


# **Title IX, Policy 2.13, and Reporting Training**



Stephen F. Austin State University  
Lumberjacks Care, Title IX  
Lissy Turner, LSW

# What is Title IX?





"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."

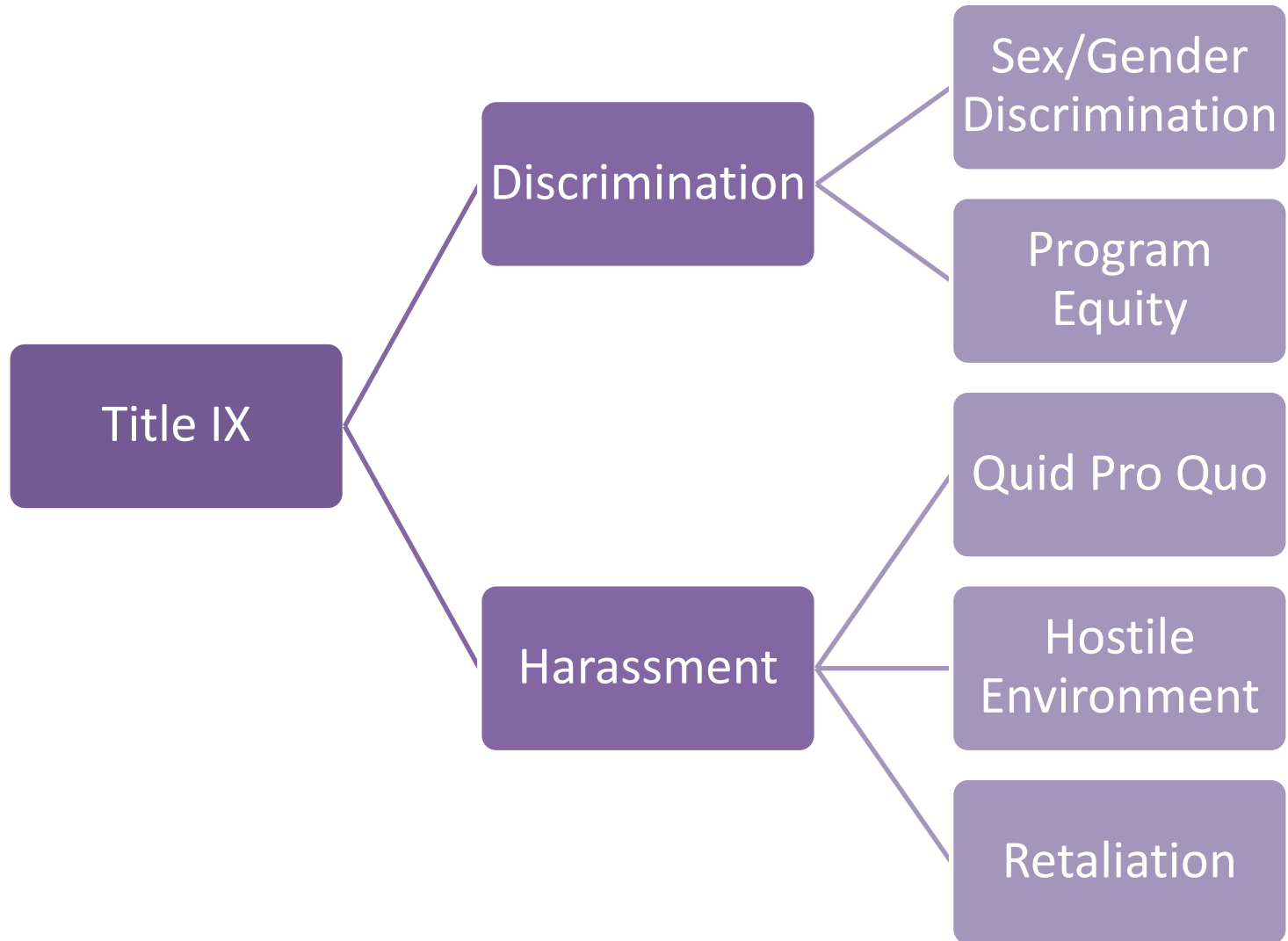
Title IX of the Education Amendments Act of 1972  
20 U.S.C. ch. 38 § 1681 et seq



# Who does Title IX cover and apply to?



# What does Title IX cover?



# SFA's Discrimination Complaints Policy 2.11

“It is the policy of SFASU, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of *race, color, religion, national origin, sex, age, disability, genetic information, citizenship, and veteran status.* Unlawful discrimination based on sex includes discrimination defined as sexual harassment. Additionally, SFA prohibits discrimination on the basis of *sexual orientation, gender identity, and gender expression.*”


Complaints of sex- and gender-based discrimination will be investigated and adjudicated under the direction of the Title IX office and based upon the status of the person identified as allegedly violating the policy (e.g., student, employee, third party) as outlined in policy 2.13.



