neutral alternatives discussed below) have improved racial and ethnic diversity in the Medical School student body, the level of diversity in recent matriculating classes is still considered to be inadequate for the optimal education of medical students in that a critical mass of African American and Hispanic students has not been achieved. “Critical mass” refers to the presence of a sufficient number of under-represented minority students such that they are encouraged to participate in the classroom and do not feel isolated or like spokespersons for their race or ethnicity. When graduates were asked in a survey what the Medical School should do to increase diversity and inclusion, 51% of respondents said recruit more students from diverse backgrounds, and 68% of respondents said recruit

more faculty from diverse backgrounds. Over the past 5 years, 84-90% of student respondents agreed that their knowledge was influenced or changed by becoming more aware of the perspectives of individuals from different backgrounds. In addition, 62-80% agreed that student diversity within their medical school class enhanced their training and skills to work with individuals from different backgrounds. Additional time and effort will be required to advance the goal of achieving a level of racial and ethnic diversity adequate for the optimal education of medical students – most of who will ultimately practice in Texas, a state with a racially and culturally diverse population – and improve the likelihood of achieving a diverse study body that is central to the Medical School’s overall educational mission.

The 2015-2019 Medical School entering classes have remained static in the number of African Americans and Hispanics with acceptance rates also remaining below 40% for African Americans and 42% for Hispanics. In 2015, African Americans and Hispanics comprised 6.5% and 6.4% of medical school matriculants respectively. As shown in Table 5 from the 2018-19 AAMC Diversity Data, there has been little change in the composition of the entering classes at U.S. Medical Schools.

**Table 5** **US Medical School Acceptance**

<b>Ethnicity</b>	<b>2018-2019 Applicants</b>	<b>2018-19 Matriculants</b>
Asians	21.3 %	22.1%
African American or Black	8.4%	7.1%
Hispanics/Latino	6.2%	6.2%
White	46.8%	49.9%
Multi-Racial	9.2%	9.5%

AAMC 2018-2019 Diversity Data Shots<sup>5</sup>

While elements of medical education occur in large classrooms, significant components occur in small groups. In the first year, the size of these groups varies from 5-7 students in Human Structure, Team Based Learning groups, and in the Academic Colleges small groups. In the third and fourth years, teaching in the clinics and on the hospital wards occurs in very small groups varying from 2 to 4 students. Experience has shown that the current number of African Americans and Hispanics enrolled at the Medical School makes

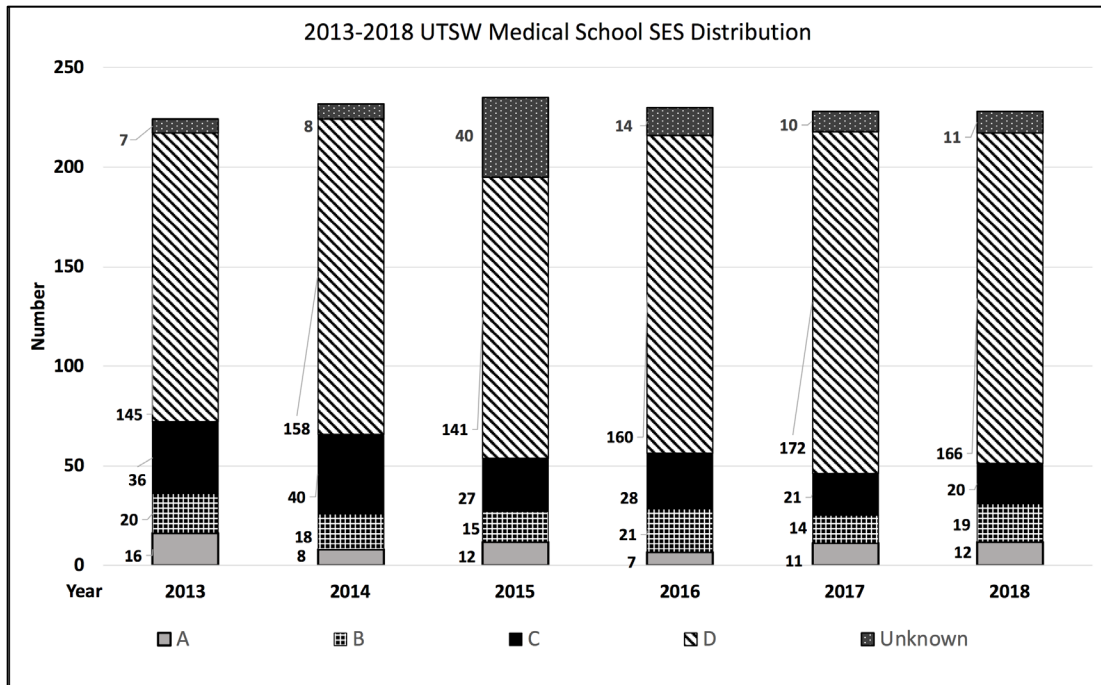
it impossible to achieve an optimal mix of diverse students in a significant number of the small group settings. If the mission of the Medical School is to be achieved, it is essential that the student body of the Medical School be sufficiently diverse to ensure that each student, over the course of his or her educational experience, is exposed to students of different races and ethnic backgrounds. Therefore, a greater level of diversity in the Medical School classes must be present to enable the institution to provide diverse interactions in all of these settings.

### **Diversity beyond Race/Ethnicity**

The admissions policy is also designed to maintain diversity of the Medical School in socioeconomic background as well. Each applicant submits socioeconomic data to the TMDSAS and is assigned to a group (A, B, C, and D) according to these factors: parent education level, hometown (rural/urban), household size, estimated value of residential property (owned/rented), first generation college attendance, and contribution to overall family income while attending elementary or high school. This group status is considered as part of holistic review. Over the past 5 years the socioeconomic status of the Medical School class has remained broad and the Admissions Committee continues to use SES as a factor in holistic review.(Figure 1)

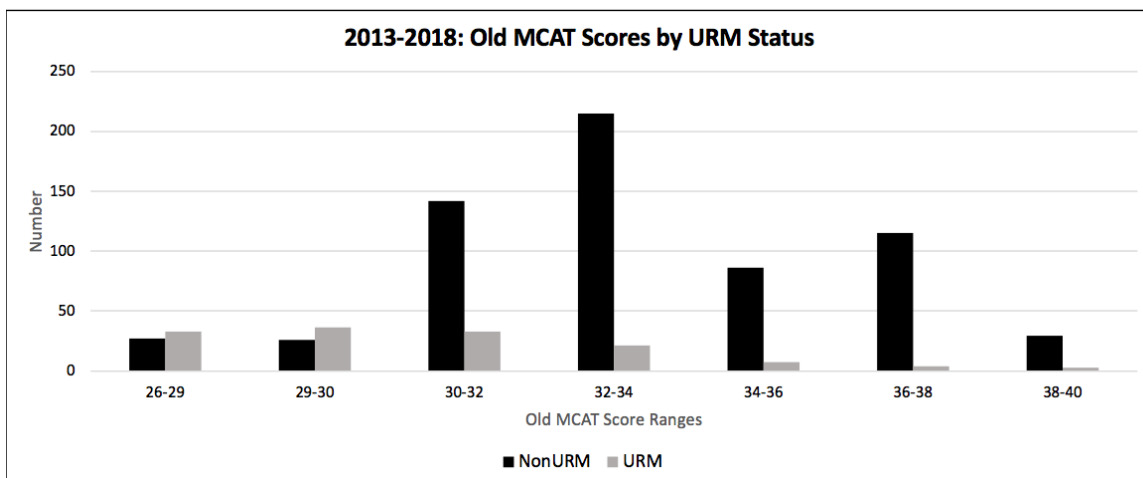
**Figure 1**



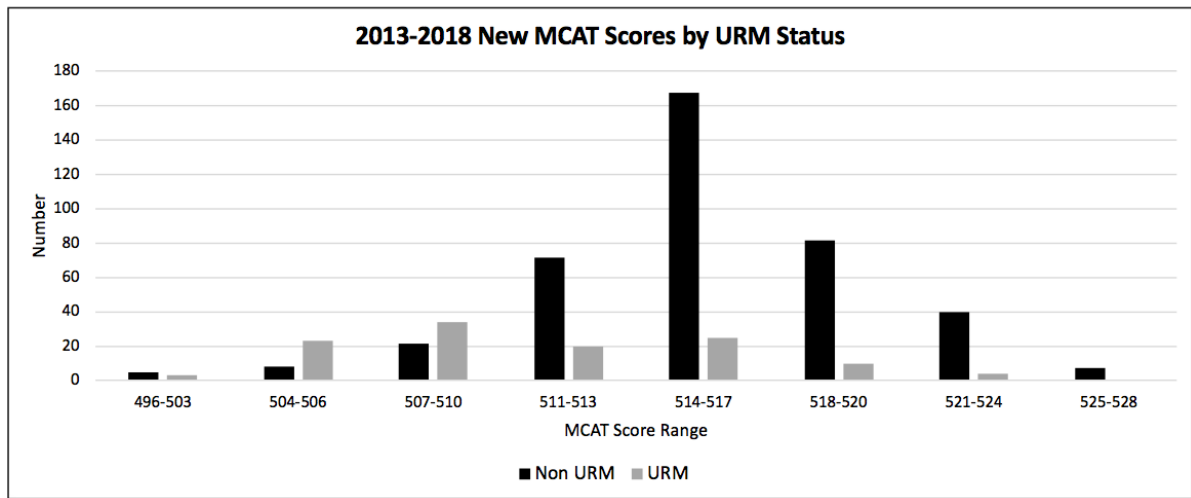


Furthermore, the use of race or ethnicity does not supplant other characteristics assessed as part of the Medical School’s holistic review, such as MCAT and GPA. There is significant crossover in GPA and MCAT ranges between URM and non-URM student groups. (Figures2, 3, 4)

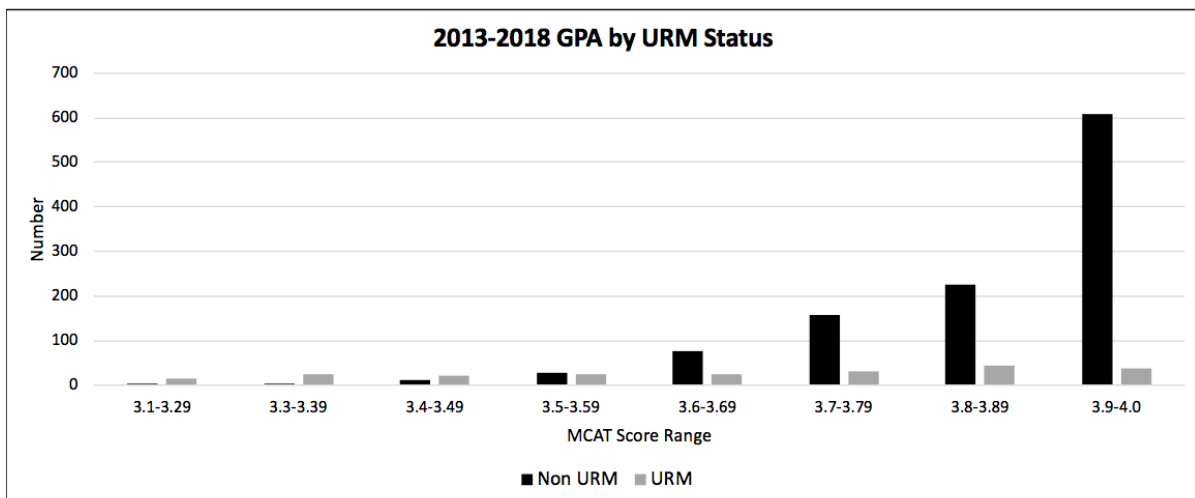
**Figure 2**



**Figure 3**



**Figure 4**



The Medical School is committed to educating the leaders of tomorrow in medicine and related fields. Some of these leaders will focus on medical education, some on medical research, and some on the practice of medicine in specialized or primary care areas. It is essential that these leaders are educated in areas such as healthcare policy and healthcare delivery to underserved populations. It is important to have a diverse student body that will help to prepare medical students for careers in research, teaching, healthcare policy, and practice that positively impacts underserved patients.

The Medical School has implemented new educational initiatives to better prepare students for the challenge of caring for a diverse population of patients, including:

- **STRIVE Course:** This is a mandatory course for 1<sup>st</sup> and 2<sup>nd</sup> year medical students that includes professional development as well as an introduction to the local diversity of patients and the effects of diversity on healthcare.
- **Cultural Competence Education:** This is a thread of education embedded into the curriculum of all courses and mentor colleges experiences. This includes education on unconscious bias, health disparities, and using translating services in patient care.
- **Healthcare in Underserved Communities Elective Course:** This is a course offered to 1<sup>st</sup> and 2<sup>nd</sup> year students that allows them to immerse into community experiences that are commonly associated with healthcare disparities such as correctional health, foster care, high risk families with midlevel providers, HIV care and LGBTQ care.

The Medical School also has an obligation to draw from all racial and ethnic groups to ensure that members of these groups are represented as future healthcare professionals and leaders for the State of Texas. As the Supreme Court stated in *Grutter v. Bollinger*:

- "Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized." *Id.* at 2340-41.
- "We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to 'sustaining our political and cultural heritage' with a fundamental role in maintaining the fabric of society . . . For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity." *Id.* at 2340.
- Access to higher education "must be inclusive of talented and qualified individuals of every race and ethnicity, so that all members of our

heterogeneous society may participate in the educational institutions that provide the training and education necessary to succeed in America." *Id.* at 2341.

These imperatives require the Medical School to use a variety of strategies to enhance racial and ethnic diversity, including using race or ethnicity in a narrowly tailored manner as one factor in its holistic review of applicants in the admissions process.

**Race-Neutral Alternatives:**

The Medical School has used and continues to use a number of race-neutral strategies to achieve a diverse student body that is central to its overall educational mission.

UT Southwestern engages in recruitment trips to undergraduate campuses throughout Texas, including campuses that have a large number of minority students, to increase the diversity of applicants to the Medical School. Recruitment visits are generally coordinated with the campus pre-med clubs. These recruiting efforts are led by UT Southwestern faculty, admissions recruiting team, and student representatives who present a PowerPoint presentation regarding the Medical School, conduct a student panel, and then sponsor a social event where the Medical School faculty and students can interact one-on-one with pre-med students and their advisors. To the extent the undergraduate institution has a pre-med club for minorities, recruitment efforts include these clubs.

Another strategy to encourage accepted applicants to enroll at the Medical School is MS Zero Day – which includes a variety of orientation sessions and social activities. As part of MS Zero Day, under-represented minority students are invited to an additional day of activities focused on allowing them to connect with our minority students, faculty, community physicians and community leaders. The following two days, they join all accepted applicants for a series of presentations, small group discussions and social events designed to a) give those who are undecided a more in-depth perspective of the Medical School; and b) allow all new students to become better acquainted with their

colleagues, other students, the UT Southwestern campus and acquire important information about starting medical school.

Special programs sponsored by the UT Southwestern Office of Student Diversity and Inclusion that are race-neutral but designed to increase the number of underrepresented minority and economically disadvantaged individuals who apply to the Medical School and who pursue health careers generally include:

- **Joint Admissions Medical Program (JAMP)** UT Southwestern is a participating institution in JAMP since 2003 which is designed to recruit students from socioeconomic disadvantaged backgrounds. Each summer the Medical School hosts a 6-week enrichment program on the campus for 20 undergraduate participants in JAMP. They meet current faculty and medical students, receive instruction in preparation for MCAT, and engage in science enrichment activities. Students are selected as a sophomore in college to participate in JAMP. (Table 6)

**Table 6**

**JAMP Matriculation**

<b>Year of Admission</b>	<b>URM</b>	<b>Non-URM</b>	<b>Total</b>
<b>2013</b>	1	13	14
<b>2014</b>	3	5	8
<b>2015</b>	3	6	9
<b>2016</b>	3	6	9
<b>2017</b>	5	4	9
<b>2018</b>	6	5	11
<b>2019</b>	6	4	10

- **The Health Professions Recruitment & Exposure Program (HPREP)** is a 5-week program jointly sponsored by UT Southwestern and the Dallas Independent School District (DISD) for 10th and 12th grade high school students to help them prepare for application to college and to gain exposure to science and health care careers. Approximately 180 students are selected from the DISD and other schools in North Texas by a committee of faculty members. Participating students tend to be under-represented minorities and/or economically disadvantaged individuals.
- **The STEMPREP Distance Learning Program** is a national program for

underrepresented minority students who are interested in careers as physician scientists. These students participate in this longitudinal program over six years and have research experiences each summer beginning in high school. Approximately 10-20 students are selected to spend two summers at the Medical School during their college years with the potential for recruitment to UT Southwestern to pursue a medical career.

- **The Rising Star Program** through the Dallas County Community College District (DCCCD) gives students graduating in the top 40% of their Dallas County high school class full scholarships to attend DCCCD for two years. Each Spring, students and advisors are invited to the UT Southwestern campus for detailed information about the academic programs at UT Southwestern, the careers available to graduates, and how Rising Star students can qualify. Each Fall UT Southwestern hosts one of the monthly meetings of the Rising Star administrators and advisors. The agenda focuses on collaborative efforts to increase the number of Rising Star students considering the health professions.
- **Minority Student Peer Groups: Latino Medical Student Association (LMSA)** and the **Student National Medical Association (SNMA)**, collaborate each year to host a weekend conference for college students interested in applying to medical school. The conference focuses on topics directly related to preparing for and applying to any medical school; prerequisites, academic performance, advisor's recommendations, how to apply, how to prepare a personal statement, and so forth. Specific information about UT Southwestern such as the curriculum, student life and financial aid is also included.
- **Inspire Program** was organized by the Student National Medical Association to provide selected undergraduate students who meet certain academic qualifications and who have indicated an interest in providing health care in underserved areas with peer mentoring and structured shadowing opportunities with a physician practicing in the Dallas community to assist them in preparation for medical school.
- **The Hispanic Women's Dallas Chamber of Commerce** and UT Southwestern co-

sponsor a one-day program targeting 30-50 Hispanic high school girls to educate and advise students on the pathway to medical school.

