

TEXAS STATE UNIVERSITY
ESTABLISHED 1899

TITLE IX ANNUAL REPORT
September 2017 – August 2018

Texas State University

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UNIVERSITY®

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OUR CAMPUS COMMITMENT

Fellow Bobcats,

As a society, we are increasingly aware of the pervasiveness of sexual assault and harassment in industries as far-reaching as media, entertainment, finance, technology, and higher education. If there is a consistent message to be heard from these broader conversations that are occurring, it is that we must fight the tendency toward comfort and embrace the difficult conversations that are necessary for systemic change and the elimination of rape culture.

Texas State University has always been committed to addressing these critically important issues through collaboration, innovation and constant assessment. We are not alone in continually re-assessing our policies and procedures around Title IX and have demonstrated this commitment through partnership with campus and community partners. We are grateful to the brave individuals who have shared with us their oftentimes painful stories about how the investigation and adjudication processes have made them feel revictimized. We have also heard the concerns of individuals who feel the process is patently unfair and lacks the due process we know is essential to this process. We take these concerns to heart and commit to constantly review our practices to ensure a fair and consistent process, timely adjudication, and robust support mechanisms.

We are breaking the silence on college campuses by having conversations about sexual assault and training students, faculty, and staff on how to respond, where to report, and where to find resources. We will continue to strive towards a safe campus and have zero tolerance for sexual harassment and sexual assault in any form.

An important role of my position as Chief Diversity Officer and Title IX Coordinator is to track and maintain data related to the number of reports we receive in our office, including demographic information regarding the individuals involved. In this annual report, we have attempted to provide a snapshot of the cases we review. We hope that you will join us in our efforts to make our campus a safe environment.

Sincerely,

Ameerah McBride, JD
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OUR TEAM



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TITLE IX REPORTING

The Texas State University System, its colleges, and universities are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The Texas State University System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act.

Sexual misconduct, as defined in the Texas State University System Sexual Misconduct Policy (“TSUS SMP”), constitutes a form of sex discrimination prohibited by Title IX and Title VII. The TSUS SMP defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

How Does the Office of Equity and Inclusion Receive Reports?

The Office of Equity and Inclusion currently offers numerous options to students, faculty, staff, and visitors to report incidents of sexual misconduct. Reports can be made online via the Sexual Misconduct Weblines, phone, email, or in person. There are many university employees — professors, resident assistants, mentors — who students or colleagues may confide in about sexual misconduct. *Responsible employees*, as defined in the Sexual Misconduct Policy, have the duty and authority to report sexual misconduct to the Title IX coordinator.

The primary reason for mandating reporting is to allow the University to become aware of and address issues in a timely manner and provide immediate solutions by taking effective interim safety measures.

In the past year we have seen a rise in the number of mandated reports coming from faculty and staff members. We credit this rise in reporting to thorough training, both in person and online, which provides a better understanding of the reporting requirements outlined in the TSUS SMP.

All Texas State University administrators, faculty, staff and student workers are considered “responsible employees” except for a select group of employees, including those with a legal obligation or privilege of confidentiality. University Police Officers are mandated reporters, except when the complainant has completed a pseudonym form that prevents UPD from sharing the complainant’s real name, address, and phone number. The form does not protect the Respondent.

- Confidential sources:
 - Counseling Center staff
 - Student Health Center staff
 - Attorney for Students staff
- Staff Exceptions:
 - Cafeteria
 - Custodial
 - Ground Keepers
 - Maintenance
 - Ranch
 - Agricultural
 - Physical plant staff who are not assigned administrative duties

What Happens When the Office of Equity and Inclusion Receives a Report?

A member of our staff reviews each report to determine whether the alleged conduct falls within the scope of the TSUS SMP. If the report falls within the scope, a member of our staff reaches out to the complainant via email to invite them to participate in our investigative process. We also provide complainants with relevant University Policy, resources, and appropriate interim measure options available to them. Interim measures include campus no-contact orders, reassignment of housing, reassignment of work assignments, or modification of class or work schedules.

