

## WHAT IS SEXUAL MISCONDUCT?

Sexual misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature, such as those listed below.

### Interpersonal Violence:

An offense that meets the definition of domestic violence or dating violence.

- **Domestic Violence:** Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, or by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner.
- **Dating Violence:** Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party.

### Public Indecency:

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency.

### Sexual Discrimination:

An act that deprives a member of the university community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits or opportunities with the university on the basis of the person's sex.

### Sexual Assault:

Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes non-consensual sexual contact and non-consensual sexual intercourse.

### Sexual Exploitation:

Taking non-consensual or abusive sexual advantage of another for the benefit of one's self or a third party.

### Sexual Harassment:

Unwelcome verbal, written or physical conduct of a sexual nature when:

- Such conduct is made either explicitly or implicitly a term or condition of employment or education;
- Such conduct is used as a basis for decisions affecting employment or education; or
- Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile or offensive working or educational environment. To constitute an intimidating, hostile or offensive working or educational environment, the compliance of conduct must be either severe or pervasive.

### Stalking:

A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety or the safety of others or would cause that person to suffer substantial emotional distress.

If you feel like you have experienced sexual misconduct or have questions about these definitions or ASU's sexual misconduct policies, please contact the Office of Title IX Compliance.

## IMPORTANT CONTACTS

### Director of Title IX Compliance

#### Title IX Coordinator

Michelle Boone, J.D.

325-942-2047

Houston Harte University Center | Room 112C

michelle.boone@angelo.edu

Hours: M-F, 8 a.m.–5 p.m.

*An Online Complaint Form may be accessed 24/7 at [www.angelo.edu/services/title-ix/file-a-complaint](http://www.angelo.edu/services/title-ix/file-a-complaint).*

### University Police

325-942-2071

1702 W. Avenue N

Hours: 24 hours, 7 days a week

### University Health Clinic and

#### Counseling Services

325-942-2171

Hours: M-F, 8 a.m.–5 p.m.

### Student Affairs Office

325-942-2047

Houston Harte University Center

Hours: M-F, 8 a.m.–5 p.m.

### Concho Valley Rape Crisis Center

325-658-8888

Hours: M-F, 8 a.m.–5 p.m.

*Angelo State University is committed to providing and strengthening an educational, working and living environment where students, faculty, staff and visitors may learn, live and work in a safe environment free from all forms of sexual misconduct.*

# Resource Guide for Students about Sexual Misconduct

**Do you  
know?**

**ASU**

**TITLE IX. LET'S TALK ABOUT IT.**

For further definitions and examples, please visit [www.angelo.edu/titleix](http://www.angelo.edu/titleix).

**Angelo State University  
Office of Title IX Compliance**

## WHAT ABOUT CONFIDENTIALITY?

### Mandated Reporting

At Angelo State University, all employees who are not designated as confidential are deemed mandatory reporters or responsible employees and must report incidents of sexual misconduct to the Director of Title IX/Title IX Coordinator. The mandatory reporter must report all known details of the incident to the Director of Title IX/Title IX Coordinator.

### Confidential Reporting

If a reporting party wishes to keep the details of an incident involving sexual misconduct confidential, he or she should speak to a medical professional, counselor, member of the clergy or off-campus resource, such as the local rape crisis center. The University Health Clinic and Counseling Services has trained staff who can take your confidential report.

### Statement on Discrimination and Harassment

The university does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information or other protected categories, classes or characteristics.

### Non-Retaliation Policy

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to, threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education.

## YOUR RIGHTS.

- Reporting parties have the right to notify law enforcement of incidents of violence. ASU employees will assist the reporting party if a report to law enforcement is requested.
- Reporting parties may decline to report to law enforcement.
- Reporting parties may request that the incident be investigated and resolved internally by the university.
- All reported incidents will be addressed according to published university procedures.
- All parties have the opportunity to have an advisor present at any meeting or hearing related to the reported incident.
- Any findings by the hearing panel will be based upon a preponderance of the evidence.
- All parties will receive written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (i.e., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- All parties involved in the resolution process have the right to be free from retaliation.
- Students shall be notified of the University Health Clinic and Counseling Services. ASU offers confidential counseling services free of charge to students.
- Students and employees will be notified of off-campus support services.
- Resources, such as options for changing academic and living situations, are available through the Title IX Office.
- All parties involved in sexual misconduct resolution proceedings will receive information needed to effectively participate in such proceedings.
- A reporting party may seek help from University Police or the Director of Title IX in requesting or enforcing an order of protection, no-contact order, restraining order or similar legal order.

## WHAT IS CONSENT?

Each partner is responsible for making sure that the other partner has provided clear consent before engaging in any sexual activity or contact.

- A person may withdraw consent at any time during sexual activity through words or actions.
- Silence or the absence of resistance does not constitute consent.
- Consent is active; both parties must say "yes."
- Consent is a must for every type of sexual activity, every time it occurs.
- Consent is not valid if forced, threatened, intimidated or coerced.
- Consent is not valid if a person is incapacitated.

## THE TITLE IX COMPLIANCE OFFICE CAN:

- Identify and explain ASU's processes and resources.
- Explain ASU's policies and procedures.
- Assist during times of student crisis or distress.
- Help evaluate various options to address concerns.
- Connect students with resources.
- Point out patterns of problems or complaints to necessary administrators.
- Present to departments and organizations about sexual assault prevention.

## WHAT TO DO IF YOU HAVE EXPERIENCED SEXUAL ASSAULT.

- Get to a safe location.
- Preserve any physical evidence of violence, such as sheets, towels, clothing, etc. Because evidence of an assault can deteriorate quickly, you may want to seek a medical exam as soon as possible. A sexual assault forensic exam (SAFE) is available to you, even if you do not choose to press charges. A SAFE is conducted by a sexual assault nurse examiner (SANE) who is trained in the collection of evidence and can check for both injuries and evidence.
  - You may contact Shannon Medical Center at 325-653-6741 for assistance.
- Choose how you want to proceed. Options include:
  - Contact the University Police at 325-942-2071.
  - Speak to a confidential reporter, such as a counselor at University Counseling Services, a medical professional or a member of the clergy.
  - Report to the Director of Title IX and learn about accommodations, resources and options for resolutions.
- Nothing in ASU's policy shall prevent a student from presenting a grievance covered by ASU policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Ave., SW Washington, D.C., 20202-1100. Customer Service Hotline: 1-800-421-3481, [www.ed.gov/ocr](http://www.ed.gov/ocr)
- You may contact any of the numbers listed under "Important Contacts" for immediate assistance or answers to any questions.