

Texas State University System  
Office of General Counsel



by the Complainant (alleged victim) or the Title IX Coordinator. See Glossary definition for “Formal Complaint.”

9. [What is a Report of Non-Title IX Sexual Misconduct?](#)

RESPONSE: A Report of Non-Title IX Sexual Misconduct is the verbal or written statement describing an incident of Sexual Misconduct when such Sexual Misconduct does not contain all the elements of Sexual Harassment under the Title IX federal regulations issued May 2020. See SMP Sections 4.2 and 5.3.

[SECTIONS 3 AND 4](#)

10. [I have been accused of Sexual Misconduct. Will I be terminated/expelled?](#)

RESPONSE: Sanctions for violations of the SMP do include termination/recommendation of tenure revocation (for staff and faculty) and expulsion (for Students). The sanctions also include but are not limited to relevant training, probation, leave without pay, changes in



RESPONSE: Confidential Employees are permitted to honor a request for anonymity and can maintain confidentiality. Each campus will identify and provide contact information for Confidential Employees in several locations, including but not limited to the campus' website and appropriate online handbooks. Confidential Employees will assist in a crisis and provide information about possible resources, including law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, campus disciplinary procedures, and immigration services. See SMP Section 4.7.

17. [I witnessed Sexual Harassment and reported it to the Title IX Coordinator. The Respondent knows this and has been sending me threatening emails. What should I do?](#)

RESPONSE: No one may intimidate, threaten, coerce, or discriminate against any individual

## 20. If a Formal

the victim's age, pattern of behavior, risk of harm to others, and whether a weapon or

29. [At first, I did not want to agree to Informal Resolution. If I change my mind later, is it too late?](#)

RESPONSE: No, provided a decision has not been made on whether a Respondent has violated the Sexual Misconduct policy, and the Parties are eligible for Informal Resolution (see FAQ #14). The Parties may agree to Informal Resolution at any time in the grievance process before a decision has been reached, if the Title IX Coordinator agrees that Informal Resolution is appropriate. See SMP Section 3.9.1.

30. [Will I get to review the other party's evidence and statement prior to the hearing, if any?](#)

RESPONSE: Yes. In both a Title IX case and Non-Title IX case, once the Investigator has concluded the investigation, each party will be able to review all of the evidence obtained during the investigation that is related to the allegations made in the Complaint or Report. Each party will have 10 days to review and respond to the evidence, should they choose to do so. See SMP Section 7.7.6.

31. [Will I be required to be in the same room as the other party \(and their Advisor\) for the live hearing?](#)

RESPONSE: No. At the request of either party, the campus can arrange for all Parties to be in separate locations and participating in the hearing virtually. Each party will be asked to submit to cross-examination in real time, but the cross-examination may be done virtually. See SMP Section 7.18.

32. [Will the Parties be allowed to ask questions directly to each other \(and their witnesses\)?](#)

RESPONSE: No. In a Title IX Sexual Harassment matter, all cross-examination at a live hearing will be conducted by the party's Advisor. If a party does not have an Advisor, the campus will appoint a person to conduct cross-examination. See SMP Section 7.16.

In a Non-Title IX Sexual Misconduct matter, cross-



procedural irregularity, which includes a relevancy determination made at the hearing, if the ruling affected the outcome of the hearing. See SMP Section 7.15.2.

34. [Can I appeal the decision in a case of Title IX Sexual Harassment?](#)

RESPONSE: Yes, each Party to a Title IX Sexual Harassment proceeding may appeal the decision of the Decision Maker within 10 days of the decision.

Appeals may be based on (1) procedural irregularity.

Coordinator on your campus or the Office of General Counsel for assistance if you have not updated your website.

38. In Texas, Title IX Coordinators and Chief Executive Officers of institutions are required to file certain reports either annually or quarterly. Do the Department of Education federal regulations issued May 2020 affect these mandatory reporting requirements?

RESPONSE: No. The federal regulations do not overrule the reporting requirements mandated by the 86<sup>th</sup> Legislature in SB 212.

39. Are the training provisions for Students and Employees substantially similar to the prior SMP?

RESPONSE: Yes, with the additional requirement that certain training materials related to Title IX personnel must be made publicly available on the campuses' website. See SMP Section 10.2.5 for more information.

40. Did the Final Rules add a recordkeeping requirement?

RESPONSE: Yes, campuses must retain Sexual Misconduct records for a period of seven years, unless a longer retention period is required under a different state or federal law. See SMP Section 10.5 for a non-exhaustive list of the documents covered by this requirement.