If the complainant elects to move forward with an investigation, the case is assigned to an investigator. Here are a few exceptions to when an investigation will proceed without complainant participation:

- an increased risk that the alleged perpetrator will commit additional acts of sexual or other violence;
- whether there have been other sexual misconduct complaints about the same alleged perpetrator;
- whether the alleged sexual misconduct was committed by multiple perpetrators;
- whether the alleged sexual misconduct was perpetrated with a weapon;
- whether the victim was a minor at the time of the alleged conduct;
- whether the university possesses the means to obtain relevant evidence of the alleged sexual misconduct;
- whether the victim's report reveals a pattern of conduct at a given location or by a particular group.

THE COMPLAINT PROCESS

Equity and Inclusion staff notify the respondent of the investigation as soon as the report is received, and an investigation is initiated. Our intake specialist guides complainants and respondents through the intake of a complaint until the matter is assigned to an investigator. After the matter is assigned to an investigator, the investigator meets with both parties and witnesses to conduct a full inquiry of the matter.

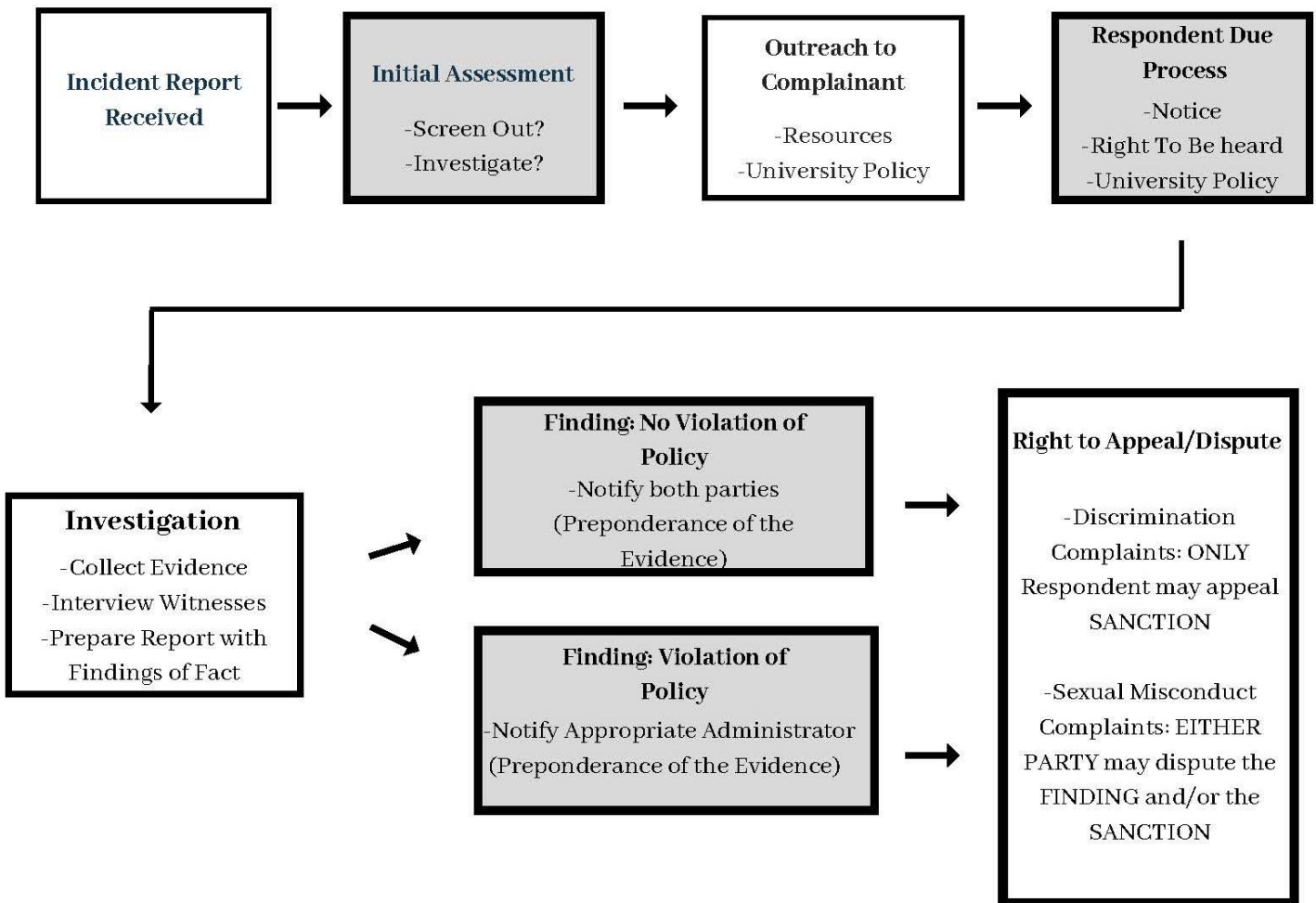
Respondents are directed to report to the office of Equity and Inclusion to collect a copy of the initial report and the TSUS SMP. At this time, a staff member explains the investigative process including due process and answers any questions.