- **The Dr. Emmett J. Conrad Leadership Program**, named for an outstanding African American Dallas physician, is designed to provide the college students in Senatorial District 23 the opportunity to secure and actively participate in internships that will provide them with employment experience in their majors or field of interest, thus expanding their employment marketability, career choices, and leadership capabilities. Although the Conrad Program is not restricted to underrepresented minority students, the program was originated by State Senator Royce West, an African American Dallas and Texas-wide leader, to provide career opportunities to students whose perspectives may not previously have included the health professions, many of whom are underrepresented minorities.
- **The Science Teacher Access to Resources at Southwestern (STARS)** encourages students (high school juniors in DISD) to pursue science-related careers. Students are provided the opportunity to work side-by-side with a faculty host in a research laboratory setting.
- **The Summer Undergraduate Research Fellowship (SURF)** program provides intensive research experiences to students whose colleges do not provide such experiences. Informal agreements with mentors from universities across the nation with significant enrollment of minority students have evolved to guarantee spots in SURF for the best and brightest underrepresented minority students.
- **Research and Health Careers Conference** is hosted by UT Southwestern each fall for the past 25 years to inform college students of all of the graduate and medical school opportunities at UT Southwestern and provide instruction on requirements for admission as well as student panel presentations. This one-day symposium is free to all students and students are invited from all undergraduate schools across the state of Texas. Nearly 300-400 students attend each year.

The Medical School is continuously evaluating new ways to increase student diversity without using race or ethnicity in admissions decisions. Officials have attended national

and regional conferences and communicated with colleagues throughout the nation regarding effective race-neutral initiatives. While our efforts have been intentional and purposeful, there remains a challenge in recruiting underrepresented minorities.

Medical School application and acceptance trends continue to be low among underrepresented minorities, which contributes to a continued underrepresentation of minority physicians practicing medicine in Texas and in the United States. (Figures 5, 6)

Figure 5

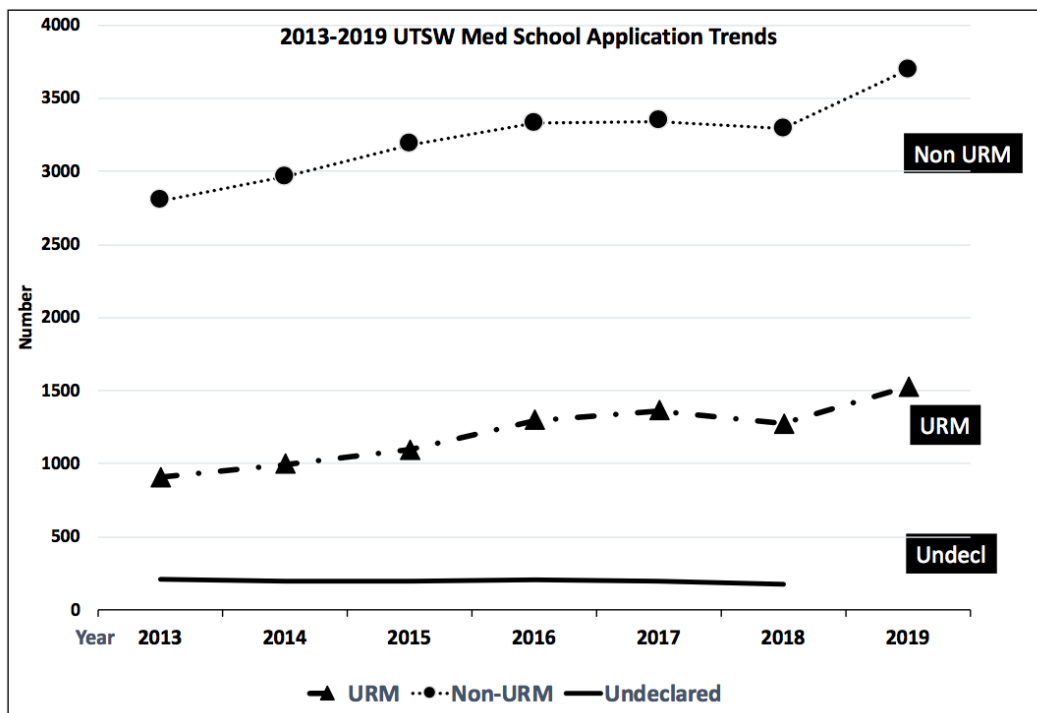
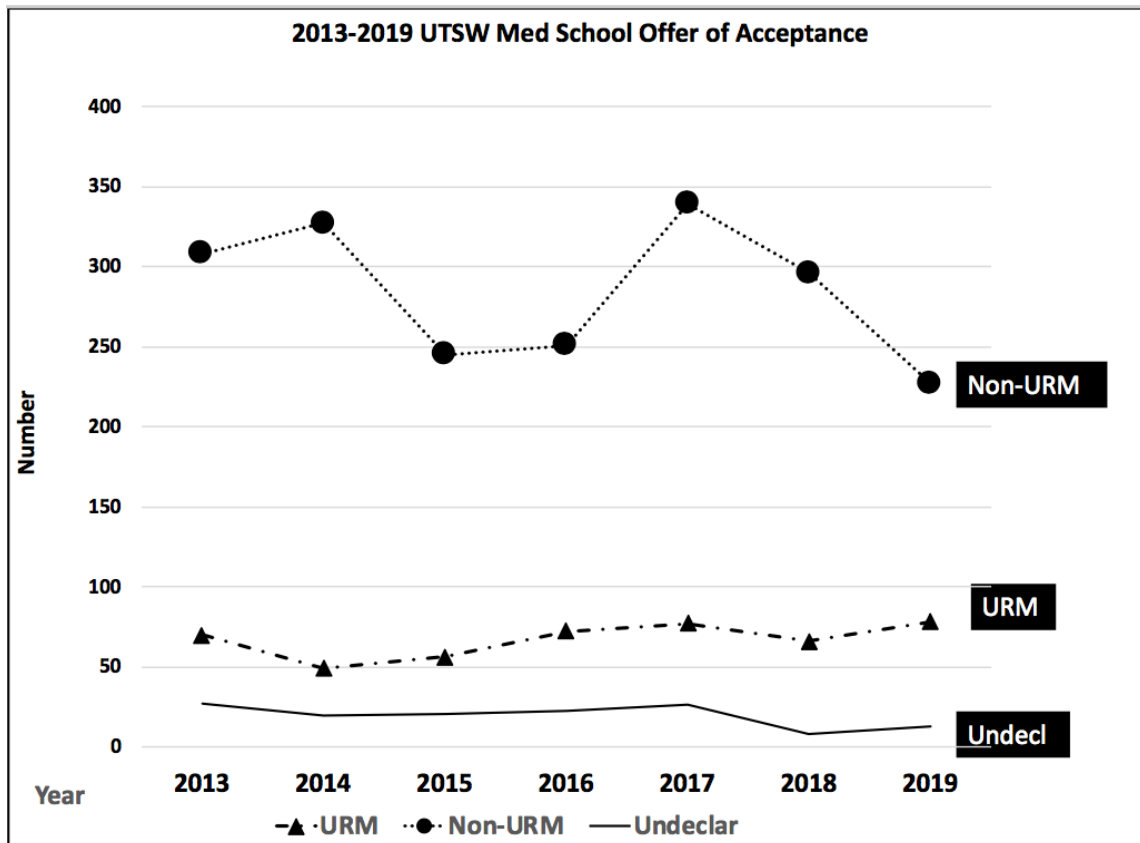


Figure 6





UT Southwestern has broadened its efforts to enhance diversity on the campus of the Medical School by also focusing on faculty diversity. The Office of Faculty Diversity and Development was established approximately five years ago and an Associate Dean was appointed to oversee the operations. The mission of this office is to recruit, develop and retain diverse, excellent, and talented faculty for UT Southwestern. The implementation of this office's mission to date has been impactful primarily on gender disparities overall and on racial disparities among clinical faculty, the impact on racial disparities among basic science faculty has been slower to manifest.

### **Conclusion:**

Based on the analysis of current admission procedures, race-neutral alternatives, and the lack of significant improvement in the number of African American and Hispanic students attending the Medical School in the past five years, the Medical School believes it is necessary to continue the narrowly tailored use of race and ethnicity in a holistic review of applicants. A diverse student body is central to the Medical School's overall educational mission. Continued improvement is required to admit a sufficient number of

underrepresented minority students to enable the Medical School to provide a diverse educational experience, particularly in the small group environment, that is critical to optimal learning.

In accordance with the Regents Rules, the Medical School plans to periodically review its progress in achieving diversity and update this plan accordingly.

# UT SOUTHWESTERN POLICY HANDBOOK

## EDU-103 REASONABLE ACCOMMODATIONS FOR QUALIFIED APPLICANTS AND LEARNERS WITH DISABILITIES

### CHAPTER 10: STUDENTS, POSTDOCTORAL SCHOLARS, RESIDENTS, AND FELLOWS

#### CONTENTS

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Scope  
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Definitions  
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Appendices  
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#### ADMINISTRATIVE INFORMATION

Responsible Office: Dean's Office  
Executive Sponsor: Provost  
Effective Date: 01/31/1998  
Last Updated: 09/02/2022  
Contact: [policyoffice@utsouthwestern.edu](mailto:policyoffice@utsouthwestern.edu)

#### POLICY LINK

To ensure appropriate access when sharing or linking to this policy, *copy and paste* this URL:

<https://secure.compliance360.com/ext/VOIfQaEqks=>

#### POLICY RATIONALE AND TEXT

Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), and the Americans with Disabilities Act of 1990, as amended (ADA), prohibit discrimination against qualified individuals with a disability. In accordance with these and other federal and state laws, UT Southwestern is committed to providing equal opportunities for qualified applicants for admission and qualified learners with disabilities.

It is the policy of UT Southwestern that no qualified individual shall, based upon disability, be denied admission to, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity at UT Southwestern. All qualified applicants who can perform the essential functions of the desired academic program, with or without reasonable accommodation, will be given equal consideration for admission without regard to disability.

This policy is intended to enhance collaboration among individuals with disabilities, faculty, administrators, and support personnel to ensure that all qualified individuals have an equal opportunity to pursue academic and professional goals at UT Southwestern, free from discrimination. Reasonable accommodations will be provided to enable an individual to participate in UT Southwestern's academic programs, services, or activities, unless doing so would cause undue hardship to the operations of UT Southwestern, cause an alteration or modification to a course or program to the extent it changes the fundamental nature of that course or program, or constitute a direct threat to health or safety.

All offices and individuals responsible for reviewing and analyzing medical or disability-related records as a part of the accommodations process will maintain the confidentiality of the information on a need-to-know basis to the extent required by law. These records must be maintained separately from other records and must be accessible only to authorized personnel. Medical and disability-related records information may be shared with faculty, administrators, staff, or other authorized individuals, as necessary, for UT Southwestern to (1) determine whether an applicant or learner is otherwise qualified for a program, (2) assess the applicant or learner's records, and (3) determine what accommodations are reasonable. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with applicable laws may also be provided relevant information as requested. Completed requests and forms will be maintained by the Learning Specialist in a confidential manner, in accordance with applicable federal and state law and UT Southwestern's records retention policy.

Learners and applicants may initiate complaints alleging violation of this policy by contacting the Office of Institutional Equity & Access in accordance with the procedure outlined in the Policy Against Discrimination section of the General Catalog. The resources of Student Academic Support Services and the Office of Institutional Equity & Access are also available to learners and applicants with disability-related concerns.

UT Southwestern prohibits retaliation against individuals who request reasonable accommodations or who submit a complaint or participate in an investigation regarding a violation of this policy. Individuals who engage in conduct prohibited by this policy are subject to disciplinary action, up to and including dismissal or non-renewal of appointment.

## SCOPE

This policy applies to all UT Southwestern learners and applicants to the UT Southwestern Medical School, the UT Southwestern Graduate School of Biomedical Sciences, and the UT Southwestern School of Health Professions. Employees and applicants for employment at UT Southwestern may request reasonable accommodations due to disability in accordance with [ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities](#). Residents, fellows, and applicants for acceptance in any UT Southwestern graduate medical education training program may request reasonable accommodations due to disability by contacting the Program Director and the Office of Graduate Medical Education. Members of the public may request reasonable accommodations associated with UT Southwestern services, programs, or activities in accordance with [ETH-151 Equal Opportunity](#).

## PROCEDURES

### Accommodations in the Application Process

1. All applicants are expected to read and follow this policy as well as carefully review the essential functions required of students in the program to which the applicant seeks admission (Appendix A). Both this policy and each program's essential functions may be accessed on UT Southwestern's website.
2. Applicants who wish to request reasonable accommodations in connection with required testing for application to a particular program (e.g., Medical College Admissions Test, Graduate Record Examination, etc.) may directly contact the organization administering the particular test.
3. Applicants who wish to request reasonable accommodations unrelated to any required testing in the admissions process must submit a written request to the Learning Specialist as soon as practical and prior to the time an accommodation may be needed. The availability of accommodations, if any, may be affected by the timing of the request and the necessary coordination of efforts. It is the applicant's responsibility to provide any required documentation requested by the Learning Specialist.

4. The Learning Specialist will facilitate any accommodations to be provided to the applicant by UT Southwestern during the admissions process.
5. Programs that receive requests for accommodations directly must forward those requests to the Learning Specialist and refer the applicant to the Learning Specialist and this policy.

### **Requests for Accommodations – Accepted Applicants and Currently Enrolled Learners**

1. Applicants accepted for admission will be provided a list of essential functions that all learners in their program must be able to perform, with or without reasonable accommodation, with their acceptance letters (Appendix A). Accepted applicants are expected to carefully review this list of essential functions and complete the Acknowledgement of Essential Functions (Appendix B). The completed Acknowledgement of Essential Functions is required as a part of the admissions process.
2. Accepted applicants who wish to request reasonable accommodations prior to enrollment should indicate their intention on the Acknowledgement of Essential Functions at the time they accept the offer of admission. Upon receipt of the completed Acknowledgement of Essential Functions, the Learning Specialist will send accepted applicants who indicate that they want to request reasonable accommodations a copy of this policy, a copy of a Formal Request for Accommodation Due to Disability, and further instructions regarding how to submit a complete request. Accepted applicants may contact the Learning Specialist for information regarding how to request reasonable accommodations.
3. Accepted applicants are encouraged to complete and return all necessary forms and have their Health Care Professional return all supporting medical documentation to the Learning Specialist at least 30 calendar days prior to the date of anticipated enrollment.
4. Currently enrolled learners may obtain a copy of this policy, a copy of a Formal Request for Accommodation due to Disability, and instructions regarding how to submit a complete request from the Office of the Registrar, the Learning Specialist, the Office of Institutional Equity & Access, or the Dean's office. This information is also available online.
5. Currently enrolled learners are encouraged to complete and return all necessary forms and have their Health Care Professional return all supporting medical documentation to the Learning Specialist as soon as practicable after the learner first becomes aware an accommodation may be needed. If a learner is unable to submit a request for accommodation due to unexpected illness or incapacity, a request may be submitted on the learner's behalf.
6. All requests for accommodation must be accompanied by sufficient supporting medical documentation from a Health Care Professional. In order to enable UT Southwestern to evaluate the request, medical documentation must include a description of the nature of physical or mental impairment; the manner in which the impairment limits one or more major life activities; the expected duration of the impairment; and specific recommended accommodations. Applicants and learners are responsible for any costs associated with obtaining the necessary supporting medical documentation.
7. Supporting medical documentation must be current and based upon an evaluation no more than three (3) years old. Depending on the circumstances, UT Southwestern may require a more recent evaluation.
8. Supporting medical documentation must also contain sufficient information for UT Southwestern to determine that it was completed by an appropriate Health Care Professional, e.g., the professional's name and signature, basic credentials, and contact information.
9. In the event medical documentation is incomplete or insufficient, UT Southwestern may request additional information. UT Southwestern may also request that the accepted applicant or learner undergo a second evaluation or assessment.
10. The process for accepted applicants or learners to request reasonable accommodations is meant to be collaborative. All questions regarding the policy, procedure, necessary forms, sufficiency of medical documentation, etc., should be promptly

directed to the Learning Specialist. Failure to submit all necessary forms and sufficient medical documentation, or to participate in the accommodations process, may result in delay or denial of the request.

### **Evaluation of Requests for Accommodations from Accepted Applicants and Currently Enrolled Learners**

1. Upon receipt of a completed request for accommodations, including all necessary forms and supporting medical documentation, the Learning Specialist will contact the accepted applicant or learner to confirm a request has been received and will serve as the accepted applicant or learner's primary point of contact throughout the accommodations review process. If the request is incomplete, the Learning Specialist will work with the accepted applicant or learner to obtain additional information or forms, as necessary.
2. The Learning Specialist will promptly provide a copy of the completed request to the Academic Accommodations Advisory Committee (AAAC) for review. The primary purpose of the AAAC is to make recommendations to the Learning Specialist regarding reasonable accommodations in light of the specific essential functions of the accepted applicant or learner's program. The Learning Specialist will serve as the accepted applicant or learner's liaison with the AAAC.
3. The AAAC may recommend accommodations that differ from the specific approaches suggested by the accepted applicant or learner or the Health Care Professional(s) providing documentation in support of the request, as long as the accommodations achieve the objective of nondiscrimination as required by law.
4. The AAAC will promptly review the request and provide its recommendations in writing to the Learning Specialist. All meetings, communications, and deliberations by AAAC are considered confidential.
5. As soon as possible and within 30 calendar days after receipt of a completed request, the Learning Specialist will notify the accepted applicant or learner in writing whether the request for accommodation has been approved or denied.
6. If the request for accommodation has been approved, the notice will contain a description of the nature of the accommodations the accepted applicant or learner will receive. The Learning Specialist will notify appropriate program personnel of the accommodations an accepted applicant or learner is to receive. Accepted applicants or learners should notify the Learning Specialist if their accommodation needs change.

