



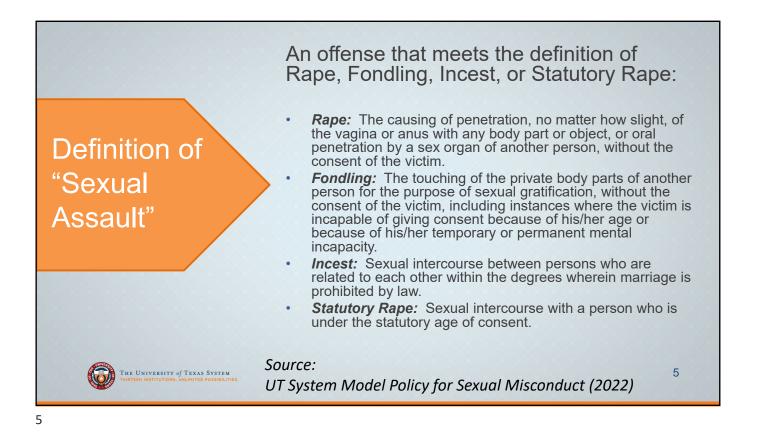


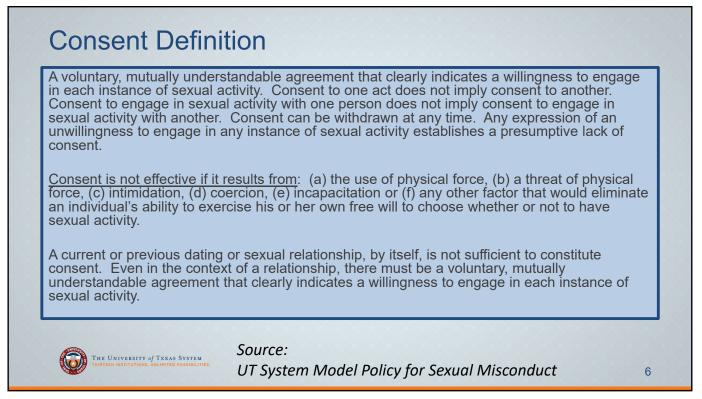
Disclaimers & Notes about this Training

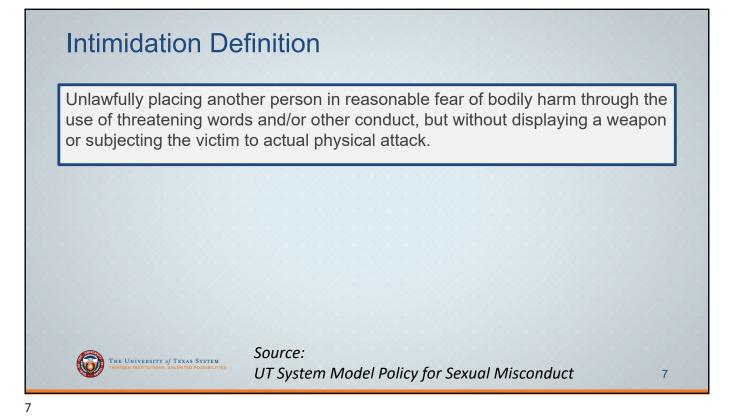
- Content Warning: The content of this training may contain sexually explicit hypothetical scenarios of sexual assault, sexual exploitation, non-consensual sexual contact, and/or other inappropriate sexual conduct.
- **Policy Differences**: For the purposes of this training, the UTS Model Policy for Sexual Misconduct will be the primary policy reference. UT Institutional policies may have some differences.

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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.



