

Texas State University

KNOW YOUR RIGHTS

Sexual Assault & Relationship Violence



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Overview

Texas State prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community. If you have experienced sexual misconduct, and/or sexual violence (including sexual assault, dating violence, domestic violence, or stalking) in particular, this brochure includes information you should know about your rights.

Texas State is committed to providing an environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of Texas State policies.

Inquiries Concerning the Application of these Policies

Inquiries may be referred to the Title IX Coordinator at titleix@txstate.edu or to the Office for Civil Rights, United States Department of Education: <https://ocrcas.ed.gov/contact-ocr>.

Reporting Incidents of Sexual Misconduct

Victims of Sexual Misconduct are encouraged to report crimes to the:

- University Police Department:
 - 911 (emergency)
 - 512.245.2805
- San Marcos Police Department (local agency):
 - 911 (emergency)
 - 512.753.2108
- Title IX Coordinator:
 - 512.245.2539

Title IX Reporting Form:

https://cm.maxient.com/reportingform.php?TexasStateUniv&layout_id=10

Texas State Will Respond Promptly and Effectively to Sexual Violence

- You have the right to report incidents of sexual violence to Texas State, to request Texas State investigate—or refrain from investigating — what happened, and to have your complaint resolved promptly and equitably.

-Should a victim request anonymity or that the university not investigate, this must be balanced against the university's responsibility to provide a safe environment for the whole campus community; in all cases, the university will consult with the victim and keep them informed of the university's course of action.

- Texas State has published policies and procedures prohibiting sexual misconduct and for reporting complaints of sex discrimination, including sexual violence.
- You have the right to report incidents of sexual violence to Texas State officials and/or local law enforcement. A criminal investigation does not relieve Texas State of its duty under Title IX to respond promptly and effectively to a complaint of sexual harassment or sexual violence. Texas State will assist victims in facilitating a report to the police, should they choose to do so.
- You have the right to decline notifying law enforcement.

Texas State Prohibits Retaliation

Texas State takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting, investigating, or adjudicating of sexual misconduct may be considered a separate violation of policy and may result in disciplinary sanctions.

Texas State Will Conduct an Adequate, Reliable, and Impartial Investigation

- Both parties have the right to be notified simultaneously of the timeframes for all major stages of the investigation.
- Proceedings will be prompt, fair, and impartial from the initial investigation to the final result.
- Both parties have the right to present witnesses and evidence.
- Both parties have the right to be accompanied at all hearings and meetings by an advisor of their choice.
- Texas State resolves your complaint based on what officials believe is more likely to have occurred than not based upon an investigation (this is called a preponderance-of-the-evidence standard of proof).
- Both parties have the right to be notified simultaneously, in writing, of the outcome of your complaint and any appeal or grievance, including any sanctions and final results that directly relate to you (to view a full list of sanctions please refer to Texas State University System's Sexual Misconduct Policy at <https://gato-docs.its.txstate.edu/jcr:2fcbf986-d063-43e0-b2c1-980bdd4c21e4/TSUS%20SMP%20Approved%20Feb%2018,%202022.pdf>).
- The appeal/grievance process is equally available for both parties.
- Both parties have the right to review any proceedings documented, which may include written findings of fact, transcripts, or audio-recordings.
- University officials involved in the investigation/adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to these complaints and trained on how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Accommodations and Protective Measures Available for Victims

Texas State has procedures in place to sensitively respond to those who report dating/domestic violence, sexual assault, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and off the campuses, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Texas State will make such accommodations, if the victim requests them and if they are reasonable, regardless of whether the victim chooses to report the crime to law enforcement and/or chooses not to participate in a Title IX investigation.

To request information on options for, available assistance in, and how to request accommodations and protective measures, please contact the Office of Equal Opportunity and Title IX, Phone: 512.245.2539, Email: titleix@txstate.edu. A full list of supportive/protective measures can be found in Texas State University System's Sexual Misconduct Policy (<https://gato-docs.its.txstate.edu/jcr:2fcbf986-d063-43e0-b2c1-980bdd4c21e4/TSUS%20SMP%20Approved%20Feb%2018,%202022.pdf>), Section 3.8.