### **Medical Leaves of Absence**

1. This policy applies to learners who must interrupt study temporarily because of their own disability and want to take a medical leave of absence. Learners may request a medical leave of absence using the accommodation request procedures in this policy. Only the Learning Specialist, in consultation with the AAAC, may approve a medical leave of absence. No one may approve a medical leave of absence for a learner outside of the procedures in this policy.
2. Learners who are approved for a medical leave of absence must complete a Leave Request Form, which their school will provide, for leave processing purposes only. The school will forward the Leave Request Form to the Office of the Registrar so that the Office of the Registrar can update the learner's enrollment status.
3. During an approved leave of absence under this policy, a learner is not enrolled and does not pay tuition. Learners may retain UT Southwestern email accounts or other access to UT Southwestern systems as appropriate during an approved leave of absence.
4. A leave of absence may impact the visa status of certain international learners; therefore, all international learners are encouraged to seek assistance from the Office of International Affairs.
5. A leave of absence may impact financial aid eligibility, loan deferment, or repayment terms; therefore, all learners are encouraged to consult the Office of Financial Aid to discuss their specific situation.
6. The Learning Specialist is responsible for tracking approved medical leaves of absence. Learners approved for a medical leave of absence must periodically update the Learning Specialist regarding their plans regarding resuming their studies at

UT Southwestern and comply with all requirements outlined in the notice approving their medical leave of absence. Learners must notify the Office of the Registrar, appropriate school administrators, and the Learning Specialist of any change in their contact information during their medical leave of absence.

7. Learners returning from a medical leave of absence must contact the Learning Specialist at least 30 calendar days prior to their estimated return date. Before returning from a medical leave of absence, learners must verify that they can perform the essential functions of their program, with or without reasonable accommodation, which may require certification from a Health Care Professional. The Office of the Registrar is responsible for notifying learners of other generally applicable requirements that they must meet in order to return from leave, e.g., undergoing a new background check (see [EDU-114 Background Checks](#)).
8. A learner who timely returns from a leave of absence approved under this policy is not required to reapply for admission but must complete all coursework and meet all program or degree requirements prior to graduation, with or without reasonable accommodation.
9. A learner who does not timely return from an approved leave of absence may be deemed to have voluntarily withdrawn from UT Southwestern and may be required to reapply for admission, in competition with other applicants. Learners may request to extend a medical leave of absence using the accommodation request procedures in this policy. Extension requests must be received prior to the end of the approved leave period. If a learner is unable to submit an extension request due to unexpected illness or incapacity, a request may be submitted on the learner's behalf.

## DEFINITIONS

**Academic Accommodations Advisory Committee** – a committee of qualified faculty, staff, and administrators with the appropriate experience and training that will review accommodation requests submitted by accepted applicants and learners and make recommendations to the Learning Specialist.

**Essential Functions** – the cognitive, physical, educational, clinical, training, and other tasks that a student must be able to perform, with or without reasonable accommodation, in order to satisfactorily complete the curriculum of an academic program. Appendix A sets forth the specific essential functions for individuals in the UT Southwestern Medical School, the UT Southwestern Graduate School of Biomedical Sciences, and the UT Southwestern School of Health Professions.

**Health Care Professional** – an individual who possesses the skills, knowledge, and professional credentials to assess whether an individual has a physical or mental impairment that limits one or more major life activities and to recommend reasonable accommodations. The term “Health Care Professional” may include physicians, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

**Learning Specialist** – the individual at UT Southwestern charged with ensuring requests for accommodations from applicants and learners with disabilities are handled in accordance with this policy. The Learning Specialist will also serve as a member of the Academic Accommodations Advisory Committee.

**Learner** – for the purposes of this policy, an individual enrolled in UT Southwestern Medical School, the UT Southwestern Graduate School of Biomedical Sciences, or the UT Southwestern School of Health Professions or a postdoctoral scholar appointed to an academic training position.

**Qualified Individual with a Disability** – an individual with a physical or mental impairment that substantially limits a major life activity, an individual with a record of such impairment, or an individual who is regarded as having such impairment, who otherwise meets the qualifications or eligibility requirements for admission and participation in the desired school, program, or

activity, and who can perform the essential functions of the school, program, or activity, with or without reasonable accommodation.

**Reasonable Accommodation** – an adjustment, modification, or auxiliary aid that allows the individual with a disability equal access to, participation in, or benefits of the desired school, program, or activity. An accommodation is not reasonable if it will cause undue hardship, financial or otherwise, to the institution; fundamentally alter the curriculum or educational experience; or pose a direct threat to health or safety. Accommodations may not be reasonable with respect to certain academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirements.

## RELATED STATUTES, POLICIES, OR STANDARDS

[EDU-114 Background Checks](#)

[EDU-120 Nonmedical Leaves of Absence](#)

[ETH-151 Equal Opportunity](#)

[ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities](#)

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794(a), and its implementing regulations

The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12101, et seq., and its implementing regulations

## APPENDICES

[EDU-103A Appendix A Technical Standards and Essential Functions](#)

[EDU-103B Appendix B Acknowledgement of Essential Functions and Acceptance of Admission Form](#)

## CONTACTS/FOR FURTHER INFORMATION

Learning Specialist / Director, Student Academic Support Services 214-648-9590

Office of Institutional Equity & Access 214-648-4343

Office of the Registrar 214-648-3606

## POLICY HISTORY

September 2, 2022: Updated Policy Rationale and Text to direct complaints to the Office of Institutional Equity & Access.

June 1, 2022: Revised to align the process to take a medical leave of absence with the process in EDU-120 Nonmedical Leaves of Absence.

December 27, 2019: Completed schedule review; updated the policy as necessary.

December 27, 2018: Updated references to Office of Diversity & Inclusion and Equal Opportunity to the department's new name: Office of Institutional Equity & Access.

November 22, 2016: Revised the Scope so that the policy applies specifically to learners, as defined in the policy, and refers employees and all other individuals to other appropriate offices and policies. Revised the Procedure to streamline the process for learners to obtain accommodations by working primarily through the Learning Specialist.

May 24, 2016: Added provision allowing accommodation requests to be submitted on behalf of a student who is unable to do so due to unexpected illness or incapacity.



February 7, 2014: Reviewed, revised, and published as EDU-103 Learners with Disabilities

January 1998: Published as 3.1.4.2 Students with Disabilities.

**HANDBOOK OF INSTITUTIONAL POLICIES AND OPERATING PROCEDURES**  
**Appendix to EDU-103 Reasonable Accommodations for Qualified Applicants and  
Learners with Disabilities**

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**APPENDIX A-1**

**Technical Standards and Essential Functions for UT Southwestern Medical School Degree Candidates**

**INTRODUCTION**

The M.D. degree is a broad undifferentiated degree attesting to general knowledge in medicine and the basic skills required for the practice of medicine. Essential abilities and characteristics required for completion of the M.D. degree consist of certain minimum physical and cognitive abilities and sufficient mental and emotional stability to assure that candidates for admission, promotion, and graduation are able to complete the entire course of study and participate fully in all aspects of medical training, with or without reasonable accommodation.

UT Southwestern Medical School intends for its graduates to become competent and compassionate physicians who are capable of entering residency training (graduate medical education) and meeting all requirements for medical licensure. UT Southwestern Medical School is committed to educating and training future leaders in medicine, many of whom will pursue careers in academic medicine. For purposes of this document and unless otherwise defined, the term “candidate” means candidates for admission to the M.D. program as well as enrolled medical students who are candidates for promotion and graduation.

The following abilities and characteristics are defined as technical standards, which, in conjunction with academic standards established by the faculty, are essential functions of the Program and therefore requirements for admission, promotion, and graduation. Delineation of technical standards is required for the accreditation of U.S. medical schools by the Liaison Committee on Medical Education. Although these standards serve to delineate the necessary physical and mental abilities of all candidates, they are not intended to deter any candidate for whom reasonable accommodation will allow the fulfillment of the complete curriculum. Candidates with questions regarding technical standards are encouraged to contact the Learning Specialist in Student Academic Support Services immediately to begin to address what types of reasonable accommodations may be considered for development to achieve these standards as outlined in EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities. Admission to UT Southwestern Medical School is conditional on the candidate’s having the ability to satisfy these technical standards, with or without reasonable accommodation.

UT Southwestern Medical School has an ethical responsibility for the safety of patients with whom students and graduates will come in contact. Although students learn and work under the supervision of the faculty, students interact with patients throughout their medical school education. Patient safety and well-being are therefore major factors in establishing essential functions involving the physical, cognitive, and emotional abilities of candidates for admission, promotion, and graduation. Candidates must have the physical and emotional stamina and capacity to function in a competent manner in the hospital, classroom, and laboratory settings, including settings that may involve heavy workloads, long hours, and stressful situations.

## TECHNICAL (NON-ACADEMIC) STANDARDS AND ESSENTIAL FUNCTIONS

- a. *Observation:* Candidates must be able to observe demonstrations and participate in experiments of science, including but not limited to such things as dissection of cadavers; examination of specimens in anatomy, pathology and neuroanatomy laboratories; and microscopic study of microorganisms and tissues in normal and pathologic states. Candidates must be able to accurately observe patients and assess findings. Candidates must also possess functional use of the sense of vision and somatic sensation. Observation is enhanced by the functional use of the sense of smell. They must be able to obtain a medical history and perform a complete physical examination in order to integrate findings based on these observations and to develop an appropriate diagnostic and treatment plan.
- b. *Communication:* Candidates must be able to communicate effectively and efficiently orally and in writing with patients, their families, and members of the health care team. They must be able to obtain a medical history in a timely fashion, interpret non-verbal aspects of communication, and establish therapeutic relationships with patients. Candidates also must be able to read and comprehend written material. Candidates must be able to record information accurately and clearly, and communicate effectively in English with other health care professionals in a variety of patient settings.
- c. *Motor Function:* Candidates must possess the capacity to perform physical examinations and diagnostic maneuvers. They must have sufficient motor function to obtain data from patients using tactile, auditory, and visual maneuvers. They must be able to respond to emergency situations in a timely manner and provide general and emergency care. They must adhere to universal precaution measures and meet safety standards applicable to inpatient and outpatient settings and other clinical activities.
- d. *Intellectual-Conceptual, Integrative, and Quantitative Abilities:* Candidates must have sufficient cognitive (mental) abilities and effective learning techniques to assimilate the detailed and complex information presented in the medical student curriculum. They must be able to learn through a variety of modalities including, but not limited to, classroom instruction; small group, team, and collaborative activities; individual study; preparation and presentation of reports; and use of computer technology. Candidates must be able to memorize, measure, calculate, reason, analyze, synthesize, and transmit information across modalities. They must recognize and draw conclusions about three-dimensional spatial relationships and logical sequential relationships among events. They must be able to formulate and test hypotheses that enable effective and timely problem-solving in diagnosis and treatment of patients in a variety of clinical modalities.
- e. *Behavioral and Social Attributes:* Candidates must demonstrate the maturity and emotional stability required for full use of their intellectual abilities. They must accept responsibility for learning, exercising good judgment, and promptly completing all responsibilities attendant to the diagnosis and care of patients, as well as the administrative responsibilities required of healthcare personnel. They must understand the legal and ethical aspects of the practice of medicine and function within both the law and ethical standards of the medical profession. Candidates must be able to work effectively, respectfully, and professionally as part of the healthcare team, and to interact with patients, their families, and health care personnel in a courteous, professional, and respectful manner. They must be able to tolerate physically taxing workloads and long work hours, to function effectively under stress, and to display flexibility and adaptability to changing environments. They must be capable of regular, reliable, and punctual attendance at classes and in regard to their clinical responsibilities. Candidates must be able to contribute to collaborative, constructive learning environments; accept constructive feedback from others; and take personal responsibility for making appropriate positive changes. It is expected that minimum accommodation will be requested with regards to this set of standards.
- f. *Ethical and Legal Standards:* A candidate must demonstrate professional demeanor and behavior, and must perform in an ethical manner in all dealings with peers, faculty, staff, and patients. Candidates must treat all patients equally without regard to ethnicity, race, gender, religion, or any other attribute. Candidates must meet the legal standards to be licensed to practice medicine in the State of Texas. Students have a continuing duty to self-report to UT Southwestern any arrest,

criminal complaint, charge, bill of information, indictment, citation in lieu of arrest, issuance of a protective order, no contest plea, guilty plea, plea bargain, deferred adjudication, or conviction that occurs any time after the date of acceptance, excluding minor traffic offenses punishable only by fine. Reports must be made in writing and submitted to the Vice Provost and Senior Associate Dean for Education within ten (10) days of the incident, irrespective of the status or final disposition of any criminal justice or court proceeding or the pendency of any appeal. This self-reporting requirement applies regardless of where the incident occurred (on or off campus, in Texas or another jurisdiction) or whether the University is in session at the time. Failure to self-report in compliance with this policy will lead to disciplinary action, up to and including dismissal. See EDU-151 Student Conduct and Discipline.

#### **PROCESS FOR REQUESTING REASONABLE ACCOMMODATIONS DUE TO DISABILITY**

As stated above, admission, promotion, and graduation at UT Southwestern Medical School are conditional on the candidate's willingness and ability to satisfy the technical standards and essential functions of the program, with or without reasonable accommodation.

Admitted candidates who have a disability and need accommodations should initiate discussions with the Learning Specialist as soon as the offer of admission is received and accepted. It is the responsibility of a candidate with a disability to contact the Learning Specialist and provide sufficiently current information documenting the general nature and extent of his/her disability and the functional limitations proposed to be accommodated. Evaluating and facilitating accommodation requests is a collaborative effort between the candidate, UT Southwestern Medical School, and the Learning Specialist. See EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities.

## **APPENDIX A-2**

### **Essential Functions for UT Southwestern School of Health Professions Degree Candidates**

All individuals, including people with disabilities, who apply for admission to UT Southwestern School of Health Professions, must be able to perform specific essential functions, which differ depending upon the academic program. Essential functions are the basic activities that a student must be able to perform to complete the program's curriculum. No applicant to programs in the UT Southwestern School of Health Professions who can perform the essential functions of the program for which he or she is applying – either with or without reasonable accommodations – will be denied consideration for admission.

**Each UT Southwestern School of Health Professions degree candidate must be able to:**

1. Attend scheduled classes and laboratory sessions and be present for examination and testing.
2. Travel to practicum sites and have mobility within and around the sites.
3. Assimilate information presented via lecture, handouts, videos, discussions, computer, and/or other educational modalities.
4. Complete assignments such as written assignments, oral presentations, class participation, examinations, and computer-based activities.
5. Apply the assimilated information to appropriate clinical situations.
6. Effectively communicate with patients/clients, their families, faculty, and other professionals using oral, telephonic, written, and computer modalities in private and group settings.
7. Make effective use of learning resources at UT Southwestern and affiliated facilities.

In addition to essential functions for all degree candidates, each degree candidate in the **Applied Clinical Research Ph.D. Program** must be able to:

1. Observe and perform laboratory and/or clinical tests in which human subjects, animals, chemicals, and/or biological materials (e.g., body fluids, culture materials, tissue sections) are tested for their physical attributes including, but not limited to, movement, force, texture, color, sound, odor, viscosity, immunological, microbiological, and histochemical components.
2. Move freely and safely about a laboratory and clinic.
3. Recognize potentially hazardous material, equipment, and situations and proceed safely in order to minimize risk of injury to human subjects, self, and other individuals.
4. Control equipment and adjust instruments to perform laboratory procedures.
5. Travel to numerous laboratory/clinical sites.
6. Effectively, confidently, and sensitively converse with human research subjects.
7. Communicate effectively and efficiently with faculty members, fellow students, staff, and other members of the research and health care community to convey information essential for studying and conducting research.
8. Manage the use of time to be able to systematize actions in order to complete professional and technical tasks with realistic constraints.
9. Support and promote activities of fellow students and health care and research professionals. Promotion of peers helps to facilitate a team approach to learning, task completion, problem solving, and patient care.
10. Be honest, compassionate, and responsible.
11. Demonstrate professional demeanor and behavior; perform in an ethical manner in all dealings with peers, faculty, staff, and patients.

In addition to essential functions for all degree candidates, each degree candidate in the **Master of Clinical Nutrition (MCN) Coordinated Program** must be able to:

1. Participate in supervised practice activities for eight-hour days.
2. Demonstrate sufficient problem-solving skills to assess multi-factorial aspects of nutritional care and organize and prioritize necessary tasks within time constraints.
3. Demonstrate sufficient vision, smell, and taste to evaluate the appearance, aroma, and flavor of food.
4. Demonstrate sufficient upper-body strength and manual dexterity to operate and clean household and institutional equipment required for food preparation and food service.
5. Demonstrate sufficient vision to observe compliance with food sanitation and safety code.