# Sex- and Gender- Based Discrimination, Violence, Harassment, and Misconduct Policy 2.13

- Provides
  - Definitions of terms
  - Prohibited behaviors
  - Information on how and where to file a report
  - Overview of the investigation and hearing process
  - Confidential and mandatory reporting resources
  - Confidentiality
  - Responsible Employees





In order to promote a safe educational environment for all Lumberjacks, and in compliance with federal and state mandates, the University must **address** any report of sex-based discrimination in order to;

*Stop It*

*Prevent Its Recurrence*

*Remedy Its Effects*





**How do I know  
if I should  
report?**



# “Responsible Employee”

Who is a  
“responsible employee”



“Any employee who has, or whom an individual could reasonably believe has, the duty to report.”



All University Employees



Identified Student Employees

(Any student employee who develops a professional working relationship with students. TAs, Lab Techs, Residence Life)

Once a “responsible employee” is made aware of misconduct, directly or indirectly, that violates SFA Policy they are required to report the misconduct to the Title IX office within 48 hours.

**NOTE:** “Responsible employees” are required to report regardless of whether or not the affected party request confidentiality or asks the school to take action.

Exceptions: Mental and physical healthcare providers employed by SFA’s Health Clinic, Counseling Services, Counseling Clinic, and/or the Family Crisis Center Campus Advocate.



# Responsible Employee

Texas Senate Bill 212 requires all employees of higher education institutions to report sexual harassment, sexual assault, dating violence, and stalking against a student or employee to the institution's Title IX staff.

\*Criminal implications are possible of a misdemeanor A

SFA's Sex- and Gender-Based Discrimination, Violence, Harassment, and Misconduct Policy 2.13 requires Responsible Employees to report potential policy violations within 48 hours of becoming aware of the violation.

\*Reporting to law enforcement, your supervisor, or anyone who is not a member of the Title IX office does NOT fulfill your reporting responsibilities under SB 212 or Policy 2.13.



A group of softball players in white and blue uniforms are standing in a dugout, looking out through a black safety net. The scene is set during the day, with bright sunlight creating a strong silhouette effect on the players and the net. In the background, a baseball field is visible with other players and a building. The text is overlaid on the right side of the image.

**How do I  
respond when  
someone  
discloses a  
potential  
policy  
violation?**

# Framework of Reporting

## Awareness

When a conversation is started requesting confidentiality, or it seems as though personal information is about to be disclosed that you may be required to report,

- 1.) Pause the conversation
- 2.) Supportively explain your role as responsible employee and mandatory reporter
- 3.) Assure them the reported information will not be made public and will only be shared with necessary campus officials
- 4.) Inform them of their reporting resources

Explain Your Role As A Responsible Employee

## Follow Up

If someone has doubt, is unsure of who they want to report to, or would like more clarification on their options, refer to a confidential reporter.

It is important to support and empower them to make their own informed decisions.

Report to You and Title IX

Report Confidentially

Report to Law Enforcement

## Reporting

\*Reminder: Title IX does not take any immediate measures. If safety and/or bodily injury is an issue, contact 911. Title IX is not law enforcement.

File the Online Report

Escort to the Title IX Office to Report

Provide Resources / Escort to the Confidential Personnel in the Title IX Office

Contact UPD

Disclose Violation

No Disclosure





## Do

- Support their decision to come forward
- Remind them of Title IX's confidentiality
- Provide resources
- Provide all information given to the Title IX office
- Confirm that Title IX does not report to law enforcement
- Remember your 48 hour time frame
- Offer further support through the process as an Advisor
- Lead by example in reporting to help make our campus safe for all Lumberjacks

## Don't


- Take their voice away by not informing them of your Responsible Employee and mandatory reporter status
- Do NOT suppress reports
- Ask a lot of questions
- Give advice
- Victim blame or use accusatory language
- Discourage reporting
- Downplay the trauma or event

**Where do  
I report?**



# Report Online!

Available at [sfasu.edu/lumberjacks-care](https://sfasu.edu/lumberjacks-care)