The investigator then meets with both parties and any witnesses available to obtain evidence and testimony related to the reported incident. The investigator writes an investigation report and submits it to the Title IX Coordinator for approval. The report is then distributed to both parties. If the respondent is found in violation of the TSUS SMP, the report is distributed to both parties by the appropriate sanctioning authority.

In most cases, both parties have the opportunity to appeal the finding and/or sanction of a Title IX investigation. The overwhelming majority of Title IX reports received between September 2017 and August 2018 involved students as parties to complaints. Students may elect to dispute the finding and/or sanction through a due process hearing within five class days of receipt of the final investigation report.

Title IX due process hearing adjudicators are volunteer faculty and staff members who undergo annual Title IX hearing adjudicator training. This training includes an advanced Title IX training, procedural hearing training, trauma-informed practices, and the rights of respondents.

COMPLAINT PROCESS OVERVIEW



Texas State University prohibits retaliation against a person who, in good faith, files a discrimination complaint, assists or participates in the investigation of a report of discrimination, or opposes discrimination.

(UPPS No. 04.04.46 Prohibition of Discrimination)

TRAINING

Texas State University engages in primary prevention training as an effort to limit the risk of sexual misconduct for the campus community. Every incoming student, including undergraduate transfer students, and new employees attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment or employment. Students receive this training through New Student Orientation, while faculty and staff receive this training at New Employee Welcome. Faculty and Staff are required to complete this training biennially.

In addition to these onboarding trainings, Texas State University's commitment to raising awareness of the dangers of sexual misconduct also includes offering ongoing education in the form of lectures, programming and other events geared at raising the awareness of the campus community.

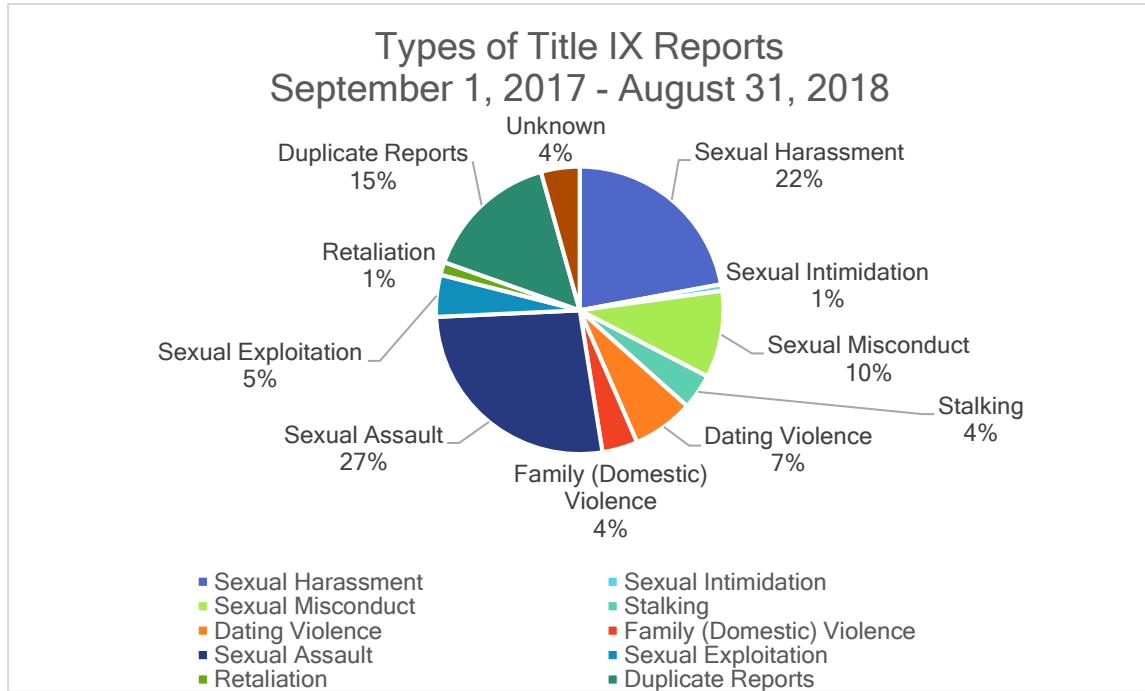
All Title IX Coordinators, Deputy Title IX Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals receive training each calendar year including, knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