Source: UT System Model Policy for Sexual Misconduct (2022)

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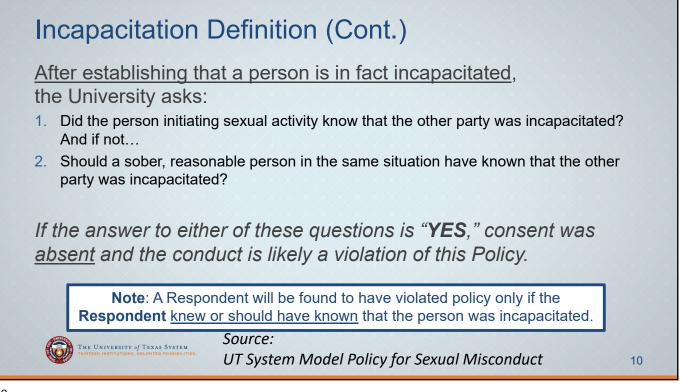
Incapacitation Definition

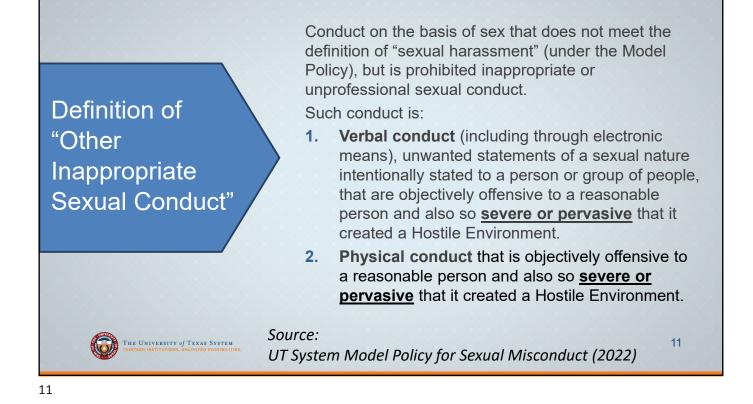
Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated 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.

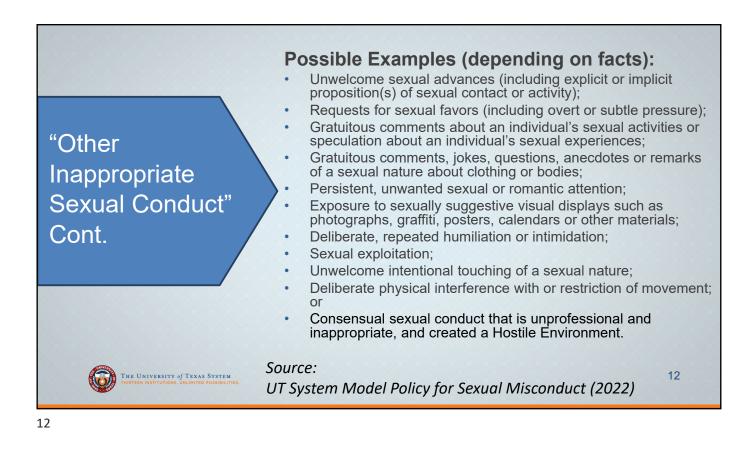
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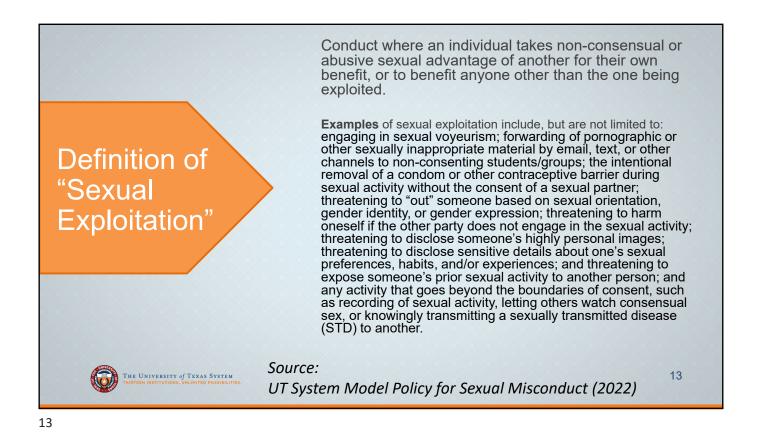


Source: UT System Model Policy for Sexual Misconduct











Participant Goals

- Primary goal: Based on the information provided in each hypothetical scenario, make a determination as to whether or not the preponderance of the evidence is met for a policy violation (if applicable).
- Secondary goal: Identify the types of questions you would ask during the investigation or in a live hearing to understand the situation further and/or seek clarity?