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You are here: [SFA](#) » [Lumberjacks Care - Title IX](#), Located in the Lumberjacks Care Suite, McKibben Education Building, 304

Lumberjacks Care - Title IX, Located in the Lumberjacks Care Suite, McKibben Education Building, 304

- Reporting Options**
- [Lumberjacks Care Home](#)
  - [Report Sex and Gender-Based Misconduct](#)
  - [Confidential Assistance](#)
  - [Reporting Assistance and Options](#)
  - [Title IX Coordinators](#)
  - [Responsible Employees](#)

- Learn More About**
- [Resources](#)
  - [Unsure what to do? Start Here](#)
  - [Sexual Assault](#)
  - [Sexual Harassment](#)

- Policy & Procedure**
- [Policy & Procedure Resources](#)
  - [SFA Non-Discrimination Statement](#)


- [Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct \(2.13\)](#)
- [Discrimination Complaints Policy \(2.11\)](#)
- [Duty To Report Child Abuse & Neglect](#)
- [Sexual Harassment Training Handout](#)

- Help Stop the Violence**
- [Student Training Resources](#)
  - [Get Inclusive: Voices for Change online training](#)
  - [Professional Development-Go2Knowledge](#)
  - [SFA SWAT](#)
  - [Do More: Our Trainings](#)

- Campus Updates &**

## Sex- and Gender-Based Misconduct Prevention, Support, and Response Resources

<a href="#">Report an Incident</a>	<a href="#">Learn More</a>
<a href="#">Policies &amp; Procedures</a>	<a href="#">Student Training Resources</a>



### Purpose Statement

Stephen F. Austin State University strives to provide an educational and work environment that affirms the rights and dignity of each individual. It is the policy of the university, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship and veteran status. Additionally, Stephen F. Austin State University prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. Unlawful discrimination based on sex includes discrimination defined as sexual harassment.

The [Discrimination Complaints policy \(2.11\)](#) and the [Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy \(2.13\)](#) outline the university's commitment and detail the procedures used to prevent, respond, and investigate complaints. It is the responsibility of the university president to ensure that SFA and all its constituencies comply with the provisions of this policy and with all federal and state laws, executive orders and regulations regarding non-discrimination.

The university prohibits and will not tolerate sexual misconduct because such behavior violates the university's institutional values, adversely impacts the university's community interest, and interferes with the university's mission. The university also prohibits retaliation against any person who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint or remediation under this policy. Once the university becomes aware of an incident of sexual misconduct, the university will promptly and effectively respond in a manner designed to eliminate the misconduct, prevent its recurrence and address its effects.

Stephen F. Austin State University is dedicated to providing an environment of non-discrimination and equal opportunity in its programs and employment opportunities. The Title IX office supports the University's commitment by offering training, programs and processes that promote an inclusive, diverse and supportive environment consistent with the SFA Way.

To fulfill its mission, the Title IX office:

- Coordinates the delivery of detailed educational programs and training concerning discrimination, harassment, sexual violence, interpersonal violence, and stalking;
- Recommends, develops, interprets and implements policies and procedures in support of non-discrimination;
- Oversees investigations into complaints of discrimination, harassment and sexual violence by promptly organizing an impartial administrative review and addressing any patterns or systemic problems that might be identified during the review of such complaints;
- Serves as the university's designated office responsible for coordinating the University's compliance with state and federal law, including, but not limited to:
  - Title IX of the Education Amendments of 1972,
  - Violence Against Women Act.

### Confidential Resources

**Office of Violence Against Women  
Project Coordinator**  
(936) 468-2133

**Family Crisis Center of East Texas  
SFA Office**  
(936) 468-7233  
(800) 828-7233 (24 hour crisis line)

**Counseling Services**  
(936) 468-2401

**Student Health Clinic**  
(936) 468-4008

### Online Reporting Form

For Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct Policy 2.13: including sexual assault, sexual harassment, dating violence, domestic violence, and stalking

### Responsible Employee

Reporting Information

### Reporting Resources

**SFA Department of Public Safety (UPD)**  
(936) 468-2608 (non-emergency, from landline)  
(936) 468-2608 (emergency, from cell phone)  
911 (emergency, from landline).