“We Are the Campus Climate” is a university wide movement aimed at empowering students, faculty, and staff to be active bystanders. The initiative provides helpful tips on how to safely and affirmatively intervene when they see someone in a compromising position. This movement has been included in all new Title IX trainings for students, faculty and staff.

In the fall of 2017, the Hays Caldwell Women's Center (HCWC) began offering on-campus trauma-informed training for hearing adjudicators at Texas State University. HCWC also provides services to students such as peer-counseling, support groups, legal advocacy, and medical and legal accompaniment. Although they are the Women's Center, HCWC is committed to serving male victims of sexual violence, including transgender, gender fluid and gender non-conforming individuals.

Currently, the Deputy Title IX Coordinator also serves on the Hays County Sexual Assault Response Team (SART) which is a multidisciplinary group of professionals who work together to serve the community by raising awareness and ensuring the highest quality of assistance and compassion to victims of sexual abuse.

REPORTS OF POTENTIAL SEX DISCRIMINATION



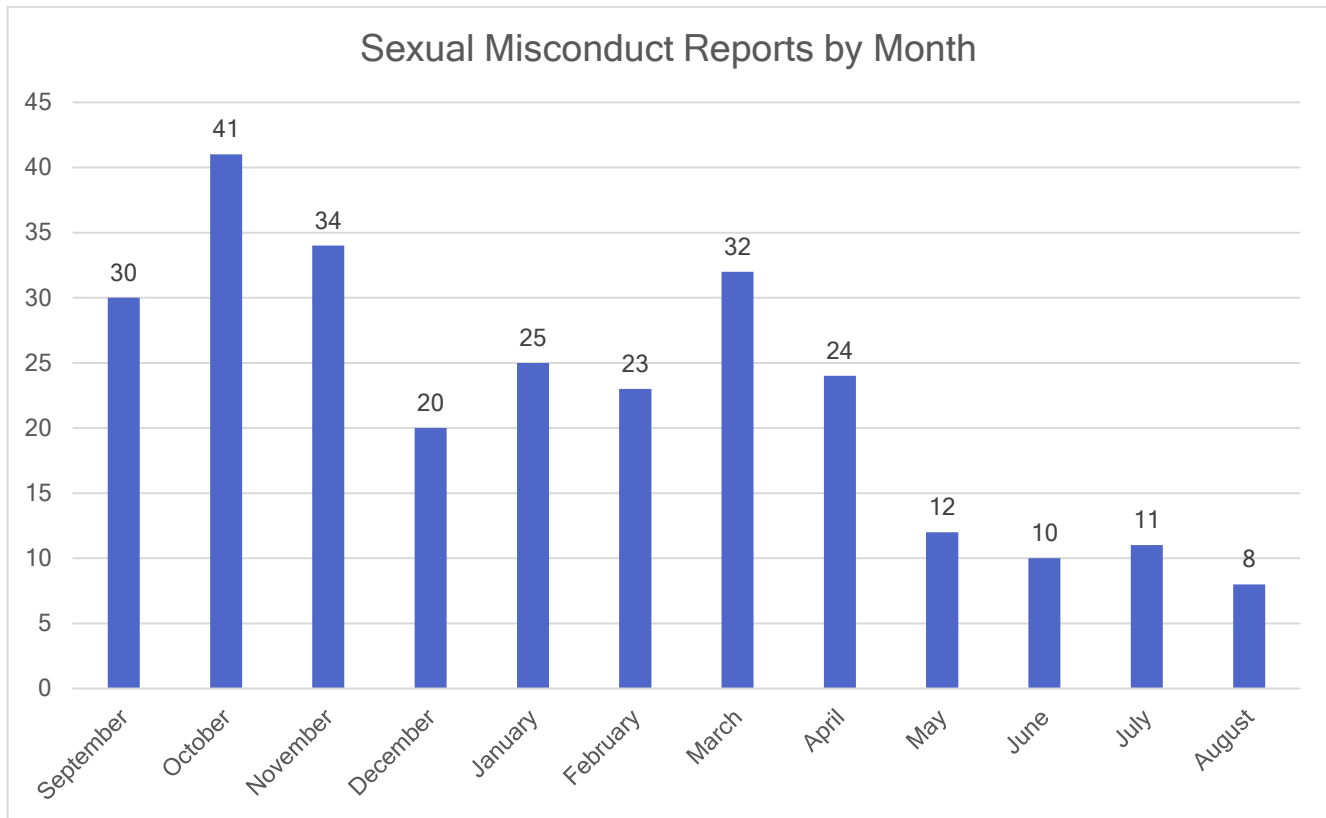
Between September 1, 2017 and August 31, 2018, the Office of Equity and Inclusion received 270 reports of alleged Title IX violations. Of the 270 reports, six reports cited multiple allegations, which is why the raw number of reports differ from the number of allegations listed below.