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Hypothetical Scenario 1

Complainant and Respondent are both students and meet for the first time at an off-campus party. They both consume alcohol "heavily" throughout the evening.

CP & RP start kissing and "making out" at the party. Then, CP & RP walk to CP's apartment. At the apartment, CP states *"I don't want sex"* but says *"I'm fine 'playing around' a little."* Then, CP & RP undress their own clothes and begin kissing and touching each other's bodies on CP's bed. RP penetrates CP with RP's fingers. CP shakes head from side to side and whispers *"no no no"* in a quiet but audible voice. RP does not stop immediately.

CP files a Formal Complaint and states that RP "sexually assaulted" CP.

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Consent Defini	tion
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Consent is not effective if it r force, (c) intimidation, (d) co an individual's ability to exer sexual activity.	results from: (a) the use of physical force, (b) a threat of physical ercion, (e) incapacitation or (f) any other factor that would eliminate cise his or her own free will to choose whether or not to have
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THE UNIVERSITY of TEXAS SYSTEM	Source: UT System Model Policy for Sexual Misconduct (2021) 17

Complainant and Respondent are both students in a sexual relationship for about 5 months and both describe the relationship as *"friends with benefits."* Generally each week, either the CP or RP will text the other person to see if the other wants to *"hook up."* "Hooking up" usually consists of (a) watching some television together and making small talk; and (b) at some point, one person initiates kissing and sex. Once during the first month, CP & RP had penetrative intercourse. Other than that, all of the sexual contact has been oral.

On the night of the incident, CP invites RP to CP's apartment. CP states that CP intended that they would each perform oral sex on each other just like they had multiple times. When RP arrives at CP's apartment, neither person exchanges any words. Instead, CP and RP begin kissing. CP begins performing oral sex on RP. RP then penetrates CP with RP's penis. CP states that when RP penetrated CP, CP *"froze"* and did not know what to do. CP states that the penetration was not consensual.

CP files a Formal Complaint and states that the penetration on that night lacked any *"consent."* CP cites materials from a campus advocacy organization that states that consent must be verbal and that there must be consent for each sexual act. The next day, RP files a Formal Complaint and states that if the penetration was "not consensual," neither was the oral sex CP performed on RP. Therefore, RP asserts *RP "was the victim of sexual assault" by CP*.

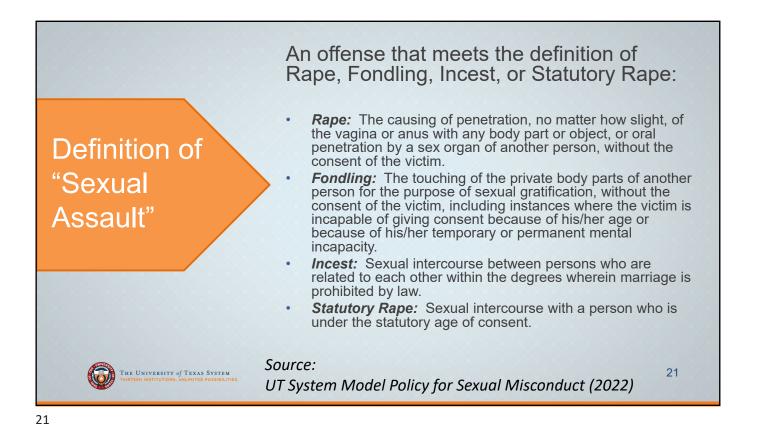
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THE UNIVERSITY of TEXAS SYSTEM	Source: UT System Model Policy for Sexual Misconduct (2021) 19