What is the Difference Between Title IX and Non-Title IX?

Texas State University is required to investigate, adjudicate, and/or otherwise help facilitate the resolution of complaints of alleged sexual harassment or sexual misconduct made against students, faculty, and staff. The Office of Equal Opportunity and Title IX will assist individuals in determining if the reported behavior constitutes Title IX Sexual Harassment or Non-Title IX Sexual Misconduct.

Title IX Sexual Harassment only applies to incidents of sexual misconduct that:

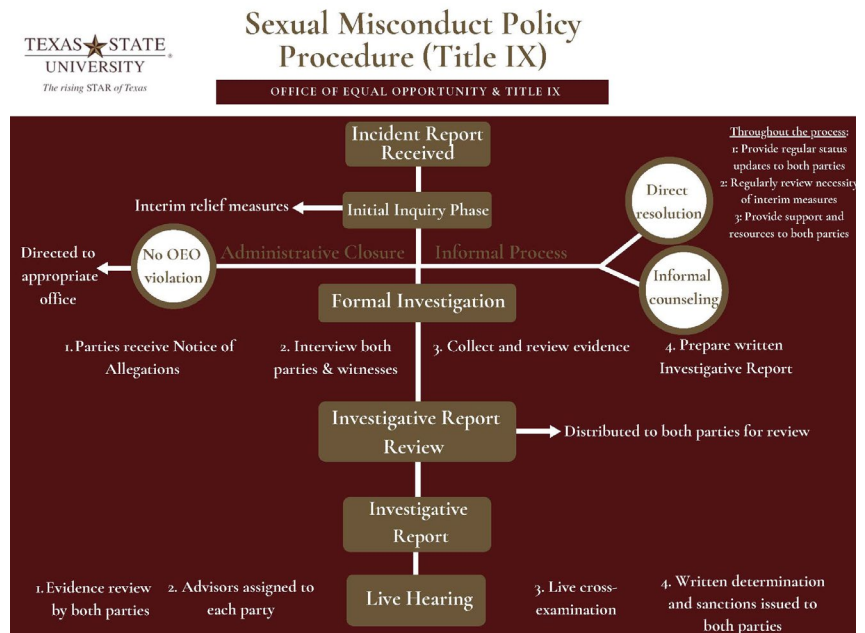
- Meet the definition of Title IX Sexual Harassment;
- Are alleged to have occurred when the Complainant was participating in or attempting to participate in an institution's Education Program or activities, and;
- Occurred against a person located within the United States.

Findings and sanctions for Title IX Sexual Harassment are determined by a Decision Maker panel.

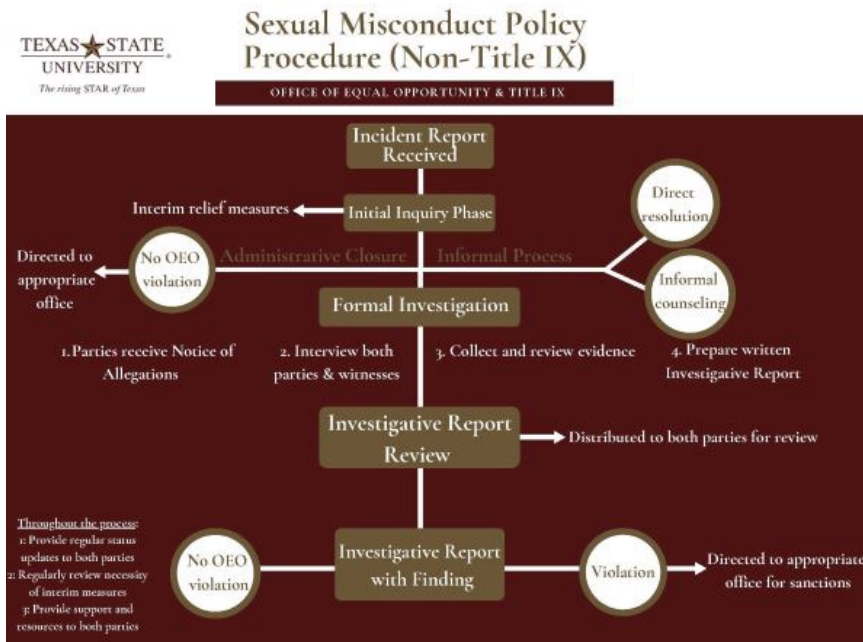
The Non-Title IX Sexual Misconduct process addresses instances of sexual misconduct affecting students and employees that do not meet the above requirements of Title IX Sexual Harassment. For example, incidents of sexual misconduct that happened outside of an education program, activity or off campus. Findings are determined by the Title IX Coordinator and sanctions, if applicable, are determined by the appropriate sanctioning party.



