



## Title IX Answers to Frequently Asked Questions

This document is intended to provide information about the Title IX process at Angelo State University and covers answers to commonly asked questions. This document is not intended to cover everything a student may want or need to know related to Title IX, for more information please do not hesitate to contact the Office of Title IX Compliance at 325-942-2022 or the Title IX Coordinator at [michelle.miller@angelo.edu](mailto:michelle.miller@angelo.edu).

Title IX of the Education Amendments of 1972 is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The law literally reads, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

### Commonly Used Terms:

*Advisor:* An advisor is a person who may provide support and advice throughout the Title IX process. An advisor is only permitted to advise the party and conduct cross-examination on behalf of that party. An advisor may be a member of the University Community (faculty, staff, or a student that is not otherwise involved in the case), a relative, parent or legal guardian, or an attorney.

*Confidential Resource:* An employee designated by the University as an individual with whom students may speak to confidentially concerning sexual misconduct. Confidential Resources report only the type of incident reported by the student and may not include any information that would violate a student’s expectation of privacy.

*Complaining Party (Complainant):* The individual who was allegedly subjected to sexual misconduct.

*Title IX Coordinator:* The university official responsible for overseeing and implementing Title IX processes and procedures. This person may also serve as an Investigator. At Angelo State University the Title IX Coordinator is Michelle Miller.

*Investigator:* A neutral fact finder responsible for gathering information from the parties involved in the allegation of misconduct.

*Process Assistant:* These individuals are trained professional staff who may provide guidance and information to aid students in understanding the Title IX process. Process Assistants are available to the Complainant, Respondent, and/or Witnesses, and they are *not* to advise the student on their particular case.



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*Reporting Party:* An individual or entity (in the case of the University), other than the Complaining Party, who reports an alleged violation of ASU's Title IX and Sexual Misconduct policy.

*Responding Party:* Generally, the Responding Party is the individual or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.

*Responsible Employee or Mandatory Reporter:* All employees, except those designated as Confidential Resources who must report allegations of sexual misconduct to the Title IX Coordinator.

*Title IX Officer:* The Title IX Officer assists the Director of Title IX Compliance in implementing processes and procedures related to Title IX. The Title IX Officer also serves as an Investigator.

*Title IX and Sexual Misconduct Response Team:* The Title IX and Sexual Misconduct Response Team are ASU faculty and staff members specifically trained about sexual misconduct and Title IX policies, investigation procedures, due process, and other state and federal laws that related to Title IX and sexual misconduct. Members of the team may serve as Investigators or Panel Members in cases related to Title IX or sexual misconduct.

*Witness:* Any person who the Investigator determines might have valuable information regarding the alleged violation of the Student Code of Conduct. Both the Reporting and Responding Parties may request the Investigator speak to witnesses they feel have relevant information about the allegations.

### **How does the Office of Title IX Compliance (OTIXC) receive reports?**

The OTIXC typically receives reports in two ways, either from the Complaining Party directly, or from a Responsible Employee. For example, if a student were to report to a Resident's Assistant (RA) that their significant other threatened to hurt them if they broke up with them, the RA would report that information to the OTIXC. The OTIXC then follows up with the student via email. Anyone may submit a report 24 hours a day, 365 days a year by visiting <http://angelo.edu/incident-form>.

### **Who sees the reports that are submitted?**

When completing the report, you may select "Title IX" as the "Nature of Report." Reports filed in this manner are seen only by Title IX Coordinator (TIXC) and the Title IX Officer (TIXO), which are bound by confidentiality

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### **What if I receive an email from the OTIXC indicating they want to follow-up on a report they received?**

The OTIXC follows up on every report they receive by sending the student an email and requesting a meeting. Please respond to the email and schedule a meeting. Unless the email indicates that there are allegations against the student, this meeting is typically just to discuss the report and how the OTIXC can be a resource for the student and provide information about the options the student has in addressing the reported misbehavior.

### **What are the options available to the Complainant Party?**

After receiving a report, the OTIXC will reach out to the student deemed the Complainant Party and request that the student schedule an appointment with the OTIXC to further discuss the report received and the options and resources available to the student. The options for the student include:

- Sharing information about the report with the OTIXC and discussing what resources the student may need to successfully continue their education and feel safe. This may include implementing a No Contact Order, changing Residence Halls, adjusting the student's schedule, or referring the student to the Counseling Center. The student may request that no additional investigation or action be taken. The University can typically abide by this request provided that there is no danger to the larger University Community.
- The Complainant Party requesting that a voluntary resolution be sought. A voluntary resolution is a process in which the Complainant and Responding Parties agree to attempt to resolve the matter before an investigation and the conclusion of the conduct process take place. The parties must agree in writing to all aspects of any resolution reached through the voluntary resolution process including any restrictions, sanctions, or conditions. Either party may stop the voluntary resolution process at any time prior to the final resolution and proceed with the formal investigation process (see below).
- The filing of a formal complaint and launching an investigation into the report. A Complainant Party may request that a formal complaint be filed and an investigation into the report begin. Upon the OTIXC determining that there is reasonable belief a policy was violated, the OTIXC will assign Investigators to the case. The Complainant Party will be asked to submit a written statement which will be utilized in guiding the investigation. The Investigators will conduct interviews and gather information and evidence that is compiled into an Investigative Report. This report will be reviewed by both the Complainant Party and Responding Party and then submitted to the Hearing Panel who will determine if a policy was violated. If it is determined that a policy was violated, the Hearing Panel will determine what sanctions are appropriate.

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- The Complaining Party may also share information about the reported incident and request that the OTIXC follow-up with the Responding Party and notify them of the Student Code of Conduct and the policies that are allegedly in violation.
- The student may always make a report to the University Police Department. The OTIXC will gladly assist the student in making this report should they wish to do so.