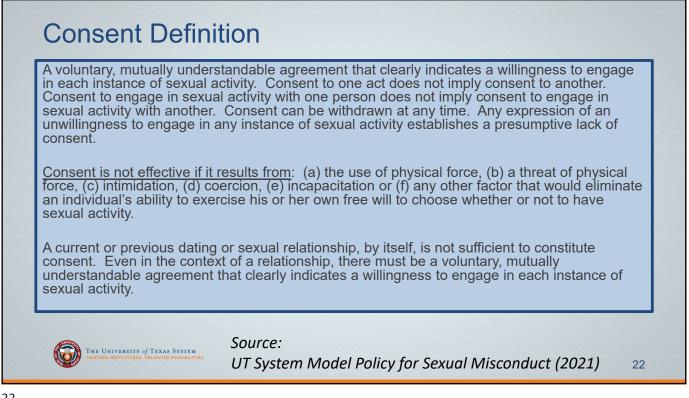
Complainant and Respondent are both students. One night they were at Complainant's apartment, and they began kissing. Complainant kissed Respondent first. Respondent reciprocated the kiss and began hugging Complainant, moving Respondent's hands on Complainant's back. Complainant did the same. This continued for a moment before Respondent moved Respondent's hand to Complainant's breasts, over Complainant's clothes. Complainant pushed Respondent's hand away.

They continued kissing for a few more minutes and Complainant began kissing Respondent's neck. Respondent tried to touch Complainant's breasts again. Again, Complainant moved Respondent's hands away while they continued kissing. They kissed for a few more seconds and then Complainant told Respondent Complainant had to study.

The next day, Complainant told a friend about the encounter, who told Complainant that Complainant had been sexually assaulted (touching breasts without consent). Complainant had previously not characterized the event as a sexual assault. But CP now considers the RP's behavior as a sexual assault. CP files a Formal Complaint.

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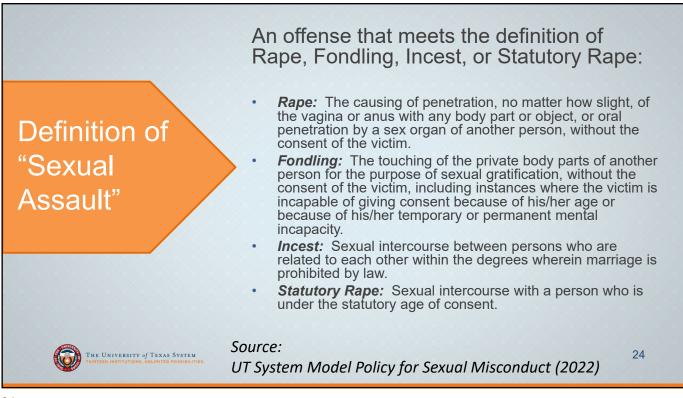
Complainant and Respondent are both Ph.D. students in their early 30s, married to each other. CP does not want to have children. RP does want children. For years, RP has taken birth control pills and CP knows this. RP decides she wants to get pregnant even if CP does not want children; RP decides to stop taking birth control pills.

CP & RP engage in vaginal intercourse throughout the next two months. Each time, the two discuss whether to have sex and each says "Yes, I want to have sex" before any sexual activity occurs. Then, RP becomes pregnant. When CP finds out about the pregnancy, RP confesses that she intentionally stopped taking birth control pills to get pregnant and says that she assumed once she was pregnant CP would share the excitement and decide that he wants a child. CP initiates a separation and files for divorce.

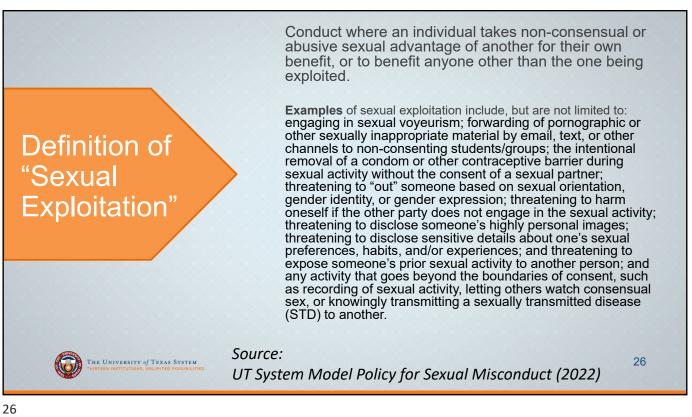
CP files a Formal Complaint and says he was "sexual assaulted" because "the sex was not consensual." He states that he verbally consented to "protected sex, **not** <u>unprotected</u> sex."