Title IX Process



Non-Title IX Process



Texas State Will Provide Remedies as Necessary

- If an investigation is conducted, whether formal or informal, and reveals that sexual harassment/sexual violence created a hostile environment, Texas State must take prompt, effective, and reasonable steps to end the sexual harassment/sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Appropriate remedies will generally include disciplinary action against the perpetrator but may also include remedies to help you get your education and/or professional situation back on track (e.g., academic support, retaking a class without penalty, changing working location or conditions, and counseling). These remedies are in addition to any interim measures you received.
- Texas State may also determine that it's most appropriate to provide remedies for the broader student or employee population (such as training) or change its services or policies to prevent such incidents from repeating.

If you believe that you are a victim of sexual discrimination, including sexual harassment, sexual misconduct, sexual assault, stalking, dating/domestic violence, or rape at Texas State, know that you have the following rights:

- To receive basic information about services designed to assist you.
- To recover your losses—to the extent possible—through restitution and the return of property that was seized as evidence when it is no longer needed.
- To be informed of the outcome of any disciplinary proceeding held.

Texas State Will Provide Remedies as Necessary (Cont.)

- To seek, or have sought on your behalf, as soon as possible counseling and medical attention at the Counseling Center (students), Student Health Center (for students), or through the employee assistance program (for employees), or elsewhere as needed, including at the nearest hospital emergency room.
- To report the crime to a local law enforcement agency.
- To have the option of changing your academic, and/or living situations and/or working location if so requested and if the changes are reasonably available (these requests can be made with the Office of Equal Opportunity and Title IX).
- To request that the university implement a mutual “no-contact” directive with the perpetrator.
- To participate – or to decline to participate – in a university process that is fair and impartial, and that provides you with adequate notice and a meaningful opportunity to be heard.



Victims of Sexual Assault, Stalking, Domestic Violence, or Dating Violence Should:

Following an assault, find a safe place away from the attacker and out of danger. To preserve physical evidence, victims should not bathe, urinate, douche, shower, drink, or change clothes. This will preserve evidence that can be used later if a victim decides to file a police report or to press charges or it may be helpful in obtaining a protection order.

Victims should go to CHRISTUS Santa Rosa Hospital – San Marcos (formerly known as Central Texas Medical Center) for a sexual assault examination and to receive prompt, thorough medical care. Victims may choose to have someone take them to the emergency room or a police officer can meet them at their location to provide transportation. For victims of dating violence, domestic violence, and stalking, it is important to preserve pictures, text messages, social media posts and messages, emails, notes, and letters, etc.

Rights of Victims and Court Orders of Protection

In the State of Texas, there are three types of civil protection orders: Temporary Ex Parte Protective Order, Final (permanent) Protective Order, and Magistrate’s Order of Emergency Protection. A temporary ex parte and final protective order are issued by the civil court upon application (respondent does not have to be arrested to apply for one of these orders). An emergency protection order is issued by a criminal court after the abuser has been arrested.

A temporary ex parte order is designed to provide protection to you and your family members. This type of protection order lasts for the time stated in the order, usually up to 20 days and can be extended for additional 20-day periods if requested or if the judge decides to extend it.

Rights of Victims and Court Orders of Protection (Cont.)

A permanent protective order may be effective for a maximum of 2 years. If there is no timeframe written, the order will expire on the second anniversary of the date the order was issued. However, a judge may issue the order for longer than two years if it meets certain criteria. This type allows respondents to file a motion requesting order be discontinued after one year of the order date.

