ANGELINA COLLEGE STATEMENT on SEXUAL ASSAULT and MISCONDUCT

Members of the Angelina College community, students, employees, and guests have the right to be free from discrimination and sexual harassment, including sexual assault. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator’s attention, and a respondent is found to have violated this policy, sanctions will be used to reasonably ensure that such actions are never repeated.

Sexual assault violates the standards of conduct expected of every member of the Angelina College community and is strictly prohibited. It is the policy of Angelina College that no one of the college community sexually, racially, or religiously harass or assault another person. A member of the college community who participates or attempts to participate in a sexual offense is subject to disciplinary action by the college. In addition to incidents that occur on campus, the college may take disciplinary action in response to incidents that take place off campus.

Dating Violence

(a) An act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

(b) For purposes of this title, “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

1. the length of the relationship;
2. the nature of the relationship; and
3. the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b).

Family/Domestic Violence

1. An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

2. Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) of the Texas Family Code, by a member of a family or household toward a child of the family or household; or

3. Dating violence, as that term is defined by Section 71.0021.
Sexual Assault

A person commits a sexual assault if he/she intentionally or knowingly:

1. Causes the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or

2. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or

3. Causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

Stalking

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person, that:

(1) the actor knows or reasonably believes the other person will regard as threatening:

(A) bodily injury or death for the other person;
(B) bodily injury or death for a member of the other person’s family or household; or
(C) that an offense will be committed against the other person’s property;

(2) causes the other person or a member of the other person’s family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person’s property; and

(3) would cause a reasonable person to fear:

(A) bodily injury or death for himself or herself;
(B) bodily injury or death for a member of the person’s family or household; or
(C) that an offense will be committed against the person’s property.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted under this section.

(c) In this section, “family,” “household,” and “member of a household” have the meanings assigned by Chapter 71, Family Code.

Sexual Fondling

The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification without the consent of that person.

Consent under Texas Law

The most commonly asserted issue in sexual assault cases involves the issue of consent. Texas law provides for numerous provisions that allow the prosecutor to prove a lack of consent in a several different ways including:
• The defendant compels the alleged victim to participate or submit to the act through the use of violence or physical force;

• Even when no physical force is used, the defendant compels the alleged victim to participate or submit through the threatened use of violence or physical force when the alleged victim believes that the defendant has the immediate ability to execute the threat;

• Even when no force or threat of force is used, the defendant knows the alleged victim has not consented and is unconscious or physically unable to resist;

• Even when no violence or threat of violence is used, the defendant knows that the alleged victim is incapable of resisting the act or appraising the nature of the act because of the alleged victim’s mental defect or disease;

• Even when no force or threat of force is used, the alleged victim has not consented and the defendant knows the alleged victim is unaware that the sexual assault is occurring; and

• Even when no physical violence or threat of physical violence is used, the defendant has intentionally caused the victim’s power to control or appraise the defendant’s conduct by administering any chemical or controlled substance without the alleged victim’s knowledge.

Consent to one act does not imply consent to another. There are no sure means to prevent sexual assault. However, you can lessen the likelihood that you or your friends will be assaulted or will assault someone.

Safety Tips

• Know where you are going and speak up if you are uncomfortable with the plans.

• Communicate with your date: NO MEANS NO.

• Know that drinking and drug use can impair your judgment. You might not be able to make the same decision you would make if you were sober.

• If you drink, drink responsibly: eat a full meal before going out, have a glass of water between each drink, stick to one type of alcoholic beverage, know your limits and don’t go beyond them, have a designated driver, and don’t let anyone else make the decision of how much you will drink.

• Only drink something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks can have more alcohol in them than you might want to drink. Also, drugs like Rohypnol and GHB are being dissolved in drinks, causing the person who consumes the beverage to lose consciousness quickly. Don’t drink something that has been left unattended.

• Don’t go anywhere with someone you don’t know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.

Reduce the Risk of Committing Sexual Assault

• Listen carefully. Take time to hear what the other person has to say. If you feel s/he is not being direct or is giving you a “mixed message,” ask for clarification.
• Don’t fall for the cliché “if they say no, they really mean yes.” If your partner says “no” to sexual contact, believe them and stop.

• Remember that sexual assault is a crime. It is never acceptable to force sexual activity, no matter what the circumstances.

• Don’t make assumptions about a person’s behavior. Don’t assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don’t assume that if someone has had sex with you before that they are willing to have sex with you again. Also don’t assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities.