**Title IX Coordinator  
Compliance Specialist**




# What happens after I submit a report to Title IX?



# Title IX Investigation Process Overview

- A report is filed with the Title IX office
- Forwarded to Compliance Specialist for initial contact with Complainant and delivery of resource letter
- Compliance Specialist conducts intake with Complainant
- The Title IX Coordinator, or designee, determines if the information provided indicates a violation of the Sex- and Gender Based Discrimination, Violence, Harassment, and Misconduct Policy 2.13
- Possibly sent to Title IX Investigator. Investigator depends on the role of the persons involved.
- Investigation
- Investigation Report is compiled for the hearing panel





You have no “side” other than  
the integrity of the process.



# Key Factors

- Title IX and all SFA policies, including 2.13 and 2.11, cover employees, such as faculty and staff, and students alike.
- Who is a mandatory reporter, and reporting requirements, have NOT changed. The criminal implications for not reporting has.
- Mandatory reporting requirements do not change based on the completion of a pseudonym form with law enforcement.
- 48 Hours to report potential policy violations to your Title IX office.
- You are not a mandatory reporter when you are outside of your official role.

**When in doubt, report!**



# On Campus Resources

## *Confidential Reporting*

### Counseling Services

Rusk Bldg. 3<sup>rd</sup> Floor, Office 332  
936.468.2401  
sfasu.edu/counselingservices

### Counseling Clinic

Human Services Bldg. 2<sup>nd</sup> Floor, 202  
936.468.1041  
sfasu.edu/humanservices

### Student Health Clinic

Raguet & East College  
936.468.4008  
sfasu.edu/healthclinic

## *Campus Community Resource*

### Family Crisis Center of East Texas

McKibben Edu. Bldg. 3<sup>rd</sup> Floor, Office 304C  
936.468.7233  
800.828.7233 (24 hour crisis line)  
familycrisiscenterofeasttexas.com/sfasu-campus-office

## *Reporting*

### Lumberjacks Care, Title IX Office

Amanda Pruit- Title IX Coordinator  
Lissy Turner- Title IX Compliance Specialist  
April Chaney- Title IX Investigator for Students McKibben Edu.  
Bldg. 3<sup>rd</sup> Floor, Office 304A  
936.468.8292 | TitleIX@sfasu.edu  
sfasu.edu/lumberjacks-care

### Office of Community Standards

Rusk Bldg. 3<sup>rd</sup> Floor, Office 315  
936.468.2703  
sfasu.edu/judicial

### Deputy Title IX Coordinators

Director of Human Resources - Staff, Faculty, and Third-Parties- 936.468.2304 | TitleIXemployees@sfasu.edu

Director of Human Resources – Staff, Faculty, and Third-Parties - 936.468.2304 | TitleIXemployees@sfasu.edu

Loree McCary – Athletics  
936.468.3751 | TitleIXathletics@sfasu.edu  
Lysa Hagan – SFA Charter School  
936.468.5899 | TitleIXcharter@sfasu.edu

**All full and part-time employees under  
Texas SB 212**

**Questions or  
comments?**



# Key Terms



# Complainant

The individual(s) who is alleged to have been impacted by a violation of this policy.





# Respondent

The individual(s) who is alleged to have violated this policy.



# Reporting Party

The individual(s) who submits a report alleging a violation of this policy. The reporting party and complainant may or may not be the same person. For example, reports submitted by third parties, witnesses, advisors, or anyone designated as a responsible employee under this policy are considered a reporting party



# Responsible Employee

Pursuant to Title IX and Texas State law, a responsible employee is a mandatory reporter when in the course and scope of their employment at SFA, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes prohibited behavior defined in this policy, when the incident is alleged to have been committed by or against a person who was at the time of the incident a student, employee, or visitor of the university. Responsible employees include all university full and part time employees and certain student employees including but not limited to students employed in the following areas: residence life, athletics, student affairs, and others student employees who have substantive and recurring contact with students (such as graduate teaching assistants and academic tutors).



# Advisor

Any individual who is chosen by the complainant or respondent to assist them in navigating the Grievance Process and provide support and advice. An advisor does not act as a representative on behalf of the complainant or respondent during the investigation portion of the Grievance Process, however the Advisor is required to conduct a Cross-Examination during the live hearing. If a complainant or respondent does not have an Advisor during the hearing, the University will provide one to them.



# Formal Complaint

A Formal Complaint is a complaint filed with the University by a Complainant against one or more Respondents and is a request for the University to commence the Grievance Process against the Respondent(s).