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THE UNIVERSITY of TEXAS SYSTEM THISTEEN INSTITUTIONS. UNLINITED POSSIBILITIES.	Source: UT System Model Policy for Sexual Misconduct (2021) 25



Complainant and Respondent share a class together. Respondent learns Complainant's name and sends an invite to Complainant to be a "friend" on Instagram, an invitation Complainant accepts.

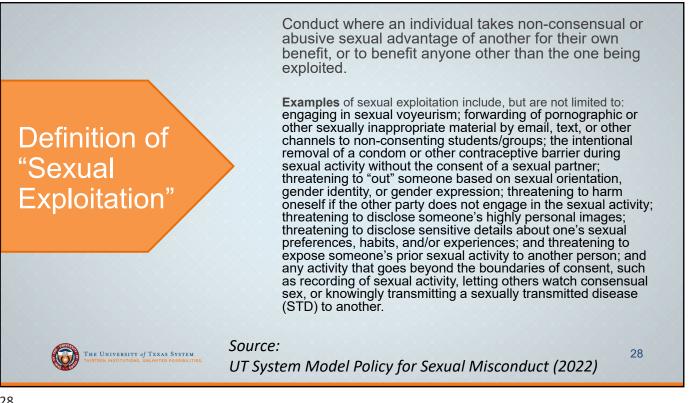
Respondent captures some of the images of Complainant from Instagram and together with other technologies makes a "deepfake" pornographic video.

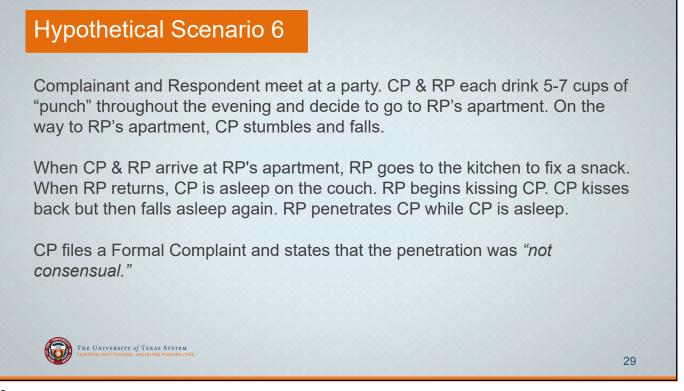
To an observer, the video appears to be a naked Complainant engaging in intercourse. Respondent then distributes the video to some friends and eventually the Complainant learns of it.

Complainant files a Formal Complaint and Complainant says they are "horrified."

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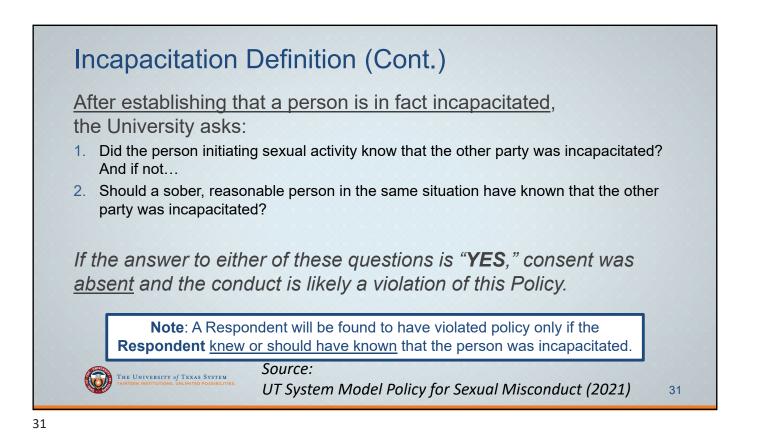
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Source: UT System Model Policy for Sexual Misconduct (2021)



Complainant and Respondent meet at a party. They each drink 5-7 drinks throughout the evening. CP's friends state that CP was acting "*drunk*" and was "*loud*" and "*laughing a lot*." They decide to go to RP's apartment. On the way to RP's apartment, CP vomits.