In addition to essential functions for all degree candidates, each degree candidate in the **Physical Therapy program** must be able to demonstrate the following functions within classroom and clinical environments:

1. Participate in supervised clinical activities for 8-10 hour days (40-50 hours/week, up to 12 consecutive weeks).
2. Demonstrate sufficient vision to perform such tests as (but not limited to), reading and interpreting a medical record, inspecting and debriding wounds, performing observational movement analysis, and determining movement and gait deviations.
3. Demonstrate sufficient upper and lower body strength, coordination, and sensation to perform safe and appropriate techniques for activities such as (but not limited to), prolonged standing, manual muscle testing, guarding a patient, transferring a patient, palpation, soft tissue mobilization, joint mobilization, and cardiac resuscitation.
4. Demonstrate sufficient hearing to perform auscultation of the heart, blood vessels, and lungs.
5. Demonstrate sufficient problem solving skills to learn to make a differential diagnosis, establish appropriate treatment plans, determine effectiveness of those plans, and make appropriate modifications.
6. Demonstrate professional demeanor and behavior; perform in an ethical manner in all dealings with peers, faculty, staff, and patients.

In addition to essential functions for all degree candidates, each degree candidate in the **Physician Assistant Studies Graduate Program** must be able to:

1. Participate in supervised clinical activities for extended periods of time, including rotations which require overnight call.
2. Demonstrate sufficient vision to perform tasks such as (but not limited to) wound care and skin lesion identification.
3. Demonstrate sufficient hearing to perform auscultation of the heart and vessels, breath sounds, and abdominal sounds.
4. Demonstrate sufficient upper and lower body strength, coordination, dexterity, and sensation to perform such activities as (but not limited to) prolonged standing, complete physical examination, and surgical and clinical procedures such as suturing, casting, venipuncture, emergency procedures, and Basic and Advanced Cardiac Life Support.
5. Demonstrate sufficient problem solving skills to learn to make a differential diagnosis, establish appropriate treatment plans, determine effectiveness of those plans, and make appropriate modifications.
6. Demonstrate professional demeanor and behavior; perform in an ethical manner in all dealings with peers, faculty, staff, and patients.

In addition to essential functions for all degree candidates, each degree candidate in the **Prosthetics-Orthotics Program** must be able to:

1. Participate in supervised clinical activities for eight-hour days.
2. Demonstrate sufficient vision to perform such tests as (but not limited to) interpreting a medical record, inspecting wounds, and determining gait deviations.
3. Physically and visually utilize chemicals and power tools while following all appropriate safety precautions.
4. Demonstrate the physical capability of working in a Prosthetics and Orthotics Laboratory for four-hour periods.
5. Demonstrate sufficient arm strength, balance, coordination, and sensation to perform such activities as (but not limited to) casting, manual muscle testing, range of motion testing, and soft tissue and bony evaluations.

In addition to essential functions for all degree candidates, each degree candidate in the **Radiation Therapy Program** must be able to:

1. Participate in supervised clinical activities involving walking and standing for eight-hour days.
2. Demonstrate sufficient visual acuity to monitor patients, input data, read computer monitors, and distinguish markings in dim lighting.
3. Demonstrate sufficient strength to lift, carry, and move items weighing up to 40 pounds.
4. Distinguish and interpret audio signals from equipment.
5. Demonstrate sufficient upper and lower body strength to move, lift, and transport patients.
6. Reason, analyze, synthesize, integrate, and apply knowledge to be clinically competent, critical thinkers, effective communicators, and to demonstrate professionalism.

In addition to essential functions for all degree candidates, each degree candidate in the **Master of Rehabilitation Counseling** program must be able to:

1. Measure, calculate, reason, analyze, synthesize, integrate, and apply oral and written information in the process of evaluation and problem-solving.
2. Demonstrate the emotional health required to fully use his or her intellectual abilities, such as exercising good judgment, promptly completing all responsibilities required by the program or attendant to the diagnosis and care of clients, and be able to develop mature, sensitive, and effective relationships. A student must be able to tolerate demanding workloads and to function effectively under stress. He or she must be able to adapt to changing environments, to display flexibility, and to learn to function in the face of uncertainties and ambiguities inherent in the clinical problems of many clients.
3. Demonstrate professional demeanor and behavior, and perform activities in an ethical manner in all dealings with peers, faculty, staff, and clients.

**Applicants with any questions concerning these Essential Functions should contact the appropriate Program.**

## **APPENDIX A-3**

### **Essential Functions for UT Southwestern Graduate School of Biomedical Sciences**

#### **Degree Candidates**

All individuals, including persons with disabilities, who apply for admission to UT Southwestern Graduate School of Biomedical Sciences must be able to perform specific essential functions. Essential functions are the basic activities that a degree candidate must be able to perform to complete a graduate program curriculum. No applicant who has the ability to perform the graduate school's essential functions – either with or without reasonable accommodations – will be denied consideration for admission.

A candidate for a graduate degree at UT Southwestern must be able to perform these functions:

- a. *Observation:* Candidates must be able to accurately observe demonstrations close at hand and at a distance to learn skills and to gather data. Candidates must also possess functional use of the sense of vision.
- b. *Communication:* Applicants must be able to communicate in English orally and in writing, and must be able to read and comprehend written material in English.
- c. *Psychomotor Skills:* Candidates must have sufficient motor function to obtain experimental data using tactile, auditory, and visual maneuvers. Candidates must be able to execute motor movements to perform experiments that are reasonably required of biomedical researchers.
- d. *Intellectual and Cognitive Abilities:* Candidates must be able to measure, calculate, reason, analyze, synthesize, integrate, and apply information.
- e. *Behavioral and Social Attributes:* Candidates must possess the emotional health required to use their intellectual abilities fully. Candidates must be able to tolerate physically taxing workloads and to function effectively under stress. Integrity, interest, and motivation are all personal qualities that should be assessed during the admissions and education processes.
- f. *Ethical Standards:* A candidate must demonstrate professional demeanor and behavior, and must perform in an ethical manner in all dealings with peers, faculty, and staff.



**HANDBOOK OF INSTITUTIONAL POLICIES AND OPERATING PROCEDURES**  
**Appendix to EDU-103 Reasonable Accommodations for Qualified Applicants and**  
**Learners with Disabilities**

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**APPENDIX B**

**Acknowledgement of Essential Functions**

[The below language may be included on another form that accepted applicants must complete when accepting the offer of admission. Applicants should sign and date the form in hard copy or electronically.]

In order to matriculate at The University of Texas Southwestern <<School>>, you must be able to perform the essential functions as determined by the faculty, with or without reasonable accommodation due to disability. Please read the <<enclosed or linked>>Technical Standards and Essential Functions for UT Southwestern <<School>> Degree Candidates and respond to the following:

(    ) **I CAN PERFORM** the specified Essential Functions for my academic program without reasonable accommodation.

(    ) **I CAN PERFORM** the specified Essential Functions for my academic program with reasonable accommodation and I wish to **REQUEST ACCOMMODATIONS** due to disability. Individuals requesting accommodations due to disability will receive a copy of EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities, a formal request form, and additional instructions regarding how to submit a request. If you have questions, please contact the Learning Specialist at <<phone number>>.

Signature\_\_\_\_\_Date\_\_\_\_\_  
                    «FirstName» «LastName»

# UT SOUTHWESTERN POLICY HANDBOOK

## EDU-119 ADMISSIONS

### CHAPTER 10: STUDENTS, POSTDOCTORAL SCHOLARS, RESIDENTS, AND FELLOWS

#### CONTENTS

Policy Link  
Policy Rationale and Text  
Scope  
Procedures  
Responsibilities  
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#### ADMINISTRATIVE INFORMATION

Responsible Office: Office of Admissions  
Executive Sponsor: Vice Provost and Senior Associate Dean  
for Education  
Effective Date: 08/01/2015  
Last Updated: 05/28/2020  
Contact: [policyoffice@utsouthwestern.edu](mailto:policyoffice@utsouthwestern.edu)

#### POLICY LINK

To ensure appropriate access when sharing or linking to this policy, *copy and paste* this URL:

<https://secure.compliance360.com/ext/DTizrudixlycVqam-eXNfQ==>

#### POLICY RATIONALE AND TEXT

UT Southwestern comprises three distinct schools: the Medical School, the Graduate School of Biomedical Sciences, and the School of Health Professions. Although each school has its own admissions policy tailored to its unique needs, UT Southwestern is committed to ensuring that admissions across all schools and programs adhere to the best practices that have been adopted by the University of Texas System. In accordance with this commitment, it is the policy of UT Southwestern to:

- Ensure transparency and consistency throughout the admissions process;
- Ensure that all prospective students receive a holistic review;
- Maintain the integrity of the admissions process by eliminating external influences and conflicts of interest; and
- Encourage accurate and timely communication between prospective students and admissions staff.

#### Admissions Committees

Admissions Committees must be independent and able to make admissions decisions according to an established process, without external influences or conflicts of interest. The Admissions Committee of each school or program will meet in closed session, and all applicant information, committee deliberations, and admissions decisions will be kept confidential. The Dean of each school shall be responsible for ensuring that this institutional admissions policy and the school's specific admissions policy

are consistently followed and that all admissions decisions are made independently and without improper influences or conflicts.

### **Letters of Recommendation**

All letters of recommendation in support of applicants must be submitted in accordance with the school's established application process and admissions policy (see Appendices A, B, and C). Any letters of recommendation or other information pertaining to applicants provided outside the established application process by third-parties will not be made available to the Admissions Committee or considered in the admissions decision. Any such external third-party communications will be forwarded to the Director of Admissions and Recruitment, who, in consultation with the President, may take additional action to eliminate external influences as appropriate.

Information about an applicant, whether positive or negative, provided by current UT Southwestern faculty, residents, or students is not a "letter of recommendation" under this policy and may be added to the applicant's file and considered by the Admissions Committee as part of the established admissions process.

### **Conflicts of Interest**

All Admissions Committees members, faculty interviewers, and the Dean of each school are responsible for upholding the integrity of the admissions process by eliminating conflicts of interest, actual or perceived (see Appendices A, B, and C).

### **Use of Race or Ethnicity in Admissions**

To the extent any UT Southwestern school or program considers race or ethnicity as one factor among a broader array of qualifications and characteristics as part of its individualized and holistic review of applicants, a description of the manner in which race or ethnicity is used will be included in the school's admissions policy (see Appendices A, B, and C).

### **Admissions Decisions are Final**

All admissions decisions are final. Unsuccessful applicants may not appeal the denial of admission to any school or program at UT Southwestern.

### **Point of Contact for Admission Inquiries**

The Director of Admissions and Recruitment shall be UT Southwestern's institutional point of contact for inquiries regarding technical aspects of applications for admission and is responsible for accurate and timely communication with applicants. Additionally, each school has a designated point of contact for inquiries regarding school-specific admissions policies and procedures (see Appendices A, B, and C).

### **Penalties for Non-compliance**

Any UT Southwestern employee or individual holding a faculty appointment who fails to comply with this policy or Appendices A, B, or C may be subject to disciplinary action, up to and including termination or non-renewal of appointment.

## **SCOPE**

This policy applies to all UT Southwestern employees and individuals holding a faculty appointment and to all applicants for admission into the UT Southwestern Medical School, the School of Health Professions, and the Graduate School of Biomedical Sciences, including postdoctoral scholars appointed to academic training positions.

## PROCEDURES

### Requests for Information by Unsuccessful Applicants

Unsuccessful applicants may contact the designated administrator within the school's admissions office or a program's designated departmental administrator for informational purposes only. Information provided to the unsuccessful applicant may include counseling regarding the strengths or weaknesses of the application; demographic information (e.g., average standardized test scores, average GPA, volunteer hours, etc.) about the incoming class; and general information about reapplying. In no case will an unsuccessful applicant be permitted to contact voting members of the Admissions Committee.

### Applicant Information and Records

Applicant information shall be kept confidential, and will only be used or shared internally for purposes of facilitating the admissions process (e.g., with faculty interviewers, members of the Admissions Committee, or authorized employees and administrators). Records related to applicants who do not attend UT Southwestern will be retained in accordance with UT Southwestern's records retention policy and schedule. Education records of students who do enroll and attend UT Southwestern will be handled in accordance with the Family Educational Rights and Privacy Act (FERPA). Any requests for applicant or student information or records will be handled in accordance with UT Southwestern policy and applicable law. (See [EDU-201 Student Rights Under the Family Educational Rights and Privacy Act \(FERPA\)](#); [ADM-303 Requests for Public Information](#); [FSS-201 Records Management and Retention](#).)

## RESPONSIBILITIES

**Deans of Each School** – are responsible for ensuring that (1) this policy and the school's own admissions policy are consistently followed; (2) conflicts of interest, actual or perceived, are eliminated; and, (3) all admissions decisions are made independently and without improper influences or conflicts.

**Director of Admissions and Recruitment** – is responsible for accurate and timely communication with applicants who submit inquiries regarding technical aspects of applications for admission.

**Admissions Committee Members and Faculty Interviewers** – are responsible for compliance with this policy and the school's own admissions policy and for upholding the integrity of the admissions process.

## DEFINITIONS

**Applicant** – for purposes of this policy, an individual seeking admission through the established admissions process to the UT Southwestern Medical School, School of Health Professions, or Graduate School of Biomedical Sciences.

**Student** – for the purposes of this policy, an individual who is enrolled and in attendance at the UT Southwestern Medical School, School of Health Professions, or Graduate School of Biomedical Sciences, including postdoctoral scholars appointed to academic training positions.

**Resident** – for the purposes of this policy, any physician in any Graduate Medical Education program at UT Southwestern, including interns, residents, fellows, and subspecialty residents.

## RELATED STATUTES, POLICIES, OR STANDARDS

Regents' Rule 40301 General Admission Policy

Regents' Rule 40303 Establishing Both Admission Policies and Criteria for Award of Scholarships and Fellowship

Regents' *Rule* 40304 Affirmative Action Plans

Texas Education Code [Section 51.842](#)

[EDU-201 Student Rights Under the Family Educational Rights and Privacy Act \(FERPA\)](#)

[ADM-303 Requests for Public Information \(Texas Public Information Act\)](#)

[FSS-201 Records Management and Retention](#)

## APPENDICES

[EDU-119A Appendix A - UT Southwestern Medical School](#)

[EDU-119B Appendix B - UT Southwestern Graduate School of Biomedical Sciences](#)

[EDU-119C Appendix C - UT Southwestern School of Health Professions](#)

## CONTACTS/FOR FURTHER INFORMATION

Office of Enrollment Services 214-648-3611

## POLICY HISTORY

May 28, 2020: Changed the Responsible Office from Enrollment Services to Admissions; changed responsibilities for the Director of Enrollment Services to the Director of Admissions and Recruitment, and also updated Associate Director of Admissions to Director of Admissions and Recruitment.

September 28, 2017: Reassigned responsibilities from the Vice President for Student and Alumni Affairs to the Director of Student Enrollment Services; updated the responsible office and executive sponsor.

August 1, 2015: Developed new policy and published in Handbook as EDU-119 Admissions.

## **HANDBOOK OF INSTITUTIONAL POLICIES AND OPERATING PROCEDURES**

### **EDU-119 Admissions**

#### **Appendix A: Admissions – UT Southwestern Medical School**

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In addition to the standards set forth in EDU-119 Admissions, the UT Southwestern Medical School adheres to the following school-specific admissions policy.

##### **Admissions Committee**

The Admissions Committee of the Medical School shall comprise a sufficient number of full-time members of the Medical School faculty so as to broadly represent basic science and clinical departments and the Medical School's tripartite mission of education, patient care, and research.

##### **Letters of Recommendation**

Applicants to the Medical School must submit the required letters of recommendation (including summary reports from health professions committees at the applicant's undergraduate institution and letters from individuals requested by the applicant) through the Texas Medical and Dental School Application Service (TMDSAS).

Additional letters of recommendation from third parties will only be accepted and considered as part of the formal admissions process if they meet the following criteria: (1) additional letters must be submitted by the author directly to the Office of Admissions; (2) additional letters must be authored by an individual who has known the applicant personally for a significant period of time, no less than one year; and (3) additional letters must describe the applicant's characteristics that pertain to the qualities of an excellent medical student and physician.

Letters of recommendation that are received outside the TMDSAS application process or that do not meet the established criteria for additional letters will not be made available to the Admissions Committee or considered in the admissions decision.

##### **Conflicts of Interest**

Admissions Committee members and faculty interviewers in the Medical School shall promptly alert the Committee Chair and the Director of Admissions and Recruitment of any potential conflicts of interest that may arise during the evaluation of an applicant. The Committee Chair and the Director of Admissions and Recruitment will determine whether any additional steps should be taken to manage or eliminate the potential conflict. Admissions Committee members who personally know an applicant, directly or indirectly, shall be excused from the Committee's discussion of that applicant and shall not participate in the admission decision.

##### **Designated Point of Contact for Admission Inquiries**

The designated point of contact for inquiries regarding the Medical School's specific admissions policies and procedures is Leah Schouten, Director of Admissions and Recruitment, at [Leah.Schouten@UTSouthwestern.edu](mailto:Leah.Schouten@UTSouthwestern.edu) or 214-648-5617.

### **Use of Race or Ethnicity in Admissions**

The admissions process at the Medical School seeks to identify applicants who will: (1) succeed in the rigorous medical curriculum; (2) become responsible and compassionate physicians; and (3) help fulfill the three-fold mission of training primary care physicians, educating doctors who will practice in medically underserved areas of Texas, and preparing physician-scientists who seek careers in academic medicine and research.

The initial screening stage of the Medical School's admissions process does not consider race or ethnicity at all. Group I applicants are invited to interview based on academic criteria (e.g., MCAT, GPA, letters of recommendation, health care experience). Applicants who do not meet the academic criteria for Group I may be considered for Group II and invited for an interview based on a set of established factors: personal qualities, academic parameters, and mission-related factors. The Medical School considers race or ethnicity as it relates to mission-related factors in the screening process only for Group II applicants.

During the selection stage, applicants in Group I receive an individualized, holistic review and are evaluated on a broad range of factors. Additional consideration may be given to four categories: 1) personal qualities (e.g., extra-curricular activities, motivation, communication skills, socioeconomic status, compassion, integrity, maturity, and leadership); 2) academic parameters (e.g., college or university, majors, courses, and recommendation letters); 3) characteristics identified on interview (e.g., motivation, interpersonal skills, creativity, intellectual capacity, and overall impression); and 4) mission-related issues (e.g., career interests in underserved areas, primary care, or academic medicine/research). An applicant does not receive any consideration based solely on race or ethnicity.