Allegation	Number of allegations
Duplicate Reports:	42
Dating Violence:	19
Family (Domestic) Violence:	11
Retaliation:	4
Sexual Assault:	74
Sexual Exploitation:	13
Sexual Harassment:	61
Sexual Intimidation:	2
Sexual Misconduct:	27
Stalking:	11
Unknown:	12

Title IX reports are recorded as duplicates when it can be determined that multiple reports are received of the same incident. As illustrated above, Sexual Harassment and Sexual Assault reports were the leading forms of potential sex discrimination reported in the 2017-2018 academic year, accounting for nearly half of all Title IX reports received. The following definitions are set forth by the TSUS SMP:

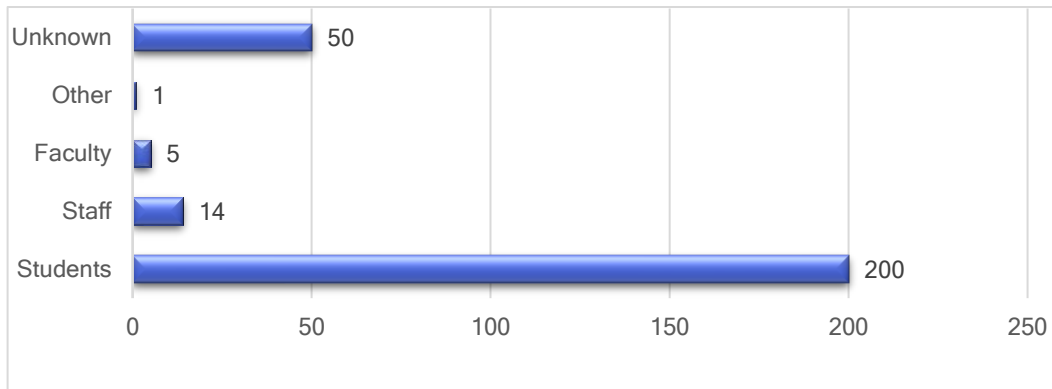
- *Dating Violence* is violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the Victim; and 2) where the existence of such a relationship shall be determined by the Victim with consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship.
- *Family (Domestic) Violence* is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas
- *Retaliation* is any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.
- *Sexual Assault* is any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will.
- *Sexual Exploitation* occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.
- *Sexual Harassment* is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular group, because of that person's or group's sex, or based on gender stereotypes, that is severe or pervasive, and where it meets additional criteria.
- *Sexual Intimidation* includes but is not limited to: 1) threatening another with a non-consensual sex act; 2) stalking or cyber-stalking; or 3) engaging in indecent exposure as defined in Texas Penal Code 21.08.
- *Sexual Misconduct* is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.
- *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress (Texas Penal Code Section 42.072).