When they arrive at the apartment, RP begins kissing CP while they sit on the couch, and CP kisses back. CP gets on top of RP and begins undressing RP while kissing. CP then asks RP if they can go to RP's bed. RP responds, *"Yes."* CP & RP have sex.

CP files a Formal Complaint and states that the sex was *"not consensual."* CP has *"little memory of the event"* but does remember asking RP to have sex and RP's response.

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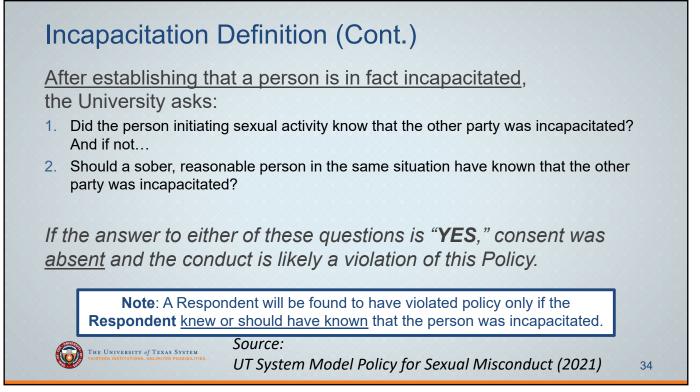
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Source: UT System Model Policy for Sexual Misconduct (2021) 33



Complainant and Respondent meet at a party and spend a lot of time talking and laughing. CP recalls drinking 5 cups of "punch." CP vomits at the party. When the party ends, CP orders an Uber-ride home. CP gets into the Uber car and the car begins its trip. While in the Uber car on the way to CP's apartment, there is road construction that confuses the Uber driver. CP directs the driver around the construction to get home using an alternative route. Then, one mile away from CP's apartment, CP receives a text from RP where RP invites CP to RP's apartment and provides an address. RP states that RP "really enjoyed talking with [CP] and would like to spend some more time together." When CP tells the Uber driver that CP wants to go to a different address, the driver tells the CP that CP must tell the Uber app what the new address is. CP does so and texts RP when the car gets close to the Main Street address, texting, "In Uber, turning on Mains Street."

According to RP, at RP's apartment, RP asked CP to have sex and CP said "Yes." CP, however, does not remember anything after vomiting at the party. The next morning, CP dresses and leaves before RP wakes up. When CP gets home, CP texts RP, asking what happened. RP explained "We had sex." CP states that *"if we had sex, it was not consensual."* CP files a Formal Complaint.





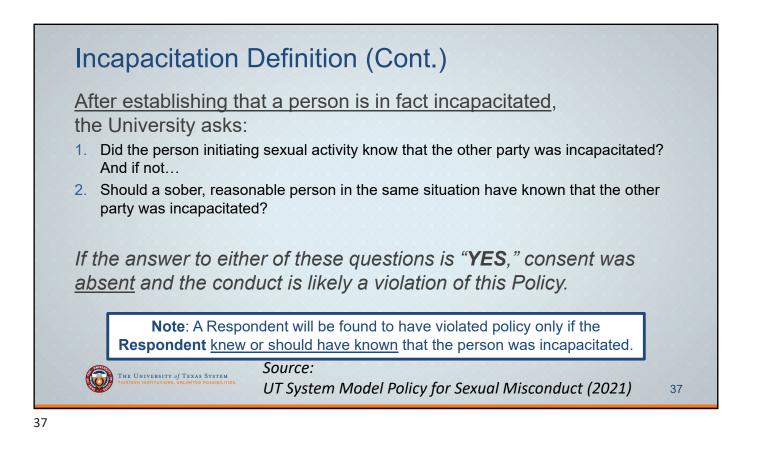
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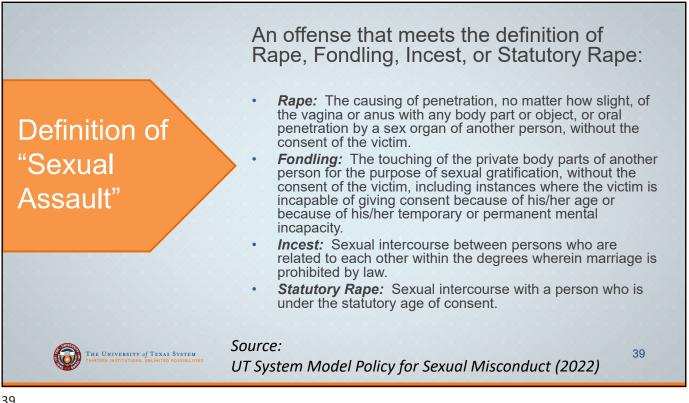
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Source: UT System Model Policy for Sexual Misconduct (2021)