• Be aware that having sex with someone who is mentally or physically incapable of giving consent is sexual assault. If you have sex with someone who is drugged, intoxicated, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of sexual assault.

• Be careful in group situations; resist pressure from friends to participate in violent acts.

• Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don’t be afraid to intervene.

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**Reduce the Risk of Being Sexually Assaulted**

• Know your sexual intentions and limits. You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.

• Communicate your limits firmly and directly. If you say “No,” say it like you mean it. Avoid giving mixed messages. Back up your words with a firm voice and clear body language. Do not assume that someone will automatically know how you feel or will eventually “get the message” without you having to say anything.

• Remember that some people think that drinking, dressing provocatively, or going to you or your date’s room is saying you are willing to have sex. Be clear up front about your limits in such situations.

• Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.

• Don’t be afraid to “make waves” if you feel threatened. If you feel you are being pressured or coerced into sexual activity, don’t hesitate to state your feelings and leave the situation.

• Attend large parties with friends you trust. Agree to “look out” for one another. Leave with the group, not alone. Avoid leaving with people that you don’t know very well.

**How to tell if someone is incapacitated:**

• Slurred speech

• Impaired motor skills
Things you can do as a bystander:

1. Investigate it further
2. Talk to the person; tell them you are willing to help.
3. Get the person away from the situation – interrupt, distract, or remove them.
4. Involve other bystanders
5. Talk to a professional for follow-up advice
6. Follow up with both the victim and the perpetrator – give them resources and refer to Student Services on campus for assistance.

Action Steps:

- Interrupt the situation – distract (both parties) or remove them immediately.
- If your friend is incapacitated, remove them immediately
- If you think your friend’s drink has been drugged consider taking them to a hospital.
- Be aware of comments/behaviors from others that would indicate they were intent on having intercourse even if the partner was unwilling or incapacitated.
- Know your comfort level with conversations around sexual behavior. If it is not in sync with how you feel, Step UP! and state your position.
- Be aware of comments/behaviors from others that would indicate they were intent on having intercourse even if the partner was unwilling or incapacitated.
- Don’t joke about sexual assault. “Jokes” can trivialize the severity of the behavior.
- Also be aware of language, media influence and traditional role justification.
- Don’t allow victim blaming – “It’s her fault because…”
- Support the victim (and the perpetrator) and follow up.
- Although it can be awkward to confront a friend/peer it’s better to be safe than sorry

Students have an option to file a complaint with The Title IX Coordinator or Student Services (if the perpetrator is also a student). The student also has a right to report the crime to the local Police Department where the assault occurred. However, it is the student’s prerogative to not report any act of sexual assault including: dating violence, domestic violence, and stalking.
STUDENT COMPLAINTS: SEXUAL HARASSMENT

What is Angelina College’s policy concerning sexual misconduct?

Angelina College forbids student conduct constituting sexual harassment of students. The college forbids students from engaging in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a college employee.

What is sexual harassment?

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature. It also includes such activities as engaging in sexually oriented conversations for purposes of personal sexual gratification, telephoning a student at home or elsewhere to solicit inappropriate social relationships, physical contact that would be reasonably construed as sexual in nature, and enticing or threatening a student to engage in sexual behavior in exchange for grades or other school related benefits.

What laws address sexual harassment of students?

Sexual harassment or abuse of a student may constitute discrimination on the basis of sex and is prohibited by Title IX (the federal law prohibiting gender-based discrimination by schools that receive federal funds).

What will Angelina College do when it learns of sexual harassment of a student?

When an Angelina College administrator receives a report that a student is being sexually harassed or abused, he or she will initiate a report to the Title IX Coordinator. The Title IX Coordinator or designee will take prompt action to intervene.

What do I do if I have been sexually harassed at college?

A student who has a complaint alleging sexual harassment may request a conference with the appropriate administrator or designee, or Angelina College’s Title IX Coordinator. The conference will be scheduled and held as soon as possible but within seven calendar days. The appropriate administrator or Title IX Coordinator will coordinate an investigation. Oral complaints should be reduced to writing to assist in the college’s investigation.

Who is the Title IX Coordinator and how do I contact that person?

The Title IX Coordinator for Angelina College is:

Mr. Steve Hudman
Dean of Student Affairs
Administration Building 104
(936) 633-5293
shudman@angelina.edu

The Title IX Coordinator is a college employee who has the responsibility to assure the college complies with the requirements of Title IX. The coordinator will investigate or oversee an investigation of a complaint alleging violations of Title IX.
Angelina College strives to promote a positive environment for educational, working and social interactions with all persons of The College community on the main campus and all off campus locations.