REPORTS RECEIVED BY MONTH



The graph above illustrates the number of Title IX complaints received by the Office of Equity and Inclusion between September 2017 and August 2018. This year's pattern of reports received is in line with previous trends of Title IX report upticks at the beginning of the fall semester and around spring break. The increased number of reports coincide with the time period commonly referred to as the 'Red Zone', a period during the semester where victims of assault are most vulnerable to assault. The months of June, July and August are of note. The number of reports received in these months account for only 10.7% of Title IX complaints received in the 2017-2018 academic year. This may be attributed to the fewer number of students on campus during the summer months since the vast majority of students finish their academic year in May and are typically off campus in June and July and return in August. Although we do have an active academic semester during the summer months, student enrollment significantly decreases during this time.

COMPLAINANT AFFILIATION

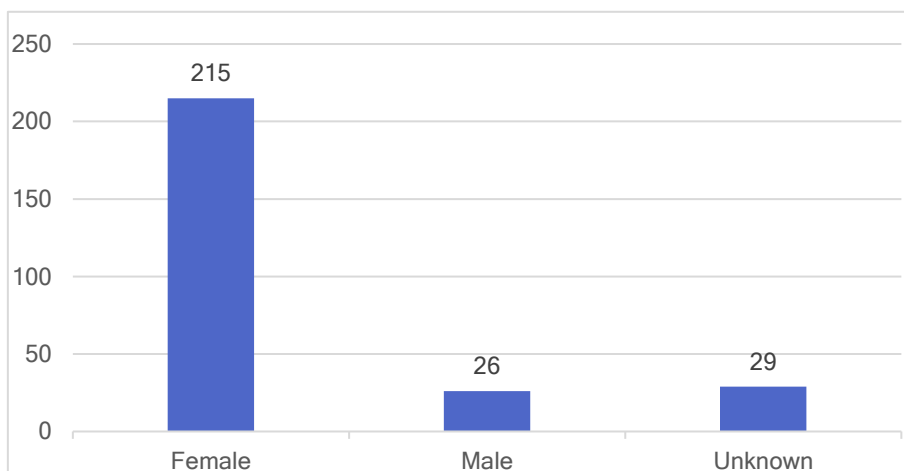


Complainant refers to the individual making a complaint of sexual misconduct. The graph above illustrates the complainants' affiliation with Texas State University for the 2017-2018 academic year. Of the 270 complaints received, the 74% of known complainants were students.

Only one complaint was received from a complainant classified as “other.” Other complainants are individuals who do not fall into the staff, faculty, or student categories, but their affiliation to Texas State University is known. Examples of this include third-party vendors, or campus visitors.

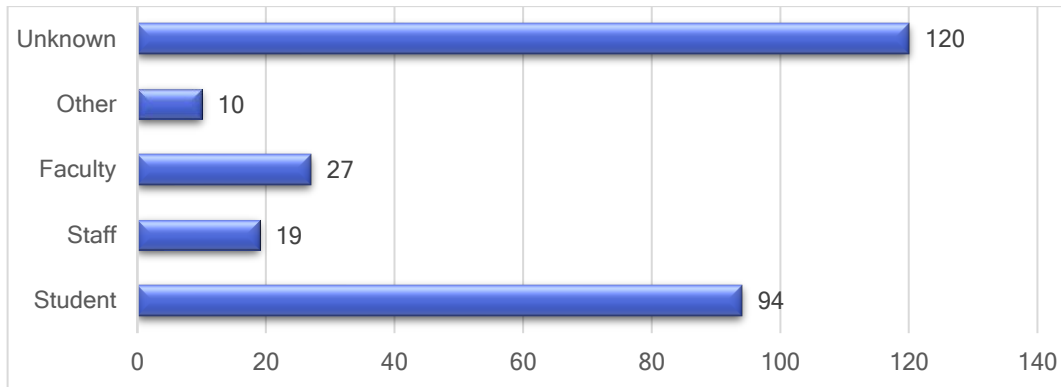
We were unable to determine the affiliation of 18% of the individuals who filed reports during this period. This is a result of anonymous reporting, which is a frequently chosen option for complainants. Such reports significantly limit the ability to follow-up, provide resources and to participate in the investigative process.

SEX OF COMPLAINANTS



This graph illustrates the gender of individuals who reported that information during the 2017-2018 academic year. Nearly 80% of all identified complainants were female.