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Complainant and Respondent have two classes together and each has been staring at the other during class. However, CP & RP first "meet" at a party. CP & RP each drink 3 drinks throughout the evening and spend most of the night talking to each other. After the party, CP & RP return to RP's apartment.

CP and RP begin to kiss and "make out," and RP quickly escalates things by undressing CP. CP does not want to have sex but is genuinely interested in perhaps having a relationship with RP. At that moment, if you asked CP if CP wanted to have sex of any kind with RP, CP would respond "No." However, in RP's apartment "making out" and unclothed, CP felt pressure to please RP and offered to perform oral sex on RP. CP stated that RP is "larger in size" than CP, and CP was afraid of what RP would do if CP did not "give RP what RP wanted."

CP filed a Formal Complaint, stating "I was too intoxicated to perform oral sex, and was coerced." RP is surprised by the complaint because RP believed the oral sex was consensual.

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Source: UT System Model Policy for Sexual Misconduct (2022)

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Hypothetical Scenario 11

Complainant and Respondent have been in a romantic/sexual relationship for two years and live together off-campus. RP usually initiates sexual activity with CP and generally wants to have sex more frequently than CP. Recently, CP has not been feeling like having sex at all. One evening, RP suggests that CP & RP have sex. CP states a lack of desire. RP persists and states that CP's frequent rejections (especially as of late) *"hurt"* RP and RP states that RP wants to have sex because RP *"feels a deep connection through sex."*

CP hears this and although CP later states *"I did not want to have sex,"* CP reluctantly agreed but only because CP says *"I was coerced"* by RP. In CP's Formal Complaint, CP writes, *"No' means 'no.' When I said 'no,' that was not an invitation to convince me."*

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Source: UT System Model Policy for Sexual Misconduct (2022)

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Hypothetical Scenario 12

Complainant and Respondent are both students and met recently on campus. CP invited RP over one Friday evening to CPs apartment to play board games. Also present were two of CP's roommates and three other friends.

After midnight, the friends went home and the roommates each went into their own rooms after saying goodnight. The RP helped CP clean up and then they began consensual kissing on the couch in the shared living area.

The kissing progressed to "making out" with each putting hands on the other's back and body. RP slowly moved RP's hand onto CP's genital area. CP continued kissing RP but stated, *"My roommates will hear us."* While still "making out," RP whispered, *"I don't care.*"

While they continued "making out," both began taking their own clothes off. While taking CP's own pants off, CP stated, *"I don't have any condoms."* RP said that RP had one. The two then engaged in sexual intercourse, changing positions twice.

A few weeks later, the CP filed a Formal Complaint and stated, *"The sex was not consensual. I didn't want to have sex that night."*

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THE UNIVERSITY of TEXAS SYSTEM	Source: JT System Model Policy for Sexual Misconduct (2021) 45

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<u>Examples</u> of coercion include but are not limited to 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.

THE UNIVERSITY of TEXAS SYSTEM THIRTEEN INSTITUTIONS, UNLIMITED POSSIBILITIES Source: UT System Model Policy for Sexual Misconduct (2021)



	Contact	Information
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Krista Anderson	Sean Flammer
Systemwide Title IX Coordinator	Associate General Counsel
Office of Systemwide Compliance UT System (Austin, TX)	Office of General Counsel UT System (Austin, TX)
Phone: 512-664-9050	Phone: 512-579-5106
Email: kranderson@utsystem.edu	Email: <u>sflammer@utsystem.edu</u>