### **What if I receive information that there are allegations against me?**

The Responding Party will be notified via email of the allegations made against them along with who has made them. Please do not contact the Reporting Party. Typically, the OTIXC will give the student time to schedule the appointment but may also request a meeting on a specific date. It is important that the Responding party meet with the OTIXC to learn more about the allegations and the process. The Responding Party, like the Complaining Party, is not required to participate in the investigation but it is recommended that the student meet with the OTIXC in order to make an informed decision regarding their participation. The process will continue to move forward regardless of whether a student chooses to participate or not. Should a student (either a Complaining Party or Responding Party) not participate in the investigation, they cannot then present new information during the hearing. Should the student only provide limited information, they may only speak about the information they provided in the hearing. Finally, it is important to note that all resources available to the Complaining Party are also available to the Responding Party (see above).

### **What is the difference between the Title IX process on campus and a criminal investigation?**

Criminal investigations are intended to determine whether or not a law has been broken and could result in incarceration. The Title IX process is intended to determine whether or not a campus policy has been violated which could result in disciplinary action (ranging from probation to expulsion) from the university.

The Complaining Party has the option of filing a report with the Angelo State University Police Department or the local police department in the jurisdiction where the alleged violation occurred. The OTIXC will work with law enforcement when possible to limit the burden on all parties involved but will not create unnecessary delays to do so. The OTIXC will proceed with an investigation into allegations of misconduct regardless of concurrent investigations or the lack thereof.

### **Should I get an attorney?**

Sometimes students find it valuable to retain an attorney at their own expense to provide advice about the campus conduct proceeding or any concurrent criminal prosecution. All students (Complaining g or Responding Parties and Witnesses) have the right to be

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accompanied by an advisor of choice at all meetings or hearings associated with the Title IX process. A student may select an attorney for their advisor. An advisor is only intended to support the student through the process and has no active role in the process. An advisor may not communicate for or on behalf of the student unless they receive explicit permission from the Director of Title IX Compliance or Investigator. If a student does utilize an attorney for their advisor, the University will have an attorney from the Texas Tech System Office of General Counsel and/or the General Counsel from Angelo State present.

### What happens during the Investigation Process?

For more information on the Investigation Process, visit:

<https://www.angelo.edu/services/title-ix/complaint-process.php>. Here you will find both a flowchart and a document that outlines the process step by step. You will also receive this information at the initial meeting with the OTIXC.

### Who can serve as Investigators or Administrative Hearing Officers?

The Title IX and Sexual Misconduct Response Team (the Title IX Team) are ASU faculty and staff members specifically trained about sexual misconduct and Title IX policies, investigation procedures, due process, and other state and federal laws that related to Title IX and sexual misconduct. Members of the team may serve as Investigators or Panel Members in cases related to Title IX or sexual misconduct.

- *Investigators:* Two members of the Title IX Team can be designated to conduct a thorough, reliable, and impartial investigation of the reported allegation.
- *Administrative Hearing Officers:* Three members of the Title IX Team (who did not serve as investigators on the case) may be designated to serve as Administrative Hearing Officers on Hearing Panels involving behaviors in the Student Handbook Part I, Section D Procedures from the Office of Title IX Compliance of the University Community. Administrative Hearing Officers are responsible for reviewing information provided by the Investigators, reviewing evidence, and rendering a decision in regard to the alleged misconduct as well as determining sanctions, if appropriate.

You may view the members of the Title IX Team at: <https://www.angelo.edu/services/title-ix/contacts.php>. Prior to the Hearing, students will have an opportunity to review the Hearing Panel make-up and request any members be dismissed that they feel may be biased or have a conflict of interest. The OTIXC will do their best to comply with all of these requests.

### Do I have to be present at the Hearing?

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All students involved in the process are encouraged to be present at the Hearing, the Complaining Party is required to attend to meet due process standards. If the Complaining Party or Responding Party do not want to be in the same room during the Hearing, the OTIXC can make arrangements for the students to participate without having to be located in the same room. Please note that the request for this accommodation should be made at least 48 hours prior to the Hearing to allow the OTIXC to comply with the request.

### **If found responsible what are the possible outcomes?**

The possible outcomes for violations of ASU's Title IX and Sexual Misconduct procedure range from probation to expulsion. For more information on the potential sanctions based on the specific allegations of misconduct you may review the sanction grid in the Student Handbook. Please note that this is just a guide and the Panel may deviate from this guide with the appropriate rationale for doing so.

If a student is found responsible for allegations of misconduct, both the Complaining Student and Responding Student will be able to provide an impact statement to the Panel prior to the Panel determining what sanctions, if any, are appropriate.

### **Can I appeal the Panel's decision?**

Either student may appeal the Panel's decision provided the proper grounds for an appeal exists. An appeal must be submitted in writing to the Appeal Officer (the Vice President of Student Affairs and Enrollment Management) within five university business days after the delivery of the written decision of the Panel.

The only issues that may be considered on appeal are:

- A procedural (or substantive error) occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The designated Appeal Officer will first review the appeal to determine if it is timely and properly sets forth the grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.

### **Additional Resources:**



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Additional FAQs and information about the Title IX Process are available at the OTIXC's website. You will find more resources and information by visiting the following websites or contacting the offices directly via phone.

[The Office of Title IX Compliance](#) – 325-942-2022

[Incident Reporting Form](#) – <https://www.angelo.edu/incident-form>

[Angelo State University Police Department](#) – 325-942-2071

[Angelo State University Counseling Services](#) – 325-942-2171

Angelo State 24-Hour Crisis Helpline – 325-486-6345

[Student Handbook](#)

[Angelo State University Policies & Procedures](#)