During the selection stage, all applicants in Group II receive an individualized, holistic review of their application and interview results to identify those applicants with qualities, attributes, and accomplishments that demonstrate they will contribute to the mission of the Medical School. No point system is utilized for Group II applicants at this stage, but an applicant's race or ethnicity is one of many factors considered as part of the individualized review.

The Medical School has used race or ethnicity in a narrowly tailored manner as one factor in its holistic review of applicants since 2004, in conjunction with a variety of race-neutral alternatives (e.g., recruitment trips to undergraduate institutions with large minority student populations; additional orientation and recruitment events for accepted minority applicants).

The complete Affirmative Action Plan for the Medical School is available through the Office of Student Diversity & Inclusion.

# UT SOUTHWESTERN POLICY HANDBOOK

## ETH-151 EQUAL OPPORTUNITY

### CHAPTER 3: ETHICS, COMPLIANCE, AND STANDARDS OF BEHAVIOR

#### CONTENTS

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#### ADMINISTRATIVE INFORMATION

Responsible Office: Office of Institutional Equity & Access  
Executive Sponsor: Executive Vice President for Institutional Advancement  
Effective Date: 01/31/1998  
Last Updated: 09/22/2022  
Contact: [policyoffice@utsouthwestern.edu](mailto:policyoffice@utsouthwestern.edu)

### POLICY LINK

To ensure appropriate access when sharing or linking to this policy, *copy and paste* this URL:

<https://secure.compliance360.com/ext/fOpi3fvJ-isUDgVoq05QLA==>

### POLICY RATIONALE AND TEXT

UT Southwestern is committed to providing equal opportunities to all members of the campus community and to maintaining an environment that is free from unlawful discrimination, harassment and retaliation. In accordance with the Board of Regents' *Rules and Regulations*, UT System policy, and applicable federal and state law, no individual will be excluded from participation in, denied the benefits of, or be subjected to discrimination in UT Southwestern services, programs, and activities on the basis of race, color, national origin, religion, sex, age, disability, genetic information, protected veteran status, citizenship status, sexual orientation, gender identity, or gender expression.

In accordance with this commitment, it is the policy of UT Southwestern to:

- Provide equal opportunities to qualified individuals in all areas of the employment relationship, including without limitation application, recruitment, promotion, compensation, benefits, and training.
- Provide equal opportunities to all qualified applicants, students, and residents in UT Southwestern's schools and training programs.
- Provide appropriate reasonable accommodations to disabled individuals to allow equal employment and educational opportunities and equal access to UT Southwestern services, programs, and activities.
- Provide appropriate reasonable accommodations for the sincerely held religious beliefs of employees, students, and residents.



- Prohibit retaliation against individuals who oppose a discriminatory practice, file a complaint or charge of discrimination, or testify for, assist in, or participate in an investigation or other proceeding relating to discrimination.
- Prohibit Title IX Sexual Harassment and respond to Formal Complaints in accordance with federal and state law. See [ETH-153 Title IX Sexual Harassment: Formal Grievance Policy](#).

UT Southwestern employees, students, and residents who engage in conduct prohibited by this policy are subject to disciplinary action, up to and including dismissal or non-renewal of appointment.

## SCOPE

This policy applies to all full-time, part-time, and temporary employees; individuals holding a faculty appointment; students; residents; applicants for employment; applicants for admission to any UT Southwestern school or training program; and any individual participating in UT Southwestern services, programs, or activities, including but not limited to patients, visitors, volunteers, contractors, and vendors.

## PROCEDURES

### **Mandatory Employee Reporting of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

Responsible Employees must promptly report to the Title IX Coordinator or a Deputy Coordinator all information concerning any incident the employee reasonably believes constitutes sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct committed by or against a student, resident, or employee. If a Responsible Employee knowingly fails to promptly report as required, the employee is subject to disciplinary action, up to and including termination or non-renewal of appointment.

Confidential Employees, as defined below, who receive information regarding incidents of sexual harassment, sexual assault, domestic violence, dating violence, or stalking committed by or against a UT Southwestern student, resident, or employee are required to report the **type of incident** to the Title IX Coordinator or Deputy Coordinator. Confidential Employees may not include any information that would violate a student's or employee's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

#### **The UT Southwestern Deputy Title IX Coordinator for Employees is:**

Travis Gill  
Assistant Vice President of Institutional Equity & Access  
Phone: 214-648-4343  
Email: [TitleIX@utsouthwestern.edu](mailto:TitleIX@utsouthwestern.edu)

#### **The UT Southwestern Title IX Coordinator is:**

Charles Ginsburg, M.D.  
Vice Provost and Senior Associate Dean for Education  
Phone: 214-648-8597  
Email: [charles.ginsburg@utsouthwestern.edu](mailto:charles.ginsburg@utsouthwestern.edu)

For detailed information regarding employee reporting obligations and a complete description of the type of incidents which must be reported, please refer to [ETH-154 Sexual Harassment and Sexual Misconduct](#).

### **Reporting Other Forms of Discrimination, Harassment, or Retaliation to UT Southwestern**

- Anyone who witnesses or is aware of any known or suspected incidents of discrimination, harassment, or retaliation in violation of UT Southwestern's equal opportunity policies is strongly encouraged to promptly report the incident to

UT Southwestern. Reports may be made to the Office of Institutional Equity & Access, the Compliance Hotline, or to any UT Southwestern official, administrator, or supervisor.

- Every UT Southwestern official, administrator, or supervisor is responsible for promptly reporting to the Office of Institutional Equity & Access any known or suspected incidents of discrimination, harassment, or retaliation that come to their attention.
- Employees who are not UT Southwestern officials, administrators, or supervisors are strongly encouraged to promptly report any known or suspected incidents of discrimination, harassment, or retaliation to the Office of Institutional Equity & Access.
- Reports should be made as soon as possible after the incident occurs. Delays in reporting can limit UT Southwestern's ability to take effective action to address potential violations of this policy.
- In no instance will any individual be required to report known or suspected incidents of discrimination, harassment, or retaliation to the alleged respondent.

### **Requesting Reasonable Accommodations Due to Disability**

- Students and Applicants for Admission may request reasonable accommodations due to disability in accordance with [EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities](#).
- Employees and Applicants for Employment may request reasonable accommodations due to disability in accordance with [ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities](#).
- Residents and Applicants for Residency may request reasonable accommodations due to disability by contacting the Program Director and the UT Southwestern Office of Graduate Medical Education. Non-UT Southwestern employed Residents should also follow the disability accommodation request policy of their employer.
- Members of the Public Participating in UT Southwestern Services, Programs, and Activities may request reasonable accommodations due to disability by contacting the Office of Institutional Equity & Access. If possible, requests should be submitted in writing as soon as practicable and prior to the time an accommodation may be needed. The availability of accommodations, if any, may be affected by the timing of the request and the necessary coordination of efforts. It is the requestor's responsibility to provide any supporting documentation required by the Office of Institutional Equity & Access.

### **Requesting a Religious Accommodation**

- Employees may request a religious accommodation by submitting a request in writing to the Office of Institutional Equity & Access setting forth the sincerely held religious belief or practice and the requested adjustments to the work environment. The Office of Institutional Equity & Access will evaluate the request and will issue a written decision to the requestor within 30 calendar days. UT Southwestern will provide reasonable accommodations for the sincerely held religious beliefs or practices of employees and applicants for employment, unless doing so would cause more than a minimal burden on the operations of UT Southwestern.
- Students and Applicants for Admission may request a religious accommodation by contacting the Dean's Office of the applicable school.
- Residents and Applicants for Residency may request a religious accommodation by contacting their Program Director and Office of Graduate Medical Education. Non-UT Southwestern employed Residents should also follow the religious accommodation request policy of their employer.

### **Submitting an Equal Opportunity Complaint**

Individuals may submit an Equal Opportunity complaint in accordance with the procedures shown in the following tables.

**Students and Applicants for Admission:**

Nature of Complaint	UT Southwestern Policy, Procedure, or Contact
Title IX Sexual Harassment.	Refer to <a href="#">ETH-153 Title IX Sexual Harassment: Formal Grievance Policy</a> and contact the Title IX Coordinator.
Sexual harassment or other sexual misconduct that does not meet the definition of Title IX Sexual Harassment.	Contact the Office of Institutional Equity & Access and refer to the UT Southwestern General Catalog Policies Against Discrimination.
Discrimination, harassment, or retaliation on the basis of sex, race, color, national origin, religion, age, genetic information, citizenship status, protected veteran status, sexual orientation, gender identity, or gender expression.	Contact the Office of Institutional Equity & Access and refer to the UT Southwestern General Catalog Policies Against Discrimination: <a href="https://www.utsouthwestern.edu/education/utsw-catalog/general/student-info/academic-policies.html">https://www.utsouthwestern.edu/education/utsw-catalog/general/student-info/academic-policies.html</a>
Disability discrimination or retaliation.	Refer to <a href="#">EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities</a> and contact the Learning Specialist in Student Academic Support Services.

**Residents and Applicants for Residency:**

Nature of Complaint	UT Southwestern Policy, Procedure, or Contact
Title IX Sexual Harassment.	Refer to <a href="#">ETH-153 Title IX Sexual Harassment: Formal Grievance Policy</a> and contact the Title IX Coordinator.
Sexual harassment or other sexual misconduct that does not meet the definition of Title IX Sexual Harassment.	Refer to <a href="#">ETH-154 Sexual Harassment and Sexual Misconduct</a> and contact the Office of Institutional Equity & Access per ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure.
Discrimination, harassment, or retaliation on the basis of sex, race, color, national origin, religion, age, disability, genetic information, citizenship status, protected veteran status, sexual orientation, gender identity, or gender expression.	Refer to ETH-151 Equal Opportunity, and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .

**Employees and Applicants for Employment:**

Nature of Complaint	UT Southwestern Policy, Procedure, or Contact
Title IX Sexual Harassment.	Refer to <a href="#">ETH-153 Title IX Sexual Harassment: Formal Grievance Policy</a> and contact the Deputy Title IX Coordinator for Employees.
Sexual harassment or other sexual misconduct that does not meet the definition of Title IX Sexual Harassment.	Refer to <a href="#">ETH-154 Sexual Harassment and Sexual Misconduct</a> and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .

Discrimination, harassment, or retaliation on the basis of sex, race, color, national origin, religion, age, genetic information, citizenship status, protected veteran status, sexual orientation, gender identity, or gender expression.	Refer to ETH-151 Equal Opportunity, and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .
Disability discrimination or retaliation.	Refer to <a href="#">ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities</a> and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .

#### Members of the Public Participating in UT Southwestern Services, Programs, or Activities:

Nature of Complaint	UT Southwestern Policy, Procedure, or Contact
Title IX Sexual Harassment.	Refer to <a href="#">ETH-153 Title IX Sexual Harassment: Formal Grievance Policy</a> and contact the Title IX Coordinator.
Sexual harassment or other sexual misconduct that does not meet the definition of Title IX Sexual Harassment.	Refer to <a href="#">ETH-154 Sexual Harassment and Sexual Misconduct</a> and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .
Discrimination, harassment, or retaliation on the basis of sex, race, color, national origin, religion, age, disability, genetic information, citizenship status, protected veteran status, sexual orientation, gender identity, or gender expression.	Refer to ETH-151 Equal Opportunity and contact the Office of Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .
Violation of Title II of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act.	Refer to ETH-151 Equal Opportunity and submit a written complaint to the Institutional Equity & Access per <a href="#">ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure</a> .

## DEFINITIONS

**Confidential Employees** – counselors or other providers in Student Wellness and Counseling, the Resident Counseling and Wellness Center, and the Employee Assistance Program; members of the Student Assistance Committee (SAC) who learn information about an incident of sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct during confidential SAC proceedings; a health care provider in Student Health; and members of the clergy. Additionally, employees who receive information regarding an incident under circumstances that render the employee’s communications confidential or privileged under other law (such as attorneys and health care providers in the course of providing treatment) are also considered “Confidential Employees.”

Note: Under state law and UT Southwestern policy, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct committed by or against a student, resident, or employee of the University, are required to report the **type of incident** to the Title IX Coordinator or a Deputy Coordinator.

Confidential Employees may not include any information that would violate a student's, resident's, or employee's reasonable expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

**Discrimination** – conduct directed at an individual or group of individuals that adversely affects their employment, education, training, or participation in UT Southwestern activities because of race, color, religion, sex, age, national origin, disability, genetic information, protected veteran status, citizenship status, sexual orientation, gender identity, or gender expression.

**Genetic Information** – information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual or an individual's family members (i.e., family medical history).

**Harassment** – a form of prohibited discrimination that involves unwelcome conduct directed at an individual or a group of individuals because of race, color, religion, sex, age, national origin, disability, genetic information, protected veteran status, citizenship status, sexual orientation, gender identity, or gender expression; and such conduct is sufficiently severe, pervasive, or persistent so as to interfere with academic or work performance or create an environment that would be intimidating, hostile, or offensive to a reasonable person.

**Responsible Employee** – a UT Southwestern employee who has the duty to report incidents of and information reasonably believed to be sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct committed by or against a student, resident, or employee to the Title IX Coordinator or Deputy Coordinator. All UT Southwestern employees are Responsible Employees except Confidential Employees, as defined above. Responsible Employees include all officials, administrators, faculty, staff, academic advisors, mentors, etc. Responsible Employees must promptly report all known information concerning the incident to the Title IX Coordinator or Deputy Coordinator, and must include whether a complainant has expressed a desire for confidentiality in reporting the incident. Responsible Employees do not include individuals who hold positions in which student or trainee status is a requirement for the position held (e.g., student employees, student interns, graduate student researchers, post-doctoral researchers, graduate medical education residents and fellows, or other individuals holding academic training titles); however, these individuals are strongly urged to report in accordance with this policy.

**Retaliation** – a form of prohibited discrimination that includes any action adversely impacting the employment, education, training, or institutional status of an individual, or in any other manner harassing or discriminating against an individual, because he or she opposed a discriminatory practice, filed a complaint or charge of discrimination, or testified for, assisted with, or participated in an investigation or other proceeding relating to discrimination. Based on the factual allegations, examples of retaliation may include, but are not limited to: denial of promotion; non-selection/refusal to hire; denial of job benefits; demotion; suspension; discharge; or other adverse treatment that is likely to deter reasonable people from complaining about discrimination. Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague in a greeting, or negative comments that are justified by an employee's poor work performance or history.

**Student** – for the purposes of this policy, an individual who is enrolled and in attendance at the UT Southwestern Medical School, School of Health Professions, or Graduate School of Biomedical Sciences, including postdoctoral scholars appointed to academic training positions.

**Resident** – for the purposes of this policy, any physician in any Graduate Medical Education program at UT Southwestern, including interns, residents, fellows, non-ACGME clinical fellows, and subspecialty residents.

**Title IX Sexual Harassment** – Conduct on the basis of sex that satisfies one or more of the following:

- a. Quid pro quo: an employee conditioning the provision of an aid, benefit, or service of UT Southwestern on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the UT Southwestern's education programs or activities; or

- c. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined by [ETH-153 Title IX Sexual Harassment: Formal Grievance Policy](#).

**Protected Veteran Status** – refers to disabled veterans, recently separated veterans, Armed Forces service medal veterans, or other protected veteran as defined by Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

## RELATED STATUTES, POLICIES, OR STANDARDS

UT System Board of Regents' *Rules and Regulations*, Rule 10701: Policy Against Discrimination

UT System Systemwide Policy UTS 105 Sexual Orientation Nondiscrimination Policy

UT System Systemwide Policy UTS 131 Protection from Retaliation for Reporting Suspected Wrongdoing

[EDU-103 Reasonable Accommodations for Qualified Applicants and Learners with Disabilities](#)

[ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure](#)

[ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities](#)

[ETH-153 Title IX Sexual Harassment: Formal Grievance Policy](#)

[ETH-154 Sexual Harassment and Sexual Misconduct](#)

[ETH-201 Protection from Retaliation for Reporting Suspected Wrongdoing](#)

[SEC-156 Violence on Campus](#)

Americans with Disabilities Act of 1990 (As Amended)

Age Discrimination Act of 1975 (As Amended)

Age Discrimination in Employment Act of 1967 (As Amended)

Texas Labor Code Chapter 21

Section 504 of the Rehabilitation Act of 1973

Title VII of the Civil Rights Act of 1964 (As Amended)

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

Immigration and Nationality Act (INA), 8 U.S.C. § 1324b

Vietnam Era Veterans' Readjustment Assistance Act of 1974 (As Amended)

Genetic Information Nondiscrimination Act of 2008

## CONTACTS/FOR FURTHER INFORMATION

Office of Institutional Equity & Access 214-648-4343

Office of Institutional Compliance 214-648-6024

## POLICY HISTORY

September 22, 2022: Updated Students and Applicants for Admission table to direct complaints to the Office of Institutional Equity & Access and added a row for “sexual harassment or other sexual misconduct that does not meet the definition of Title IX Sexual Harassment.

August 30, 2022: Aligned with updated UT System Model Policy on Sexual Misconduct, including clarifying language for failure to report a policy violation.

August 12, 2020: Revised to include new ETH-153 Title IX Sexual Harassment: Formal Grievance Policy; added definition of “Title IX Sexual Harassment,” and removed definitions for “Other Inappropriate Sexual Conduct,” “Sexual Misconduct,” and “Stalking.”

December 31, 2019: Completed scheduled review; updated policy as necessary.