An emergency protection order is issued by the criminal court after the abuser is arrested for family (domestic) violence, sexual assault, sexual abuse, indecent assault, stalking, or trafficking. This protection order can be issued upon your request or the request of a guardian, police officer, state attorney/prosecutor, or the magistrate's own decision. These orders typically last 31-91 days depending on severity of the crime.

If you receive an order of protection, please notify the University Police Department and the Office of Equal Opportunity and Title IX to keep a copy on record. Depending on what the order stipulates, that will determine whether the University Police Department will or will not enforce an order of protection. Additionally, the Office of Equal Opportunity and Title IX will not enforce an order of protection but may provide other resources.



Confidential Support Services

- Some people, such as counselors or victim advocates, can talk with you in confidence without triggering a report or an investigation. Specifically, you can contact any of the on or off campus confidential resources listed in this brochure to report an incident of sexual harassment and/or sexual violence in confidence.
- When faculty and staff not involved in the confidential resource offices listed in this brochure learn about sexual harassment and/or sexual violence involving students or employees, they have a legal obligation to report it.
- You have the right to talk with university officials about protecting your safety and privacy.
- Regardless, if a victim allows the university to share personal identifiable information or not, the institution will treat all information as confidential and will only share with persons with a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the victim. The university does not publish the names of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the *Clery Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information will be withheld.
- The institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality does not impair the ability of the institution to provide the accommodations or protective measures.

Available Support Resources

On-Campus Resources

- Attorney for Students (confidential legal assistance)
 - 512.245.2370
- Counseling Center (confidential counseling and mental health)
 - 512.245.2208
- Dean of Students (victim advocacy)
 - 512.245.2124
- Financial Aid and Scholarships (student financial aid assistance)
 - 512.245.2315
- International Student and Scholar Services (visa and immigration assistance)
 - 512.245.7966
- Student Health Center (confidential health service)
 - 512.245.2161
- Title IX Coordinator (victim advocacy)
 - 512.245.2539
- University Police Department (legal assistance)
 - 911 (emergency)
 - 512.245.2805 (non-emergency)

Off-Campus (Local) Resources

- Ascension Seton Williamson Hospital – Round Rock (health service)
 - 512.324.4000
- Cedar Creek Associates (counseling service)
 - 512-396-8540
- CHRISTUS Santa Rosa Hospital – San Marcos (health service)
 - 512.353.8979
- Hays-Caldwell Women's Center (victim advocacy)
 - 512.396.HELP (4357)
- LifeStance Health (mental health service)
 - 1-844-824-8775

Available Support Resources (Cont)

Off-Campus Resources

- Lyttle Law Firm, PLLC (visa and immigration assistance)
 - 512-215-5225
- Round Rock Police Department (legal assistance) – 911 emergency
 - 512.218.5500
- San Marcos Police Department (legal assistance) – 911 emergency
 - 512.753.2108
- Williamson County Victim Services (victim advocacy)
 - 512.943.1111

**Texas State will provide students and employees with written notification of victim services that are available on campus and within the local community.*



Contact Us

If you have further questions about Texas State's Sexual Misconduct Policy and procedures, which include dating violence, domestic violence, stalking, and sexual assault, contact us at:

- Office of Equal Opportunity and Title IX
 - Phone: 512.245.2539
 - Email: titleix@txstate.edu

For questions about Clery Act Compliance contact the:

- Clery Act Compliance Coordinator
 - Email: cleryreport@txstate.edu

Additional Resources

- Texas State University System Sexual Misconduct Policy: <https://gato-docs.its.txstate.edu/jcr:2fcbf986-d063-43e0-b2c1-980bdd4c21e4/TSUS%20SMP%20Approved%20Feb%2018.%202022.pdf>
- Sexual Misconduct Policy FAQ: https://gato-docs.its.txstate.edu/jcr:30f0b9c2-44d6-4bf0-ac27-8ab596bac890/SMP_FAQ.pdf
- Annual Security and Fire Safety Report: www.clery.txstate.edu/report.

