

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 the below outlined behaviour.

Interpersonal Violence:

- **Domestic Violence:** Physical, sexual or verbal abuse or violence, committed by a current or former spouse or intimate partner of the Complaining Party; by an individual with whom the Complaining Party shares a child in common; by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner; by an individual similarly situated to a spouse of the Complaining Party under the Domestic or Family Violence Laws of the State of Texas; or by any other individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence Laws of the State of Texas.
- **Dating Violence:** Physical, sexual or verbal abuse or violence, or a threat of abuse or violence, committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of the interaction between the individuals involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

Public Indecency:

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

Sex Discrimination:

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

Sexual Assault:

Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual assault includes:

- **Non-consensual Sexual Contact:** Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual contact includes: intentional contact with the breasts, buttocks, groin or genitals; touching another with any of these body parts; making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.
- **Non-consensual Sexual Intercourse:** Sexual penetration or intercourse, however slight, with a penis, tongue, finger or any object, and without consent. Penetration can be oral, anal or vaginal.

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, sex-based verbal or physical contact that:

- In the employment context, unreasonably interferes with an individual's work or performance or creates an intimidating, hostile or offensive working environment. To constitute an intimidating, hostile or offensive working environment, the complained of conduct must be either severe, persistent or pervasive.
- In the education context, is sufficiently severe, persistent or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities.

Stalking:

A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety or the safety of others – or would cause that individual to suffer substantial emotional distress.

IMPORTANT CONTACTS

Special Assistant to the President and Title IX Coordinator

Michelle Miller, J.D.
325-942-2022

Mayer Administration Building | Room 210
michelle.miller@angelo.edu
Hours: M-F, 8 a.m.–5 p.m.

An Online Incident Reporting Form may be accessed 24/7 at angelo.edu/incident-form.

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.

ASU 24-Hour Crisis Helpline

325-486-6345
Hours: 24 hours, 365 days a year

RAINN

800-656-HOPE (4673)
Hours: 24 hours, 365 days a year
Access local advocacy groups through this hotline.

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 angelo.edu/titleix.

Angelo State University
Office of Title IX Compliance

WHAT ABOUT CONFIDENTIALITY?

Mandated Reporting

At Angelo State University, all employees, including student employees (who are not designated as confidential resources), are deemed responsible employees. Responsible employees, who in the course and scope of their employment receive information regarding an occurrence of an incident that the employee reasonably believes constitutes sexual misconduct alleged to have been committed by or against an individual who was a student enrolled at or an employee of the university at the time of the incident, shall promptly report the incident to the Director of Title IX/ Title IX Coordinator. The responsible employee must report all known details of the incident to the Director of Title IX/Title IX Coordinator.

Confidential Reporting

If a complainant wishes to keep the details of an incident involving sexual misconduct confidential, the complainant should speak to a licensed clinical and/or medical professional employed by the university or an on or off-campus resource, such as the local rape crisis center or clergy. The University Health Clinic and Counseling Services, along with the 24-Hour Crisis Helpline, have trained staff who can take your confidential report.

Anonymous Reporting

Reports may be made anonymously utilizing the online reporting form found at angelo.edu/incident-form. When submitting the report, please include as many details as possible. Note that while you may submit an anonymous report, it will greatly limit the ability for the Office of Title IX Compliance to address your concern.

YOUR RIGHTS.

- Complainants have the right to notify law enforcement of incidents of violence. The Office of Title IX Compliance will assist the complainant if a report to law enforcement is requested.
- Complainants may decline to report to law enforcement.
- Complainants may request that the incident be investigated and resolved internally by the university.
- Complainants may request that the incident not be investigated internally by the university.
- All reported incidents will be addressed according to published university procedures.
- All parties involved in sexual misconduct resolution proceedings shall be provided a prompt and equitable opportunity to present witnesses and other evidence relevant to the alleged violation during the investigation and disciplinary process.
- All parties involved in sexual misconduct resolution proceedings shall be given reasonable and equitable access to all evidence in the institution's possession relevant to the alleged violation.
- All parties involved in sexual misconduct resolution proceedings shall receive information needed to effectively participate in such proceedings.
- All parties have the opportunity to have an advisor present at any meeting or hearing related to the reported incident.
- All parties will receive written notice of the outcome of sexual misconduct resolution proceedings.
- Complainants 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 and harassment during the pendency of the disciplinary process.
- Students shall be notified of the University Health Clinic and Counseling Services and given information about the 24-Hour Crisis Helpline.
- 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 Office of Title IX Compliance.
- A complainant 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?

Consent is mutually understandable words or actions, actively communicated knowingly and voluntarily, that clearly convey permission for a specific activity.

Consent is not effective if it results from:

- The use of physical force
- A threat of physical force
- Intimidation
- Coercion
- Incapacitation
- Any other factor that would eliminate an individual's ability to exercise the free will to choose whether or not to engage in sexual activity.

THE TITLE IX COMPLIANCE OFFICE CAN:

- Identify and explain ASU's processes and assist students in determining what process they would like to use to address their complaint, such as formal investigation, information resolution or voluntary resolution.
- Explain ASU's policies and procedures related to sexual misconduct.
- Assist during times of student crisis or distress related to sexual misconduct.
- Help evaluate various options to address concerns related to sexual misconduct.
- Connect students with resources.
- Point out patterns of problems or complaints related to sexual misconduct to necessary administrators.
- Present to departments and organizations about sexual assault prevention and ASU's policies and procedures related to sexual misconduct.

WHAT TO DO IF YOU HAVE EXPERIENCED SEXUAL ASSAULT.

- Get to a safe location
- An individual who experiences sexual misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practical after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence, with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.
 - You may contact Shannon Medical Center at 325-653-6741 for assistance.
- An individual who experiences any form of sexual misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records and other documents.
- Choose how you want to proceed. Options include:
 - Contact the University Police at 325-942-2071.
 - Speak to a confidential resource, such as a counselor at University Counseling Services, a medical professional, a counselor via the 24-Hour Crisis Helpline, or an off-campus resource such as a local rape crisis center or a member of the clergy.
 - Report to the Office of Title IX Compliance and learn about support, 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 U.S. 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.