September 1, 2019: Changed the Executive Sponsor from the Vice President of Community and Corporate Relations to the Executive Vice President of Institutional Advancement.

January 25, 2019: Updated references to the Division of Equal Opportunity to reflect its new name: Office of Institutional Equity & Access.

December 27, 2018: Updated references to the Office of Diversity & Inclusion and Equal Opportunity to reflect the department’s new name: Office of Institutional Equity & Access.

June 5, 2015: Revised the procedures to clarify how to report known or suspected discrimination, harassment, retaliation, or sexual misconduct to UT Southwestern.

May 22, 2013: Transferred HR Policy Memorandum 1.080 Equal Opportunity to online *Handbook* as ETH-151 Equal Opportunity; superseded 5.12.1.

April 2, 2007: Revised HR Policy Memorandum 1.080 Equal Opportunity.

September 1, 1998: Posted HR Policy Memorandum 1.080 Equal Opportunity.

January 1998: Published as 5.12.1 Equal Opportunity Policy and Procedure.

# UT SOUTHWESTERN POLICY HANDBOOK

## ETH-153 TITLE IX SEXUAL HARASSMENT: FORMAL GRIEVANCE POLICY

### CHAPTER 3: ETHICS

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#### ADMINISTRATIVE INFORMATION

Responsible Office: Office of Institutional Equity & Access  
Executive Sponsor: Title IX Coordinator  
Effective Date: 08/12/2020  
Last Updated: 08/30/2022  
Contact: [policyoffice@utsouthwestern.edu](mailto:policyoffice@utsouthwestern.edu)

### POLICY LINK

To ensure appropriate access when sharing or linking to this policy, *copy and paste* this URL:

[https://secure.compliance360.com/ext/ZB7FaTJlvDg8Ttf0sA\\_XSQ==](https://secure.compliance360.com/ext/ZB7FaTJlvDg8Ttf0sA_XSQ==)

### POLICY RATIONALE AND TEXT

UT Southwestern is committed to maintaining a working, educational, and training environment that is free from Sexual Harassment in compliance with Title IX of the Higher Education Amendments of 1972 ("Title IX") and the Campus Sexual Violence Elimination Act (SaVE Act), Violence Against Women Act (VAWA), and Clery Act.

In furtherance of this commitment, it is UT Southwestern policy that the Division of Title IX in the Office of Institutional Equity & Access ("UTSW Division of Title IX") will investigate and resolve Formal Complaints of Title IX Sexual Harassment in the manner outlined herein. Individuals who are found responsible for Title IX Sexual Harassment in violation of this policy will be subject to disciplinary action, up to and including dismissal or termination of employment.

Under federal law and this policy, Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. *Quid pro quo*: an employee conditioning the provision of an aid, benefit, or service of UT Southwestern on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UT Southwestern's education programs or activities; or
- c. "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined below.



Conduct under subsections (a) and (c) are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such conduct is sufficiently serious to deprive a person of equal access. Therefore, any instance of quid pro quo harassment and any instance of sexual assault, dating violence, domestic violence, or stalking are considered Title IX Sexual Harassment under this policy.

### **Reporting Title IX Sexual Harassment to UT Southwestern**

All members of the UT Southwestern community are strongly encouraged to promptly report incidents that could constitute Title IX Sexual Harassment in violation of this policy to the Title IX Coordinator or Deputy Title IX Coordinator, regardless of where or when they occurred. Reports may also be made to a Responsible Employee, via the online reporting form on the Title IX Website, to the Office of Institutional Compliance, or to the Compliance Hotline. All reports made via these avenues will be promptly forwarded to the Title IX Coordinator. Anonymous reports may be made via the Title IX Website or the Compliance Hotline. However, anonymous reports may greatly limit UT Southwestern's ability to stop the alleged conduct, complete an investigation, or take appropriate remedial action against individuals accused of violating this policy.

Reporting an incident informs UT Southwestern and allows the UTSW Division of Title IX to provide appropriate Supportive Measures. Reporting an incident does not constitute filing a Formal Complaint and will not automatically result in an investigation or hearing process under this policy. Individuals wishing to file a Formal Complaint must follow the procedures outlined below to invoke an investigation, hearing, or informal resolution process.

Responsible Employees are required by Texas law to promptly report to the Title IX Coordinator or Deputy Title IX Coordinator all information concerning any incident the Responsible Employee reasonably believes constitutes Title IX Sexual Harassment committed by or against a student or employee. The definition of what must be reported by Responsible Employees under state law includes Title IX Sexual Harassment as defined in this policy. Please refer to [ETH-154 Sexual Harassment and Sexual Misconduct](#) for a complete description of reporting obligations, which include a broader range of conduct than Title IX Sexual Harassment.

#### **The UT Southwestern Title IX Coordinator is:**

Charles Ginsburg, M.D.  
Vice Provost and Senior Associate Dean for Education  
Phone: 214-648-8597  
Email: [charles.ginsburg@utsouthwestern.edu](mailto:charles.ginsburg@utsouthwestern.edu)

#### **The Deputy Title IX Coordinator for Employees is:**

Travis Gill, J.D.  
Assistant Vice President of Institutional Equity & Access  
Phone: 214-648-9843  
Email: [travis.gill@utsouthwestern.edu](mailto:travis.gill@utsouthwestern.edu)

### **Reporting Domestic Violence, Dating Violence, Sexual Assault, and Stalking to Law Enforcement**

Incidents of domestic violence, dating violence, sexual assault, and stalking that occurred on campus should be immediately reported to University Police at 214-648-8911 (emergency), 214-648-8311 (non-emergency), or via the online [Report a Crime](#) form. Incidents occurring in other jurisdictions should be reported to the appropriate local law enforcement authority. Individuals who witness or experience domestic violence, dating violence, sexual assault, or stalking are strongly encouraged to promptly report the incident to the appropriate law enforcement authority, regardless of whether the victim intends to pursue criminal charges. Police in the jurisdiction where the incident occurred can assist victims with applying for protective orders. A sexual assault victim will also have an opportunity to have a crime victim liaison, counselor, advocate, or police officer with specialized training be present with the victim during police investigative interviews.

Reporting domestic violence, dating violence, sexual assault, or stalking to law enforcement does not mean that the case will automatically go to criminal trial or through a Formal Grievance Process under this policy. If domestic violence, dating violence, sexual assault, or stalking that occurred on campus is reported to University Police, the department will advise the individual of their right to also submit a Formal Complaint under this policy. To the extent permitted by law and UT Southwestern policy, University Police will also notify the Title IX Coordinator when a criminal complaint of domestic violence, dating violence, sexual assault, or stalking is received involving an employee, student, resident, or applicant for admission or employment, with the exception of when the individual uses a pseudonym form under the Code of Criminal Procedure for incidents of sexual assault, stalking, family violence, and human trafficking. In those instances where a pseudonym form is used, the police will only report the type of incident to the Title IX Coordinator but not any information identifying them. University Police may also provide the Title IX Coordinator access to related law enforcement records, so long as such access will not compromise any criminal investigation.

### **Additional Recommendations for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

Any victim who experiences domestic violence, dating violence, sexual assault, or stalking is encouraged to seek immediate medical care. It is important to preserve all physical evidence and to get a medical exam, regardless of whether the victim intends to report a crime, notify the police, or press criminal charges.

Individuals who have experienced a sexual assault are encouraged to have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) as soon as possible but no later than five (5) days (120 hours) after the incident. With the victim's consent, evidence collected during a SAFE can be used in a criminal investigation; however, a victim can undergo a SAFE even without contacting or intending to contact law enforcement. To undergo a SAFE, the individual should go directly to the emergency department of the nearest hospital that provides SAFE services. There are three hospitals in the city of Dallas equipped to offer SAFE services:

- Parkland Hospital
- THR Presbyterian Hospital of Dallas
- Methodist Dallas

The cost of the forensic portion of the SAFE is covered by the law enforcement agency investigating the assault or, in cases where a report is not made to police, the Texas Department of Public Safety. This does not include the cost of medical treatment that is not part of the SAFE. More information may be found at:

<https://www.texasattorneygeneral.gov/crime-victims/information-crime-victim-advocates/sexual-assault-prevention-and-crisis-services-sapcs>

An individual who has experienced a sexual assault but who does not plan to undergo a SAFE or report to police is strongly encouraged to seek medical attention and counseling. Counseling is available for students through Student Wellness and Counseling (214-645-8680) and for residents and fellows through the Resident Wellness and Counseling Center (214-648-9969). Counseling is available to employees through the Employee Assistance Program (214-648-5330 or 1-800-386-9156). Victims are strongly encouraged to contact the Title IX Coordinator or Deputy Title IX Coordinator so that UT Southwestern can provide other Supportive Measures appropriate to the situation.

### **Immunity and No Retaliation**

In an effort to encourage reporting of known or suspected Title IX Sexual Harassment, UT Southwestern will grant immunity from internal student, resident, and/or employee disciplinary action to a person who acts in good faith in making a report, filing a Formal Complaint, participating in an investigation, or participating in a disciplinary process under this policy. This immunity does not extend to the person's own violations of this policy or provide any immunity from criminal prosecution or civil action. Retaliation against any individual who makes a report, files a Formal Complaint, participates in an investigation, or participates in a disciplinary process under this policy is strictly prohibited and could lead to disciplinary action, up to and including dismissal.

or termination of employment. Known or suspected incidents of retaliation in violation of this section should be promptly reported to the UTSW Division of Title IX or to the Title IX Coordinator or Deputy Title IX Coordinator.

### **Supportive Measures**

UT Southwestern will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of Title IX Sexual Harassment. Supportive Measures, coordinated by the Title IX Coordinator and the UTSW Division of Title IX, will always be offered upon actual notice of a Formal Complaint. Supportive Measures are available without the filing of a Formal Complaint, as the situation warrants. Supportive Measures are equally available to all parties and may include but are not limited to assistance with alternative student housing, counseling, or course-related adjustments; modifications of class or rotation schedules; withdrawal from a course without penalty; campus escort services; mutual, non-punitive restrictions on contact between the parties; change in work locations; leaves of absence; increased security and monitoring of certain areas of campus; or other similar measures tailored to the individualized needs of the parties and appropriate to the situation.

Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden any of the parties involved in a reported incident of Title IX Sexual Harassment. Any disciplinary or punitive measures may only be implemented following the conclusion of the Formal Grievance Process, excluding an emergency removal issued in accordance with this policy.

Supportive Measures provided to the parties will be maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability of UT Southwestern to provide the Supportive Measures.

### **Confidentiality, Requests Not to Investigate, and Requests to Dismiss Formal Complaints**

UT Southwestern has great respect for the sensitive nature of the subject matter covered by this policy and for the privacy of the parties identified in a report or Formal Complaint. In the course of the Formal Grievance Process, UT Southwestern will share information only as necessary with people who need to know, and in compliance with law, which may include but is not limited to the investigators, witnesses, the Complainant, the Respondent, the parties' advisors, the hearing officer, and the appeal official.

Students and residents may discuss an incident with Confidential Employees or an off-campus resource (e.g., rape crisis center, doctor, psychologist, clergyperson, etc.) without concern that their identity will be reported to UT Southwestern. Employees may seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that their identity will be reported to UT Southwestern.

UT Southwestern may need to act to maintain campus safety and must determine whether further investigation is required, even in instances where a Complainant requests confidentiality or prefers that an investigation not be conducted. In making determinations regarding a Complainant's request that UT Southwestern not investigate, that a Formal Complaint be dismissed, and/or that UT Southwestern not disclose identifying information to Respondent(s), the UTSW Division of Title IX must deliberately weigh the rights, interests, and safety of the Complainant, the Respondent, and the campus community. Factors the UTSW Division of Title IX will consider when determining whether to investigate an alleged incident of Title IX Sexual Harassment under this policy include, but are not limited to:

- The seriousness of the alleged incident;
- Whether UT Southwestern has received other complaints about the same respondent;
- The respondent's right to receive information about the allegations, in accordance with federal and state law;
- Whether the alleged incident of Title IX sexual harassment poses a risk of harm to others; and
- Any other factors UT Southwestern deems relevant.

Under state law, if the Complainant requests in writing that UT Southwestern not investigate a report, the UTSW Division of Title IX must inform the Complainant of the decision whether or not to investigate.

### **Mandatory and Discretionary Dismissal of Formal Complaints by the UTSW Division of Title IX**

Title IX regulations require UT Southwestern to assess whether conduct constitutes Title IX Sexual Harassment or whether it constitutes prohibited conduct in violation of another University policy.

UT Southwestern is required to dismiss a Formal Complaint (in whole or in part) when the alleged conduct, even if substantiated:

- Does not meet the definition of Title IX Sexual Harassment in this policy;
- Did not occur in a UT Southwestern education program or activity; or
- Did not occur against a person in the United States.

UT Southwestern has the discretion to dismiss a Formal Complaint under the following circumstances:

- The Complainant requests in writing to withdraw or dismiss a Formal Complaint (or any allegations therein) in accordance with the procedures below;
- The Respondent was an employee but is no longer employed by UT Southwestern at the time the Formal Complaint is filed;
- The Respondent was a student but is no longer enrolled at UT Southwestern at the time the Formal Complaint is filed; or
- Specific circumstances prevent UT Southwestern from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein.

A mandatory or discretionary dismissal only means that the Formal Complaint will not be investigated or resolved in accordance with this policy. UT Southwestern may still handle allegations of misconduct under other applicable UT Southwestern policies or processes, for example: [ETH-151 Equal Opportunity](#) (gender discrimination), [ETH-154 Sexual Harassment and Sexual Misconduct](#) (sexual misconduct or Title VII sexual harassment), [EDU-151 Student Conduct and Discipline](#) (student misconduct), or [EMP-351 Discipline and Dismissal of Classified Employees](#) (employee misconduct). The UTSW Division of Title IX may offer Supportive Measures to the parties if a Formal Complaint is dismissed.

### **Appealing the Dismissal of a Formal Complaint**

If a Formal Complaint is dismissed, the UTSW Division of Title IX will provide the parties with prompt written notice of the dismissal and the reason(s). A Formal Complaint may be dismissed at any point in the Formal Grievance Process if it is determined dismissal is appropriate. Both parties may appeal the decision to dismiss a Formal Complaint in writing to the Assistant Vice President of Institutional Equity & Access within five (5) days. The appeal should set forth the reasons why the party believes the dismissal was in error. Appeals may only be based on the following grounds:

- Procedural irregularity that affected the dismissal decision;
- New evidence that was not reasonably available at the time of the dismissal that could affect the outcome; or
- The individual who made the decision to dismiss the formal complaint had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome.

Upon receipt of an appeal, the Assistant Vice President will provide a copy to the non-appealing party (which may be the UTSW Division of Title IX) and an opportunity to respond in writing. The Assistant Vice President may, at their discretion, schedule a meeting with the appealing party to discuss the dismissal. In that event, non-appealing party will also have the opportunity to meet with the Assistant Vice President. The Assistant Vice President will issue a written decision to the parties no later than

30 days after receipt of the appeal. The decision of the Assistant Vice President of Institutional Equity & Access is final as to dismissal or reinstatement of a Formal Complaint.

### **Concurrent Criminal or Civil Proceedings**

UT Southwestern will not wait for the outcome of concurrent criminal or civil legal proceedings to take action on a Formal Complaint under this policy or under other applicable UT Southwestern policies or procedures. UT Southwestern has an independent duty to appropriately respond to Formal Complaints and/or to address violations of this policy or other University policies. UT Southwestern may, at its discretion, delay the investigation or Formal Grievance Process for a reasonable time period due to concurrent criminal or civil proceedings on a case-by-case basis (e.g., at the request of law enforcement).

### **No Effect on Unrelated Personnel or Academic Actions**

The filing of a Formal Complaint under this policy will not stop or delay any personnel or academic action unrelated to the Formal Complaint, including: (1) any evaluation or disciplinary action relating to a Complainant who is not performing up to acceptable standards or who has violated other UT Southwestern rules or policies; (2) any evaluation or grading of students or residents (3) the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement; or (4) any job-related functions of a UT Southwestern employee.

## **SCOPE**

This policy applies to all UT Southwestern faculty, employees, students, residents, and third parties participating or attempting to participate in any UT Southwestern education program or activity, including patients, visitors, volunteers, contractors, and vendors, as well as applicants for admission or employment. This policy applies regardless of the gender, gender identity, or sexual orientation of the reporter, Complainant, or Respondent.

This policy only applies to Title IX Sexual Harassment as defined by federal law and this policy. Conduct that does not constitute Title IX Sexual Harassment may be prohibited by other UT Southwestern policies. For example, other sexual misconduct by employees that does not rise to the level of Title IX Sexual Harassment, but is unacceptable for the working environment, will be handled in accordance with [ETH-154 Sexual Harassment and Sexual Misconduct](#). Other sexual misconduct by students that does not rise to the level of Title IX Sexual Harassment, but is unacceptable for the educational environment, will be handled in accordance with [EDU-151 Student Conduct and Discipline](#).

The UTSW Division of Title IX, in consultation with the Office of Legal Affairs, will determine whether a Formal Complaint constitutes Title IX Sexual Harassment that will be adjudicated under this policy or whether a different UT Southwestern policy or process may apply. This determination may be made at any point in the Formal Grievance Process. For example, if in the course of the investigation the UTSW Division of Title IX determines alleged conduct by a student does not meet the definition of Title IX Sexual Harassment, the Formal Complaint must be dismissed but the matter may be referred to the Dean of the applicable school for action in accordance with [EDU-151 Student Conduct and Discipline](#).

