



ANGELO STATE UNIVERSITY

Office of Title IX Compliance

TO: Texas Tech System Board of Regents
CC: Lt. Gen. Ronnie Hawkins, President
FROM: Michelle Miller J.D., Special Assistant to the President & Title IX Coordinator
SUBJECT: Chief Executive Officer Reporting Under Tex. Edu. Code § 51.253(c)
DATE: September 29, 2020

Under the Texas Education Code, Section 51.253(a) the Title IX Coordinator must submit a written report no less than every three months to the Institution’s Chief Executive Officer (CEO) regarding reports received from employees who are required to report under the Texas Education Code¹ and the type of incident described in the employee’s report that constitutes “sexual harassment,” “sexual assault,” “dating violence,” or “stalking.”²

This report includes the investigation status of these reports; the disposition, if any, of any disciplinary processes arising from these reports; and the reports for which the institution determined not to initiate a disciplinary process.³ It should be noted the reports received from Confidential Resources along with Employee’s Failure to report are called out in Appendix A.

Under the Texas Education Code, Section 51.253(c), the Chief Executive Officer of the institution shall submit an annual report of the data gathered via the Title IX Coordinator’s quarterly report to the institution’s governing body and post on the institution’s website. For the purposes of complying with the reporting requirements under Section 51.253(c), the attached written report (Appendix A, Table 1) includes all of the required reporting information for Angelo State University for the 2020 year which includes statistics from **January 1, 2020 to August 1, 2020**.

An attached summary data report (Appendix B) with the aggregate data, based on the written report (Appendix A), has also been included. The summary data in Appendix B is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

¹ Texas Education Code, Section 51.252

² Texas Education Code, Section 51.251.

³ Texas Education Code, Section 51.253(a)

Note: Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the Texas Education Code have been omitted for the compliance purposes of this specific report.⁴

Terminology:

Alleged Conduct:

Dating Violence: Physical, sexual, or verbal abuse or violence, or threat of abuse or violence, committed by a person 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 interaction between the persons 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.

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

- (1) *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.
- (2) *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 Harassment: Unwelcome sex-based verbal or physical conduct that:

- (1) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment that is severe, persistent, or pervasive; or
- (2) in the education context, is sufficiently severe, persistent, or pervasive that the conduct 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 person that would cause a reasonable person to fear for the person's own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Complaining Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Investigation Status:

Insufficient Information to Investigate: The report lacks information to investigate formally.

No Indication of Policy Violation: The report does not rise to the level of a policy violation.

⁴ For example, reports made by students and all other non-employees (including incidents under TEC, Section 51.252(d)) are excluded from Appendices A and B. Additionally, if the Title IX Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of the Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

Victim Requested Not to Investigate: The Complainant requested that the institution not investigate the report. Upon initial inquiry, the institution determined that there was not a risk to the University Community.

Formal Investigation Ongoing: Formal Investigation is taking place.

Formal Investigation Completed: Formal Investigation is complete and the resolution process (i.e. pre-hearing, hearing or informal resolution is occurring).

Informal Resolution Pending: The report is being resolved utilizing the informal resolution process.

Outcome:

Informal Resolution: The report is being or has been resolved informally.

Responsible: The student has been found responsible for violating Angelo State's Title IX and Sexual Misconduct policy.

Not Responsible: The student has been found not responsible for violating Angelo State's Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy.

Policy Violation: The employee has violated Angelo State's Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy.

No Policy Violation: The employee did not violate Angelo State's policy.

No 16.03 Violation: The employee did not violate Angelo State's Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy.

Other Policy Violation: The employee did not violate Angelo State's Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy but did violate another Angelo State policy.

