

	<b>SFASU POLICE DEPARTMENT</b>	
	<b>Policy 13.1</b>	<b>Title IX</b>
	<b>Effective Date: 10/20/2020</b>	<b>Replaces:</b>
	<b>Approved: John Fields Chief of Police</b>	
	<b>Reference: University Policies 2.11 (Nondiscrimination) and 2.13 (Title IX) / IACLEA 18.1.1, 18.1.2a - c, and 18.1.3a &amp; b</b>	

## I. POLICY

This policy applies to all sworn and non-sworn personnel employed by the Stephen F. Austin State University Police Department (UPD) and Parking Services Division.

All members of the college community are **Responsible Employees** (Title IX reporters), except for those designated as confidential resources. As members of the Stephen F. Austin State University (SFASU) community, all sworn and non-sworn employees are designated **responsible employees**.

As a responsible employee, you are required to notify the Title IX Coordinator of any reports that potentially violate University Policies 2.11 (Nondiscrimination) and 2.13 (Title IX). This includes incidences that occur outside UPD’s jurisdiction.

Police Department employees are often the first person a victim of gender based sexual misconduct will report the incident to. It is important to remember that the incident being reported may not rise to a criminal level but may still violate University policies 2.11 and/or 2.13. Therefore, it is important to take each report seriously and not dismiss or overlook the actions being reported.

## II. PURPOSE

The purpose of this policy is to emphasize the importance that employees of the University Police Department and Parking Services Division are legally and ethically required to report all Title IX violations to proper authorities. An employee who fails to make a required report will be terminated following an investigation and any required process under the applicable personnel policy.

### III. PROCEDURES

Under Texas law, all University employees, with the exception of Confidential Employees, who in the course and scope of their employment, witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Program Inequity, Retaliation or Stalking, which is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident, must promptly report within 48 hours the incident to the University's Title IX Coordinator or a Deputy Title IX Coordinator.

- A. If a member of the SFASU community requests to speak to you about “something” or a reporting party indicates that they are reporting an incident that may be a violation of Title IX, it is important to advise them that what they say may have to be reported to the Title IX Coordinator.
  1. Advise the reporting party that there are Confidential Counseling Resources on the university campus.
  2. If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors, health service providers, complainant services advocates, domestic violence resources, local or state assistance agencies or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor).
  3. Confidential sources are required to submit anonymous statistical information for timely warning and Clery Act purposes.
  4. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before sharing information concerning the incident.
  5. If the reporting party would like to speak to a confidential counseling resource, provide them the contact information by showing them the TITLE IX web page – [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).
  6. Offer to assist the reporting party in contacting a confidential counseling resource. If they would like assistance, provide the assistance as needed until the reporting party and the confidential counseling resource are

connected.

B. If the reporting party would like to report a Title IX Violation, follow the below listed procedure.

1. Advise the reporting party that they have the right and can expect to have incidents of sexual misconduct taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses and the accused individual.
2. If the reporting party wishes to continue with the Title IX process:
  - a. Make sure the reporting party is comfortable and in an area that affords them privacy.
  - b. Immediately notify the Title IX Coordinator through online reporting (preferred method of communicating incidents promptly) or written memo.
  - c. Upon completion of the initial reporting, prepare a report that details your actions and provide the information to the Title IX Coordinator.
3. Mandatory reporting requirement does not apply to:
  - a. Individuals who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking incident that is being reported.
  - b. Instances when an employee receives information about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking at a public awareness event sponsored by the University.
  - c. Employees designated as Confidential Employees.

A Confidential Employee is not required to report any information that would violate an individual's expectation of privacy, such as the name or other identifying information of an individual who has experienced or allegedly engaged in Sexual Harassment (IACLEA 18.1.1).

C. Medical Services

1. If the reporting party requires immediate medical assistance, contact UPD and request emergency medical services.

2. If the reporting party does not require immediate medical assistance but would like support in obtaining medical assistance, provide assistance as needed.
3. If the reporting party does not require medical assistance, advise them that it is important to use care to preserve any forensic evidence. Specifically, advise victims not to shower, brush their teeth, urinate, eat, drink or change clothes. SANE examinations (professional evidence collection) are arranged/performed by a representative from Harold's House.

#### D. Law Enforcement

1. Victims of a crime have the right to choose whether to report the crime to law enforcement, to be assisted by the University in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. The University encourages anyone who believes they have experienced or witnessed a crime to make a report to UPD. It is important that personnel recognize this and respect the reporting party's decision.
2. If the reporting party would like to immediately contact law enforcement, assist them with that process and contact UPD at (936) 468-2608.
3. If the reporting party does not wish to immediately contact law enforcement, the information must be reported to the Title IX Coordinator.

#### E. Training

1. Title IX training is conducted by the university's Human Resources department as part of the "on-boarding" process. In addition, UPD and Parking Services employees will receive supplemental training during their initial field training phases.
2. Title IX Training will focus on how to identify all Title IX violations, specifically sexual harassment (IACLEA 18.1.2a).
3. In addition, training will include the institution's Title IX reporting and grievance procedures (IACLEA 18.1.2b).

4. Supervisors will review and discuss related Title IX policies and procedures with subordinates on an ongoing basis and at least annually (IACLEA 18.1.2c).
5. Formal annual training is overseen by the Human Resources department and Title IX personnel, and will be supplemented by UPD and Parking Services supervision.

#### **IV. TITLE IX INVESTIGATIONS**

- A. SFASU provides trained Title IX coordinator(s) and investigator(s) for the entire university community.
- B. SFASU Title IX Coordinator is responsible to investigate all allegations.
- C. Investigations will be conducted in compliance with the SFASU Title IX Policy 2.13.
  1. Title IX Investigators will share appropriate investigative materials and findings that do not hinder or compromise any criminal investigation.
  2. UPD law enforcement personnel will collaborate with the Title IX Coordinator and provide access to information and findings as necessary for the Title IX investigation, as long as it does not compromise the criminal investigation (IACLEA 18.1.3b).
  3. Title IX investigations will be conducted using best practices and will be victim based.
  4. Title IX investigations will be conducted concurrently to any criminal investigations.
  5. Title IX investigators will assist law enforcement while complying with appropriate laws and university policies and procedures.
  6. Title IX investigators will respect law enforcement's request to delay aspects of the investigation as not to hinder criminal investigations.
  7. If a Title IX investigation needs to be delayed due to a law enforcement request, the assigned criminal investigator will contact the Title IX Coordinator and inform him/her of the request and anticipated time frame

for completion.

8. Law enforcement investigators will not unreasonably delay a university level investigation solely pending the outcome of a criminal investigation or prosecution (IACLEA 18.1.3a).

## **V. TITLE IX INVESTIGATOR TRAINING**

SFASU Title IX investigators and coordinators will conduct initial and annual training in accordance with best practices.