## **PROCEDURES FOR FORMAL GRIEVANCE, INVESTIGATION, AND RESOLUTION**

### **The Formal Grievance Process May be Invoked by the Following:**

1. Students and Residents: The Complainant is a student or resident at UT Southwestern at the time of the alleged Title IX Sexual Harassment, and the alleged conduct occurred when the Complainant was participating or attempting to participate in an education program or activity at UT Southwestern.
2. Employees: The Complainant is an employee of UT Southwestern at the time of the alleged Title IX Sexual Harassment, and the alleged conduct occurred when the Complainant was participating or attempting to participate in an education program or activity at UT Southwestern.

3. Third parties (e.g., vendors, contractors, volunteers, patients, visitors, applicants for admission or employment): The Complainant is participating or attempting to participate in an education program or activity at UT Southwestern at the time the Title IX Sexual Harassment occurred, and the Respondent is a UT Southwestern student, resident, or employee.

If the Formal Complaint does not fit within any of the above situations, the UTSW Division of Title IX will not proceed with an investigation under this policy and will refer the matter to another UT Southwestern official or office, as appropriate, and provide written notice to the Complainant. A determination that the Complainant is not eligible to invoke the Formal Grievance Process and the matter is properly handled by another UT Southwestern official or office is not a dismissal and is not appealable by any party.

### **Submitting a Formal Complaint**

To begin the Formal Grievance Process, the Complainant must sign (physically or electronically) a written Formal Complaint and submit it to the Title IX Coordinator or Deputy Title IX Coordinator. The Complainant must include a statement setting out the known details of the alleged conduct that is the subject of the Formal Complaint, including:

- Complainant's name and contact information;
- Respondent's name;
- Detailed description of the alleged conduct or event that is the basis of the alleged Title IX Sexual Harassment in violation of this policy;
- Date(s) and location(s) of the alleged occurrence(s);
- Names of any witnesses to the alleged occurrence(s);
- The resolution sought; and
- Any documents, evidence, or other information that is relevant to the Formal Complaint.

The Title IX Coordinator or Deputy Title IX Coordinator may also sign (physically or electronically) and submit a written Formal Complaint against a Respondent to initiate the Formal Grievance Process. When the Title IX Coordinator or Deputy submits a Formal Complaint, it will include the rationale for initiating the complaint instead of the Complainant. UT Southwestern will not be deemed to have actual knowledge of a Formal Complaint unless and until it is received by the Title IX Coordinator, Deputy, or UTSW Division of Title IX.

### **Notice of a Formal Complaint**

After receiving a Formal Complaint and determining that it is actionable under this policy, the UTSW Division of Title IX will provide a written notice to the parties of the Formal Complaint which will include:

- A copy of ETH-153 Title IX Sexual Harassment: Formal Grievance Process;
- A detailed description of the factual allegations that potentially constitute prohibited Title IX Sexual Harassment under this policy, including the identity of the parties, and the date(s), time(s), and location(s) of alleged conduct, to the extent this information is known by the UTSW Division of Title IX at the time;
- A statement of the potential policy violations being investigated;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Formal Grievance Process;



- A statement informing both parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that the parties may review all evidence gathered as part of any investigation; and
- Notification that knowingly making false statements or submitting false information during the Formal Grievance Process is prohibited and could result in disciplinary action.

If at any point during the investigation, new allegations emerge or the original allegations in the Formal Complaint change, the UTSW Division of Title IX will issue concurrently to both parties a revised Notice of Formal Complaint summarizing the additional/updated allegations.

### **Emergency Removal**

A Respondent may be removed from UT Southwestern education, training, or employment activities and temporarily barred from the campus on an emergency basis pending the outcome of a Formal Grievance Process under this policy. The decision to issue an emergency removal will be based on an individualized safety and risk analysis and determination that the Respondent poses an immediate threat to physical health or safety of an individual arising from the allegations of Title IX Sexual Harassment. The UTSW Division of Title IX will notify the Respondent in writing of an emergency removal decision. The Respondent will have an opportunity to immediately challenge the emergency removal in writing to the Assistant Vice President of Institutional Equity & Access.

Students and residents who are subject to emergency removal will be placed on leave of absence and will not be permitted to participate in any UT Southwestern education programs or training activities. Residents may use paid leave in accordance with Graduate Medical Education (GME) policies and the applicable employer's policies. At the discretion of UT Southwestern, employees who are subject to emergency removal may be placed on paid administrative leave pending investigation, may be required to use available paid leave accruals, or placed on unpaid leave in accordance with UT Southwestern policies, or may be assigned to work remotely from an alternate location off campus.

### **Informal Resolution Option**

After the parties have been provided a copy of the written notice of a Formal Complaint, both parties may, in writing, voluntarily agree to use this Informal Resolution option at any point prior to a final determination regarding responsibility. No party is required to use the Informal Resolution option. The Informal Resolution option is in lieu of the investigation, live hearing, and appeal process described below. The Informal Resolution process is not permitted in cases where Title IX Sexual Harassment by an employee against a student is alleged in the Formal Complaint. At any point prior to agreeing to an Informal Resolution, each party has the right to withdraw from the Informal Resolution process and resume the Formal Grievance Process.

Upon receipt of the written agreement of both parties to pursue the Informal Resolution option, the UTSW Division of Title IX will issue a Notice of Informal Resolution Option concurrently to both parties, which will include:

- A summary of the allegations in the Formal Complaint;
- An outline of the informal resolution process;
- A statement that if the informal process results in a mutual agreement, then the parties forgo resuming a Formal Grievance Process arising from the same allegations;
- A statement that at any point prior to agreeing to an informal resolution, each party has the right to withdraw from the informal process and resume the Formal Grievance Process;
- A statement acknowledging that an agreed-upon Informal Resolution by both parties will fully and finally resolve the allegations and create a binding obligation on both parties to abide by the resolution; and

- Any potential consequences that may result from participating in the informal process, such as: (a) failure to comply with an informal resolution by either party may result in disciplinary action; (b) documentation and recordkeeping of the informal process; and (c) confidentiality of records.

Informal Resolutions will be concluded within 45 days of UTSW Division of Title IX's receipt of written notice that both parties wish to exercise this option. This time limit can be extended by the UTSW Division of Title IX for good cause and with written notice to both parties. The UTSW Division of Title IX will provide a written copy of any Informal Resolution reached. All documentation related to the Informal Resolution process will be treated as confidential to the extent possible under law and will be kept for seven (7) years as required by law and UT Southwestern policy. The Informal Resolution process is confidential, it will not be recorded or transcribed, and any statements made by the parties may not be used for or against either party should the parties resume the Formal Grievance Process. Information related to an Informal Resolution may be relevant in any future complaint against the same Respondent. Failure to comply with an Informal Resolution may result in disciplinary action.

### **Investigation of the Formal Complaint**

All Formal Complaints will be investigated by an investigator in the UTSW Division of Title IX. Investigations will proceed as follows:

1. The Respondent will have the opportunity to respond to the Notice of Formal Complaint and the allegations in writing and during an interview with the investigator.
2. The UTSW Title IX Division will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings in the Formal Grievance Process.
3. Parties must provide the UTSW Division of Title IX with the name and contact information of their advisor. If a party wants the UTSW Division of Title IX to release information to their advisor (e.g., evidence, the completed final report, hearing notices, etc.), the party must submit a written, signed consent for such release. Advisors are not permitted to actively participate in meetings or proceedings in the Formal Grievance Process, except when questioning witnesses at a live hearing, as expressly permitted by this policy.
4. During the investigation, the parties may present any information and evidence that may be relevant to the Formal Complaint and may have an advisor of their choice attend any related interview, meeting, or proceeding in the Formal Grievance Process. The parties may present the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the Formal Complaint. The parties may submit to the investigator any questions they would like asked of any potential witnesses or the other party.
5. The investigator will interview relevant and available witnesses and all parties. Neither the Complainant nor the Respondent or their respective advisors will be permitted to attend interviews of other witnesses, including interviews of the other party.
6. The investigation of a Formal Complaint will be concluded within 90 days, unless the process is tolled while the parties are pursuing an Informal Resolution or an extension is granted for good cause by the UTSW Division of Title IX.
7. Prior to the completion of the investigation report, the UTSW Division of Title IX will provide access to all evidence obtained (whether relevant or not) as part of the investigation to both parties.
8. Both parties will have an equal opportunity to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the UTSW Division of Title IX within 10 days. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The



UTSW Division of Title IX will consider all timely responses submitted by the parties before finalizing the investigation report.

9. The completed investigation report will outline each of the allegations that potentially constitutes prohibited Title IX Sexual Harassment under this policy, describe the investigation, and fairly summarize relevant evidence, witness statements, and responses to questions.
10. The investigator will provide a completed investigation report concurrently to both parties no later than 10 days prior to the date of any scheduled hearing. A copy of the completed investigation report will be issued to the Title IX Coordinator and to the hearing officer.

### **Live Hearing and Determination of Responsibility**

UT Southwestern will provide a live hearing for all Formal Complaints that are not dismissed, resolved informally, or referred for handling under another UT Southwestern policy or process. The Formal Grievance Process will use the preponderance of the evidence standard, as defined below. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the Formal Grievance Process, including any appeals.

1. Hearing Notice. The UTSW Division of Title IX will provide at least 10 days' written notice of the hearing to the parties that includes the date, time, location, the name of the hearing officer, and the names of all participants (all parties, party's advisors, and witnesses in the investigation report who will testify), purpose of the hearing, a statement of the Title IX Sexual Harassment charges, and a summary of the evidence gathered. The hearing notice may also provide a deadline by which the University representative and the parties have an opportunity to disclose (1) the names of any witnesses they intend to call to testify at the hearing, if any, and (2) a copy of any documents they intend to use as exhibits at the hearing, not already included in the investigation report, if any.
2. Challenges to the Hearing Officer. Either party may challenge the fairness, impartiality, or objectivity of a hearing officer. The challenge must be submitted in writing to the UTSW Division of Title IX within three (3) days after receipt of the Hearing Notice and must state the basis for the challenge. The hearing officer will be the sole judge of whether they can serve with fairness, impartiality, and objectivity. In the event that the hearing officer recuses themselves, a new hearing officer will be assigned by the UTSW Division of Title IX, and a new Hearing Notice will be issued.
3. Hearing Officer Duties. The hearing officer is responsible for conducting the hearing in accordance with these procedures. The hearing officer will rule on all procedural matters and on objections regarding exhibits and testimony of witnesses at the hearing; may question witnesses who testify at the hearing; and is entitled to have the advice and assistance of an attorney from the Office of the Vice President for Legal Affairs and/or an attorney from the Office of General Counsel of the UT System.
4. Access to Evidence. Each party will have access to all of the evidence from the investigation, including a copy of the completed investigation report, in advance of the hearing.
5. Separate Rooms and Virtual Participation. At the request of either party, UT Southwestern will arrange for the hearing to occur with the parties located in separate rooms using technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually and are not required to be physically present at the same physical location of the hearing.
6. University Representative Role. The University representative will present information regarding the case at the hearing and will have the ability to present information and witnesses, question witnesses, and provide opening and closing statements at the hearing.

7. Privileged Information Excluded. No person will be required to disclose information protected under a legally recognized privilege. The hearing officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This prohibition includes information protected by the attorney-client privilege.
8. Advisors. Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the UTSW Division of Title IX will provide one. Advisors are not permitted to actively participate in the hearing, except that advisors may ask questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing, however, the UTSW Division of Title IX will not provide advisors to non-party witnesses.
9. Questioning of the Witnesses in the Hearing: The hearing officer may, at their discretion, ask questions during the hearing of any party or witness at any time during the proceeding. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses who participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses who participate in the hearing. The University representative and the advisors may ask questions using the following procedure:
  - The questioner will ask a question of the witness.
  - Before the witness answers a question, the hearing officer will rule as to whether the question is relevant to the alleged Title IX Sexual Harassment charges.
  - If the hearing officer rules that the question is not relevant, then the hearing officer must explain any decision to exclude a question as not relevant.
  - If the hearing officer allows the question as relevant, the witness will answer it.
10. Prior Sexual History: A Complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about such behavior are offered to prove that someone other than the Respondent committed the alleged Title IX Sexual Harassment or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent.
11. Hearing Officer Determination. Within 10 days after the hearing concludes, the hearing officer will issue a written determination, which will include the following:
  - The allegations that potentially constitute Title IX Sexual Harassment prohibited by this policy;
  - A description of all of the procedural steps of the Formal Grievance Process under this policy;
  - The findings of fact supporting the hearing officer's determination, based on a preponderance of the evidence standard;
  - The conclusion(s) and a rationale as to whether the Respondent is responsible for each allegation;
  - The disciplinary sanctions, if applicable;
  - Whether additional remedies designed to restore or preserve equal access to the education program or activity will be provided; and
  - Procedures and permissible grounds for the parties to appeal, if applicable.

The hearing officer will send a copy of the written determination concurrently to the parties; to the Dean of the applicable school (for student Respondents); to the Program Director and GME Office (for resident Respondents); to

Employee Relations and the immediate supervisor (for employee Respondents); and to the Title IX Coordinator and the UTSW Division of Title IX.

12. The hearing will be recorded in audio or audiovisual format or may be transcribed by a court reporter at the discretion of the UTSW Division of Title IX. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon written request.

### **Sanctions and Remedies**

If the hearing officer determines the Respondent was responsible for violation of this policy, the hearing officer will determine appropriate sanctions and remedies. Possible sanctions and remedies for student or resident Respondents could include:

- Educational training;
- No shared classes, rotations, or extra-curricular activities between Complainant and Respondent;
- Disciplinary warning or probation;
- Withholding of grades, official transcript, and/or degree;
- Delayed graduation or extension of training;
- Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from UT Southwestern;
- Suspension of other rights and privileges, such as participation in extracurricular activities;
- Denial of degree;
- Disciplinary Suspension from UT Southwestern for a specific period of time;
- Expulsion and permanent separation from UT Southwestern and a permanent notation on the student's official transcript;
- Suspension, probation, or dismissal from residency/fellowship program;
- Revocation of degree and withdrawal of diploma; and/or
- Other sanction(s) or remedies as deemed appropriate under the circumstances by the hearing officer, including additional Supportive Measures.

Possible sanctions and remedies for employee Respondents could include:

- Documented Counseling, Written Warning, or Letter of Expectations;
- Involuntary demotion or job reassignment;
- Suspension with or without pay for a specific period of time;
- Termination of employment;
- Notice of non-reappointment;
- Not eligible for rehire (NEFR) designation for a specified period of time or permanently; and/or
- Other sanction(s) or remedies as deemed appropriate under the circumstances by the hearing officer, including additional Supportive Measures.

## Appeals

Either party may appeal in writing a hearing officer's determination regarding a Respondent's responsibility under the Formal Grievance Process within 10 days of notification of such a determination. Appeals following a live hearing may only be submitted on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or
3. The investigator or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome.

The UTSW Division of Title IX will appoint an appellate officer to review any appeals. The appellate officer will not be the Title IX Coordinator or Deputy, investigator(s), or hearing officer in the Formal Grievance Process. Both parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both parties.

Any non-appealing party will have seven (7) days from the notification of an appeal to submit a written statement in support of the outcome. The appeal officer may take any one of the following actions regarding an appeal:

1. Affirm the hearing officer's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
2. Affirm the hearing officer's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
3. Affirm the University's dismissal of a Formal Complaint (or any allegations in the Formal Complaint);
4. Remand the Formal Complaint back to the investigation or hearing stage for the investigator or hearing officer to remedy any procedural irregularity or consider any new evidence;
5. Reverse the hearing officer's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
6. Uphold or overturn the UTSW Division of Title IX's decision not to investigate or to dismiss a Formal Complaint.

The appeal officer will release a written decision within 30 days from the date of the appeal. The appeal official's decision is final in all respects and ends the Formal Grievance Process.

Complainants and Respondents may appeal the hearing officer's determination of responsibility and any sanctions and remedies only in accordance with this policy. Due process or appeals available under other policies or processes, such as [EDU-151 Student Conduct and Discipline](#), GME's Grievance and Due Process Policy, [EMP-351 Discipline and Dismissal of Classified Employees](#), [EMP-401 Employee Grievances](#), or [FAC-501 Faculty Grievances](#) do not apply.

## Miscellaneous Provisions

Any person, who in bad faith, knowingly files a false complaint under this policy or provides materially false information is subject to disciplinary action up to and including dismissal or termination of employment. A determination that a Respondent is not responsible for allegations of Title IX Sexual Harassment does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

Any person who interferes with the Formal Grievance Process is subject to disciplinary action up to and including dismissal or termination of employment. Interference in violation of this policy may include, but is not limited to:

- Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- Removing, destroying, or altering evidence relevant to the Formal Grievance Process; or
- Knowingly providing false or misleading information to the UTSW Division of Title IX, investigator, hearing officer, or appeal official or encouraging others to do so.

Withdrawal or graduation by a student Respondent after a Formal Complaint has been filed but before a determination is made will not stop the Formal Grievance Process. UT Southwestern will continue the grievance process and make a determination of responsibility, as required by Texas law.

### **Timeframe for the Formal Grievance Process**

All deadlines and timeframes contained in this policy are counted in calendar days. The entire Formal Grievance Process (including any appeal) will generally be completed in no more than 150 days from the filing of the Formal Complaint, unless circumstances may require a temporary delay (e.g., at the request of law enforcement). The UTSW Division of Title IX may extend this timeframe for good cause. In cases of extension, the UTSW Division of Title IX will provide written notice to the parties and the reason(s) for the action. Examples of good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The 150-day timeframe for completion of the entire Formal Grievance Process does not include any period of time the parties attempted but failed to reach an agreement in the Informal Resolution Process, if applicable. In cases where an Informal Resolution was attempted but failed, the Formal Grievance Process timeframe will be extended by an amount of time equivalent to the time the parties were engaged in the Informal Resolution process.