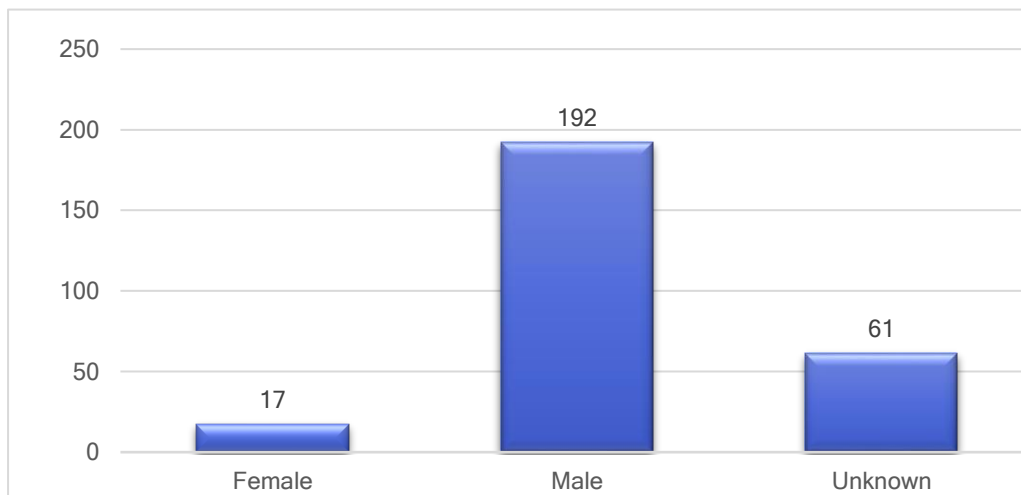
RESPONDENT AFFILIATION



Respondent refers to the person accused of sexual misconduct. The graph above illustrates the respondent's affiliation with Texas State University for the 2017-2018 academic year. Of the 270 reports received, 44% were unknown. The second-leading respondent affiliation group were students, accounting for 35% of known respondents. Faculty and staff members accounted for 17% of known respondents.

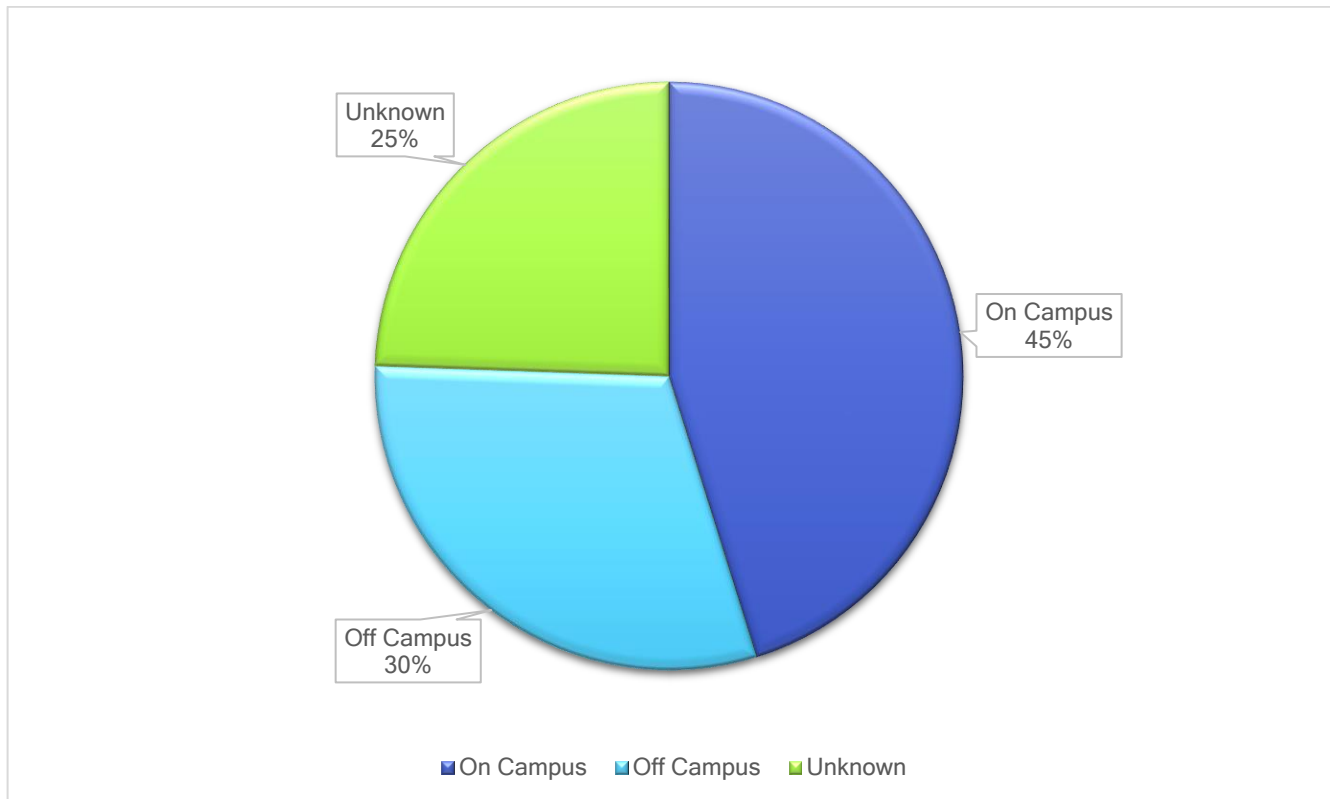
Ten respondents were classified as "other." Other complainants are individuals who do not fall into the staff, faculty, or student categories, but their affiliation to Texas State University is known. Examples of this include third-party vendors or campus visitors.