# Grievance Process

The Grievance Process is a formal investigation into an alleged violation of this policy. It consists of an investigation portion and a live hearing during which each party will have the ability to provide statements, evidence, witnesses, and participate in a live cross-examination.



# Consent

A voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or clear unambiguous actions, and demonstrates a knowing, intentional agreement to engage in each instance and stage of sexual activity. Knowledge of consent is the responsibility of each person involved in every instance of sexual activity and consent can be withdrawn at any time.



# Incapacitation

A state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.





# Preponderance of the Evidence

The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining responsibility for allegations of sex and gender-based discrimination under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.



# University Prohibited Conduct



# Intimidation

A person commits intimidation by intentionally or knowingly threatening another person with bodily harm or threat of bodily harm. Intimidation occurs when placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.



# Coercion

The use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amounts to coercion if they wrongfully limit the other's ability to freely choose whether to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person's ability to give consent.



# Dating Violence

Abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature constitutes dating violence. The existence of such a relationship shall be determined by the individual subjected to the violence 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.

Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.



A purple-tinted image of a statue of a man in a military uniform, standing and holding a rifle, positioned on the left side of the slide.

# Domestic (Family) Violence

Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the individual subjected to the violence, by a person with whom the individual subjected to the violence shares a child in common, by a person who is cohabitating with or has cohabitated with the individual subjected to the violence as a spouse or intimate partner, by a person similarly situated to a spouse of the individual subjected to the violence under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth subjected to the violence who is protected from that person's acts under the domestic or family violence laws of the state of Texas.



# Hostile Environment (Pending)

Exists when sex and/or gender-based harassment is sufficiently severe, pervasive, and objectively offensive that unreasonably interferes with, limits, or deprives an individual's ability to participate in or benefit from the university's programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a university's program or activity (e.g., administrators, faculty members, employees, students, and university visitors).

In determining whether sex and/or gender-based harassment has created a hostile environment, the university considers if the conduct in question has been severe, persistent, or pervasive from both a subjective and objective perspective of a reasonable person. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the university must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.



# Hostile Environment cont.

To ultimately determine whether a hostile environment exists for an individual(s), the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex and/or gender-based harassment, including:

- a) the nature, frequency, severity, and duration of the conduct;
- b) the identity and relationships of the persons involved;
- c) the effect of the conduct on a person's mental or emotional state
- d) the number of individuals involved;
- e) the location of the conduct and the context in which it occurred; and
- f) the degree to which the conduct affected an individual's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents in order to support a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex and/or gender-based harassment is not particularly severe.





# Sexual Misconduct

A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking, and other inappropriate sexual conduct. 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.



# Sexual Assault

Any sexual contact, intercourse, attempted or actual penetration of a person against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse and includes but is not limited to any offense that meets the definition of rape, fondling, incest, or statutory rape:

- a) Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the person.
- b) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the person, including instances where an individual is incapable of giving consent because of the person's age or because of a temporary or permanent mental incapacity.
- c) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.



# Sexual Exploitation

Occurs when an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to: engaging in voyeurism, forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to or of non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex without consent from all parties involved, or knowingly transmitting a sexually transmitted infection (STI).



# Sexual Harassment (1735)

Unwelcome, sex-based verbal or physical conduct that:

- a. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- b. 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 at a postsecondary educational institution.

## Sexual Harassment (Title IX)

Conduct on the basis of sex that satisfies one or more of the following:

- a. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- b. An employee of the University conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
- c. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.



# Other Inappropriate Sexual Conduct

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or university environment, and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or university environment.



# Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. The university will utilize the definition as defined by the Texas Penal Code, Section 42.072. For the purposes of this definition—

- a) **Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person threats, that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person's property.
- b) **Reasonable Person:** Is a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.
- c) **Substantial Emotional Distress:** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.



# Retaliation

Any adverse action threatened or taken against any individual that has filed, supported, participated in, or provided information in connection with a report or investigation of sex- or gender-based discrimination.

Retaliation includes, but is not limited to: intimidation, threats, or harassment against any complainant, reporting party, respondent, witness, advisor, or third party involved with the report, investigation, or disposition of a policy violation.

This includes any action made directly by an individual or indirectly through coordination with a third party, by any means including but not limited to: verbal or written threats in person, by phone, email, text, or social media; adverse impact on employment or grading decisions; interference with access to services or resources; or behavior or contact, including a pattern of behavior or contact, with a person that could influence the outcome of an investigation by preventing a fair, reliable, impartial, or proper investigation.



# Questions or comments?



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