### **Documentation of the Formal Grievance Process**

The UTSW Division of Title IX will retain all of the documentation included in the Formal Grievance Process for seven (7) years, in accordance with state and federal laws and UT Southwestern policy. All records are considered confidential to the extent permitted by law. Student records are subject to the Family Educational Rights and Privacy Act (FERPA). Disciplinary sanctions impacting a student's status (e.g., suspension, dismissal) will also be maintained by the Dean's Office of the applicable school and/or the Office of Enrollment Services. See [EDU-201 Student Rights Under the Family Educational Rights and Privacy Act \(FERPA\)](#). Employee records are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA). Disciplinary sanctions against employees will also be included in the employee's official employment file maintained by the Office of Human Resources.

### **Dissemination of Policy and Educational Programs**

This policy will be made available to online at UT Southwestern's website for [Title IX and Sexual Misconduct](#), in the *Handbook of Institutional Policies and Operating Procedures*, and published in the General Catalog. Campus-wide email notices regarding Title IX Sexual Harassment and this policy will be sent at the beginning of each fall and spring semester and will include complaint and resolution procedures, contact information for the Title IX Coordinator and Deputy, and available resources and support services.

The UTSW Division of Title IX will provide ongoing awareness and preventive education programs, which will include information about primary prevention, risk reduction, and bystander intervention:

<https://www.utsouthwestern.edu/about-us/title-ix/training/>

All Title IX Coordinators, Deputy Coordinators, investigators, hearing officers, and appeal officials will receive training each academic year about Title IX Sexual Harassment, this policy, and other UT Southwestern policies related to sexual misconduct. All training materials used to train Title IX-related personnel will be made available on the UT Southwestern website:

<https://www.utsouthwestern.edu/about-us/title-ix/>

## KEY OFFICIALS AND RESPONSIBILITIES

**Title IX Coordinator** – The Title IX Coordinator is the senior administrator who oversees UT Southwestern’s compliance with Title IX and this policy. The Title IX Coordinator is responsible for receiving reports and coordinating UT Southwestern’s administrative response to Formal Complaints of Title IX Sexual Harassment under this policy. The Title IX Coordinator is available to discuss the Grievance Process, coordinate Supportive Measures, explain this policy and other available policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. The Title IX Coordinator and the Deputy Title IX Coordinator will not serve as the investigator, hearing officer, appeal official, or advisor to the parties during the Formal Grievance Process.

**Hearing Officer(s)** – A hearing officer is responsible for conducting live hearings in an orderly manner, ruling on the relevance of questions and evidence, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding whether the Respondent is responsible for the alleged conduct in violation of this policy. A hearing officer will ensure hearings are conducted in an impartial, neutral, and objective manner. A hearing officer may also determine that the Respondent is not responsible for Title IX Sexual Harassment under this policy, but is responsible for violations of other policies and refer the matter for appropriate disciplinary action (e.g., under [EMP-351 Discipline and Dismissal of Classified Employees](#) for employees or [EDU-151P-01 Procedures for Student Discipline](#) for students).

**Investigator(s)** – All Formal Complaints will be investigated under this policy by trained investigators selected by the UTSW Division of Title IX within the Office of Institutional Equity & Access. Investigators are neutral and impartial fact-finders who interview witnesses and gather evidence during the investigation of a Formal Complaint. Investigators are responsible for completing an investigation report at the conclusion of the investigation.

**UTSW Division of Title IX** – The UTSW Division of Title IX is responsible for receiving and assessing Formal Complaints, conducting investigations, facilitating Informal Resolutions where appropriate, and facilitating the live hearing and appeal processes described in this policy. The UTSW Division of Title IX will provide training and programmatic support for UT Southwestern’s Title IX compliance efforts. The UTSW Division of Title IX is also responsible for recordkeeping and coordinating UT Southwestern’s internal and external reporting as required by state and federal law. The UTSW Division of Title IX reports up to the Assistant Vice President of Institutional Equity & Access and Deputy Title IX Coordinator.

## DEFINITIONS

**Coercion** – The use of unreasonable pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person’s words or conduct are sufficient to constitute coercion if they eliminate a reasonable person’s freedom of will and ability to choose whether or not to engage in sexual activity.

**Complainant** – The individual who is alleged to be the victim of any prohibited conduct under this policy.

**Confidential Employees** – Counselors or other providers in Student Wellness and Counseling, the Resident Counseling and Wellness Center, and the Employee Assistance Program; members of the Student Assistance Committee (SAC) who learn information about an incident during confidential SAC proceedings; a health care provider in Student Health; and members of the clergy. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee’s communications confidential or privileged under other law (such as attorneys and health care providers in the course of providing treatment) are also considered “Confidential Employees.” An employee assigned by the UTSW Division of Title IX to be a party’s advisor during a live hearing process under this policy is a “Confidential Employee” only as to this specific role and under these circumstances.

Note: Under state law and University policy, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence, stalking, or other sexual misconduct committed by or against a student, resident, or employee of the University, are required to report the **type of incident** to the Title IX Coordinator or a Deputy Coordinator. Confidential Employees may not include any information that would violate a student's, resident's, or employee's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

**Consent** – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent. Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.<sup>1</sup>

**Dating Violence**<sup>2</sup> – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of the following factors:

- a. The length of the relationship;
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<sup>1</sup> Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent 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.

<sup>2</sup> Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
  - (1) is committed against a victim:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim'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 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 Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.



- b. The type of relationship; and
- c. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

**Domestic (Family) Violence**<sup>3</sup> – Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the domestic or family violence laws of the state of Texas, including the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- a. is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
- b. shares a child in common with the victim;
- c. is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- d. commits acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Texas.

**Economic Abuse** – Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- a. restrict a person's access to money, assets, credit, or financial information;
- b. unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- c. exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

**Education Program or Activity** – For purposes of this policy includes conduct that occurs within UT Southwestern operations; on any property owned or controlled by UT Southwestern; at any UT Southwestern sponsored or approved event or activity; in any building owned or controlled by a student organization that is officially recognized by UT Southwestern; or at any location, event, or circumstance off-campus where UT Southwestern exercised substantial control over the Respondent and the context.

**Incapacitation** – The inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

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<sup>3</sup> Family Violence is defined by the Texas Family Code Section 71.004 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 Sections 261.001(1)(C), (E), and (G), 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 Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.



When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

After establishing that a person is in fact incapacitated, the University asks two questions:

- (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not,
- (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” consent was absent and the conduct is likely a violation of this policy. A Respondent will be found to have violated policy only if the Respondent knew or should have known that the person was incapacitated.

**Intimidation** – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Participants** – Includes the University representative, Complainant, Respondent, and any witnesses.

**Parties** – The “Complainant” and the “Respondent” under this policy.

**Preponderance of the Evidence** – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining whether allegations of Title IX Sexual Harassment prohibited by this policy occurred. This standard is satisfied if the action is deemed more likely to have occurred than not.

**Respondent** – The individual who has been reported to have committed Title IX Sexual Harassment prohibited by this policy.

**Responsible Employee** – A UT Southwestern employee who is required to report incidents of and information reasonably believed to be sexual harassment, sexual assault, domestic/dating violence, stalking, or other sexual misconduct committed by or against a UT Southwestern student, resident, or employee to the Title IX Coordinator or Deputy Coordinator. All UT Southwestern employees are Responsible Employees except Confidential Employees, or employees or police officers when a victim uses a pseudonym form under the Code of Criminal Procedure for incidents of sexual assault, stalking, family violence, and human trafficking. Responsible Employees include all officials, administrators, faculty, staff, academic advisors, mentors, etc. Responsible Employees must promptly report all known information concerning the incident to the Title IX Coordinator or Deputy Coordinator, and must include whether a complainant has expressed a desire for confidentiality in reporting the incident. Responsible Employees do not include individuals who hold positions in which student or trainee status is a requirement (e.g., student employees, student interns, graduate student researchers, postdoctoral researchers, graduate medical education residents and fellows, or other individuals holding academic training titles); however, these individuals are strongly urged to report. See [ETH-154 Sexual Harassment and Sexual Misconduct](#) for a complete description of Responsible Employees’ state law reporting obligations, which include but are not limited to promptly reporting Title IX Sexual Harassment committed by or against a student or employee to a Title IX Coordinator.

**Resident** – For the purposes of this policy, any physician in any Graduate Medical Education program at UT Southwestern, including interns, residents, fellows, non-ACGME clinical fellows, and subspecialty residents.

**Retaliation** – For purposes of this policy means any adverse action (including, but is not limited to, disciplinary action, intimidation, threats, coercion, harassment, or discrimination) taken against someone *because* the individual has made a report or filed a Formal Complaint, participated in an investigation, or participated or refused to participate in a Formal Grievance Process under this policy.

**Sexual Assault<sup>4</sup>** – An offense that meets the definition of rape, fondling, incest, or statutory rape:

- a. *Rape*: The causing of penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

**Sex Discrimination** – Treating an individual less favorably on the basis of that person's sex (including gender), which may also include on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Title IX Sexual Harassment, as defined by this policy, is a form of prohibited sex discrimination.

**Sexual Exploitation** – Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in sexual voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; threatening to disclose someone's highly personal images; threatening to disclose sensitive details about one's sexual preferences, habits, and/or experiences; and threatening to expose someone's prior sexual activity to another person; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

**Stalking<sup>5</sup>** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition:

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<sup>4</sup> Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- c) Causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

<sup>5</sup> Stalking as defined by Texas Penal Code, Section 42.072 is when an individual 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:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - i. bodily injury or death for the other person;
  - ii. 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
  - iii. that an offense will be committed against the other person's property;
- b) 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
- c) would cause a reasonable person to:

- a. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- c. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Student** – For the purposes of this policy, an individual who is enrolled and in attendance at the UT Southwestern Medical School, School of Health Professions, or Graduate School of Biomedical Sciences, including postdoctoral scholars appointed to academic training positions.

**Technological Abuse** – an act or pattern of behavior that occurs within sexual assault, domestic violence, dating violence, or stalking, and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, camera and imaging programs, apps, location tracking devices, communication technologies, or any other emerging technologies.

**Title IX Sexual Harassment** – Under federal law and this policy, Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. Quid pro quo: an employee conditioning the provision of an aid, benefit, or service of UT Southwestern on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the UT Southwestern's education programs or activities; or
- c. "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.

## RELATED STATUTES, POLICIES, OR STANDARDS

[EDU-151 Student Conduct and Discipline](#)

[EDU-151P-01 Procedures for Student Discipline](#)

[EDU-201 Student Rights Under the Family Educational Rights and Privacy Act \(FERPA\)](#)

[EMP-351 Discipline and Dismissal of Classified Employees](#)

[ETH-111 Consensual Relationships](#)

[ETH-151 Equal Opportunity](#)

[ETH-151P-01 Equal Opportunity Complaint Investigation and Resolution Procedure](#)

[ETH-154 Sexual Harassment and Sexual Misconduct](#)

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- i. fear bodily injury or death for himself or herself;
  - ii. 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;
  - iii. fear that an offense will be committed against the person's property; or
  - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

[FAC-501 Faculty Grievances](#)

[SEC-156 Violence on Campus](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e–2000e-17 and its implementing regulations 29 C.F.R. §1604 11.

Clery Act, 20 U.S.C §1092(f) and its implementing regulations 34 C.F.R. Part 668

FERPA Regulations, 34 C.F.R. Part 99

Texas Education Code, Chapter 51, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.251-51.259

Texas Education Code, Chapter 51, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.281-51.291

Texas Code of Criminal Procedures, Chapter 56A, Request for Forensic Medical Examination Art. 56A.251

Texas Code of Criminal Procedures, Chapter 56A, Presence of Sexual Assault Program Advocate Art. 56A.351

Board of Regents' *Rules and Regulations*, Rule 30105: Sexual Harassment, Sexual Misconduct, Consensual Relationships

## EXCEPTIONS

Freedom of speech and principles of academic freedom are central to the mission of UT Southwestern. Constitutionally protected expression is not Title IX Sexual Harassment under this policy. The determination as to whether any specific conduct constitutes Constitutionally protected expression that is excepted from this policy will be made by the Title IX Coordinator in consultation with the Office of the Vice President for Legal Affairs.

This policy does not apply to conduct that occurred against a person outside of the United States.

Complaints related to patient care provided in the treatment setting will be handled by the Office of Medical Risk Management and/or the Patient Assistance Office, as appropriate.

## CONTACTS FOR FURTHER INFORMATION AND ADDITIONAL RESOURCES

### Campus Resources

#### Title IX Coordinator and Deputy Title IX Coordinator

The Title IX Coordinator and Deputy have specialized training and are knowledgeable about Title IX Sexual Harassment, including domestic violence, dating violence, sexual assault, and stalking. They can assist individuals affected by sexual violence with accessing campus and community resources and pursuing a Formal Grievance Process. They can also assist individuals with complaints that may not constitute Title IX Sexual Harassment, but may be addressed under other policies such as ETH-154 Sexual Harassment and Sexual Misconduct or EDU-151 Student Conduct and Discipline.

[Office of Institutional Equity & Access](#) 214-648-4343

#### University Police

- On-Campus Emergency Number: 911
- Off-Campus Emergency/Cell Number: 214-648-8911
- On-Campus Non-Emergency Number: 88311
- Off-Campus Non-Emergency Number: 214-648-8311

- Crime Prevention Unit: 214-648-2220
- ["Report a Crime"](#) via the University Police Crime Prevention web page
- [University Police Annual Security Report](#)
- [UT Southwestern Employee Emergency Response Guide](#)

**Office of Institutional Compliance** 214-648-6024

**Compliance Hotline** 877-507-7319

The Compliance Hotline is a confidential third-party reporting service that operates 24 hours a day, 7 days a week, and 365 days a year. Calls can be made anonymously or individuals may leave their name. Allegations of Title IX Sexual Harassment are forwarded to the Title IX Coordinator and will be promptly addressed in accordance with this policy.

### **Additional Campus Resources**

- Student Wellness and Counseling Center: 214-645-8680
- Student Health Services: 214-645-8690
- Southwestern Medical School – Office of the Associate Dean for Student Affairs: 214-648-2168
- Southwestern Graduate School of Biomedical Sciences – Office of the Dean: 214-648-0715
- School of Health Professions – Office of the Dean: 214-648-1500
- Office of Graduate Medical Education: 214-648-3433

### **Off-Campus Resources**

- Parkland Victim Intervention Program (VIP)/ Rape Crisis Center 24-hour Local Hotline: 214-590-0430  
<http://www.parklandhospital.com/phhs/vip-rape-crisis-center.aspx>
- Dallas Area Rape Crisis Center 24-Hour Local Hotline: 972-641-RAPE (7273)  
<http://www.dallasrapecrisis.org/>
- Rape, Abuse & Incest National Network (RAINN): 1-800-656-HOPE (4673)  
<https://www.rainn.org/get-help/national-sexual-assault-hotline>
- Legal Aid for Survivors of Sexual Assault (LASSA): 1-844-303-SAFE (7233)  
<http://www.teajf.org/grants/LASSA.aspx>

#### **For Students:**

##### **Office of Civil Rights**

##### **U.S. Department of Education**

1201 Elm Street, Suite 1000  
Dallas, TX 75270  
Phone: (214) 661-9600

##### **Office for Civil Rights**

##### **U.S. Department of Health and Human Services**

1301 Young Street, Suite 1169  
Dallas, TX 75202  
Phone: (800) 537-7697

#### **For Employees:**

##### **U.S. Equal Employment Opportunity Commission**

Dallas District Office

207 S. Houston Street, 3<sup>rd</sup> Floor  
Dallas, TX 75202  
Phone: (800) 669-4000

**Texas Workforce Commission**

Civil Rights Division  
101 E. 15th Street  
Room 144-T  
Austin, TX 78778-0001  
Phone: (512) 463-2642

## POLICY HISTORY

August 30, 2022: Aligned with updated UT System Model Policy on Sexual Misconduct; revised definition for “Coercion” and “Domestic Violence;” add definitions for “Economic Abuse” and “Technological Abuse.”

September 20, 2021: To align with additional changes in the UT System model policy which were based on new guidance from the Department of Education and the Office of Civil Rights; removed the paragraph under “Live Hearing and Determination of Responsibility” for “Effect of Failure to Submit to Cross-Examination,” also referred to as the “Hearsay Rule.”

September 1, 2021: Revised policy to align with new state laws and UT System model policy.

February 5, 2021: Clarified that state law requires terminating the employment of a Responsible Employee who knowingly fails to report.

August 12, 2020: Developed as a new policy to replace EDU-116 Sex Discrimination - Sexual Misconduct, Harassment, and Violence and EDU-116P-01 Sex Discrimination Complaint and Resolution Procedure; published as ETH-153 Title IX Sexual Harassment: Formal Grievance Policy.

December 20, 2019: Updated the definition for “Complainant,” “Respondent,” and “Hostile Environment.”

November 7, 2019: Updated in accordance with state law requirements.

December 21, 2018: Added new definitions from the UT System Model Policy for Sexual Harassment and Sexual Misconduct, and updated the “Office of Diversity & Inclusion and Equal Opportunity” with the “Office of Institutional Equity & Access.

June 25, 2018: In Contacts and Resources section, changed the Office of Student and Alumni Affairs to the Office of Enrollment Services.

April 21, 2017: Corrected typo in the telephone number of the Student Wellness and Counseling Service.

June 23, 2016: Removed link to Hopelaws.org from the Additional Procedures section, and replaced Hopelaws in Off-Campus Resources with LASSA (Legal Aid for Survivors of Sexual Assault).

June 9, 2016: Added requirement for Title IX Coordinator, University Police, and Office of Diversity & Inclusion and Equal Opportunity to inform the President of any reported incidents of sex discrimination as defined in this policy.

July 3, 2015: Revised policy to comply with current laws and models provided by the UT System Office of General Counsel.

December 21, 2012: Developed as a new policy, and published as EDU-116 Sex Discrimination.