SEX OF RESPONDENTS



This graph illustrates the gender of individuals who reported that information during the 2017-2018 academic year. 70% of all identified complainants were male.

TITLE IX INCIDENT REPORT LOCATIONS



Texas State University is committed to investigating all complaints of sexual misconduct as set forth by the TSUS SMP. The majority of Title IX reports received by the Office of Equity and Inclusion in the 2017-2018 academic year took place on campus. Of the 270 reported Title IX incidents, 122 incidents took place on campus. This means these incidents took place on university property, including the San Marcos and Round Rock campuses.

Incidents occurring off-campus were the second leading known location of Title IX incidents with 82 reported off-campus incidents. Off campus incidents take place on any non-university affiliated property, including non-university owned housing.

RESOURCES

Confidential Campus Support Services

Counseling Center	Provides free individual and group counseling.	Location: LBJ 5-4.1 Phone: 512-245-2208 Email: counselingcenter@txstate.edu
Student Health Center	Provides confidential Medical Care and referral to hospitals for a forensic sexual assault exam (rape kit).	Location: 298 Student Center Drive, San Marcos, Texas Phone: 512-245-2161 Email: healthcenter@txstate.edu

Community Support Services

Hays-Caldwell Women's Center	Provides a 24/7 crisis hotline, counseling, legal advocacy and hospital accompaniment for a forensic sexual assault exam (rape kit).	24-hour HELPLINE: 512-396-HELP(4357) Office Phone: 512-396-3404
Hope Alliance	Provides a 24/7 crisis hotline, counseling, legal advocacy and hospital accompaniment for a forensic sexual assault exam (rape kit).	24-hour Crisis Hotline: 1-800-430-7233(SAFE) Office Phone: 512-485-2307
Asian Family Support Services of Austin	Provides services that address the cultural and language needs of Asian, immigrant, and refugee families affected by domestic and sexual violence, and trafficking.	24-hour Crisis Hotline: 1-877-281-8371 Office phone: 512-949-5943

Reporting On Campus

Equity & Inclusion Title IX Coordinator	Provides students, staff, and faculty the option to report sexual misconduct. A Title IX investigation is separate from a criminal investigation.	Location: JC Kellam Room # 164 Phone: 512-245-2539 Email: TitleIX@txstate.edu Sexual Misconduct Report Webline
Dean of Students – Student Emergency Services	Student Emergency Services collaborates with individuals and offices within the university and the San Marcos community to assist a student who is experiencing the consequences of an emergency.	Location: LBJ 5-9.1 Phone: 512-245-2124 Email: dosoffice@txstate.edu
University Police Department	Provides any students, staff, or faculty the option to report criminal sexual misconduct and initiate a criminal investigation.	Location: Nueces Building Phone (emergency): 911 Office Phone: 512-245-2805

Reporting Off Campus

San Marcos Police Department	Provides any students, staff, or faculty the option to report criminal sexual misconduct and initiate a criminal investigation.	Location: 2300 I-35, San Marcos, Texas Phone (emergency): 911 Office Phone: 512-753-2108
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