**Appendix A
CEO Annual Report
2020**

Reports Received Under Texas Education Code, 51.252:

Report Number	Date Received	Alleged Conduct Reported by Employees Under TEC § 51.252	Investigation Status	Disciplinary Status
2019052001	1/19/20	Dating Violence	Victim Requested Not to Investigate	--
2019053601	1/28/20	Dating Violence	Victim Requested Not to Investigate	--
2019053901	1/29/20	Sexual Harassment	Victim Requested Not to Investigate	--
2019055501	2/3/20	Sexual Assault	Insufficient Information to Investigate; Student did not respond to multiple communication attempts by the OTIXC	--
2019061401	2/27/20	Sexual Assault (Non Consensual Sexual Contact)	Victim Requested Not to Investigate	--
2019050401	1/15/20	Sexual Assault	Insufficient Information to Investigate; Student did not respond to multiple communication attempts by the OTIXC.	--
2019050501	1/14/20	Stalking	Victim Requested Not to Investigate	--
2019053401	1/25/20	Sexual Assault (Non Consensual Sexual Contact)	Insufficient Information to Investigate; Student did not respond to multiple communication attempts by the OTIXC.	--
2019059101	2/13/20	Domestic Violence	Insufficient Information to Investigate;	

			Student did not respond to multiple communication attempts by the OTIXC	--
2019059601	2/19/20	Dating Violence	Formal Investigation Completed	Other Policy Violation
2019060401	2/24/20	Stalking	Victim Requested Not to Investigate	--
2019062601	3/4/20	Sexual Harassment	Insufficient Information to Investigate; Student did not respond to multiple communication attempts by the OTIXC.	--
005-2020	04/8/20	Sexual Harassment	Formal Investigation Completed	Policy Violation
2019067301	04/22/20	Sexual Assault	Insufficient information to investigate. Individual did not respond to multiple attempts to contact from the OTIXC.	--
2019069701	05/31/20	Sexual Harassment	Insufficient information to investigate. Anonymous Report	--
2019070601	06/18/20	Dating Violence	Insufficient information to investigate. Individual did not respond to multiple attempts to contact from the OTIXC.	--
2019072201	07/27/28	Sexual Harassment	Formal Investigation Completed	Policy Violation

Reports Received via Confidential Resources:

Date Received	Alleged Conduct Reported by Employees Under TEC § 51.252(c)	Location
2/13/20	Sexual Assault	

2/24/20	Sexual Assault	Residence Hall
2/26/20	Sexual Harassment	Not Disclosed
2/27/20	Dating Violence Stalking	On Campus (Parking Lot)
2/27/20	Sexual Assault	Residence Hall
3/26/20	Sexual Harassment	Via Text
4/09/20	Stalking	Off Campus

Alleged Conduct Under TEC, Section 51.255(a):

Date Received	Alleged Conduct Reported by Employees Under TEC 51.255(a)	Investigation Status	Disciplinary Status
	NONE		

**Appendix B
Summary Data Report
2020**

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252⁵	
a. Received from employees under 21.252	43
b. Received from Confidential Resources under 21.252(c)	15
Number of investigations conducted under Section 51.252	4
Disposition⁶ of any disciplinary processes for reports under Section 51.252:	
a. Disciplinary Process Pending	
b. Concluded, No Finding or Policy Violation	
c. Concluded, with Employee Disciplinary Sanction	4
d. Concluded, with Student Disciplinary Sanction	
e. SUBTOTAL	4
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process⁷	0

⁵ For example, reports made by students and all other non-employees (including incidents under TEC, Section 51.252(d)) are excluded from Appendices A and B. Additionally, if the Title IX Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of the Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

⁶ "Disposition" means "final result under the Institution's disciplinary process" as defined in the Texas Higher Education Coordinating Board's (THECB) rules for TEC, Section 51.259 (See 19 Tex. Admin. Code Section 3.6(e) (2019)); therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁷ The Institution may have determined not to initiate a disciplinary process. The reasons for not initiating a discipline process can include, but is not limited to: the respondent was not affiliated with Angelo State University; the complainant requested the Institution not investigate the report; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or who submits a false report to the institution under Section 51.255(a)	--
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c) : <ul style="list-style-type: none"> a. Employee termination b. Institutional intent to termination, in lieu of employee resignation 	-- --