

UPPS: Sexual Misconduct Policy

Sponsor: Vice President of Student Affairs

Category:

Type of Policy: Non-Academic

Policy Locations: Student Handbook, Faculty Staff Handbook, Website Title IX Page

Contact: Kristy Morgan, Vice President of Student Affairs

Objective of Policy

To articulate the University's policy and procedures regarding sexual misconduct.

Policy

LeTourneau University is a Christ-centered academic community, committed to providing and maintaining a learning and working environment that is free from sexual and other forms of harassment and misconduct. LeTourneau University believes its students, faculty members, employees, and campus guests should experience an environment free from sexual misconduct.

In compliance with federal and state laws, it is the policy of LeTourneau University to prohibit unlawful discrimination or harassment, including sexual misconduct, in any form. This policy applies to the following forms of sex discrimination and other misconduct, which are referred to collectively as "sexual misconduct": sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. LeTourneau University will not tolerate sexual misconduct of any form. Such conduct violates the values and principles of our community and disrupts the living, learning, and working environment for students, faculty, staff and guests. Members of the LeTourneau University community, including students, staff, faculty, and guests, have the right to be free from sexual misconduct. LeTourneau University will take seriously all complaints of sexual misconduct, promptly and equitably respond to complaints of sexual misconduct, and take appropriate action or discipline against any person who is found to have violated this policy.

I. Statement of Compliance with Title IX

A. Notice of Nondiscrimination

It is the policy of LeTourneau University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual misconduct) based on sex in the University's educational programs and activities, in employment policies and practices, and all other areas of the University. As a faith-based institution, the University is exempted from certain laws and regulations concerning discrimination. The University maintains the right, with regard to admissions, enrollment, employment, and other matters, to uphold and apply its religious beliefs related to, among other issues, marriage, sex (gender), gender identity, sexual orientation, and sexual activity.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: "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." Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation, denies

the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity. Sexual harassment is a form of sex discrimination. In accordance with Title IX, this policy addresses the University's prohibition of the following forms of sex discrimination: sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. Allegations of sex discrimination that do not involve sexual misconduct will be handled in accordance with the University's general nondiscrimination and harassment policy.

Inquiries or complaints about Title IX, sex discrimination, sexual harassment, or other forms of sexual misconduct may be directed to the University's Title IX Coordinator:

Title IX Coordinator

Dr. Kristy Morgan

Vice President for Student Affairs

Student Life Office, Second Floor Allen Family Student Center

Office Phone: 903-233-4410

Email: kristymorgan@letu.edu

Inquiries or complaints may also be directed to the U.S. Department of Education's Office for Civil Rights:

The Office of Civil Rights

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (800) 877-8339

Email: OCR@ed.gov

<http://www.ed.gov/ocr>

LeTourneau University is committed to encouraging and maintaining an educational, working, and living environment reflective of our Christian faith and characterized by civility and mutual respect. Sexual harassment or sexual misconduct, in any form, does not reflect the high standards and ideals of our community and will not be tolerated at LeTourneau University. As an institution of higher education, LeTourneau University has adopted this sexual misconduct policy in an effort to eliminate sexual misconduct on our campus through education, training, clear policies, and appropriate consequences for violations of these policies. The University's Title IX Coordinator has responsibility for ensuring compliance with LeTourneau's policies regarding sexual misconduct.

Students and employees are expected to comply with the University's policies on sexual misconduct whether on or off campus. Any student or employee who violates the University's policies on or off campus is subject to disciplinary sanctions.

B. Sexual Misconduct Prevention

LeTourneau University provides education on sexual harassment and sexual misconduct, including sexual assault, sexual violence, domestic violence, dating violence, and stalking, to all

members of the University community through mandatory training, campus programs, printed educational materials, and official campus policies. In addition, mandatory training for all new students is provided at the start of the school year to educate students about sexual harassment and sexual misconduct. All students are required to participate in this training.

C. Title IX Coordinator

LeTourneau has designated the Vice President for Student Affairs as the Title IX Coordinator and has appointed additional individuals to serve as Deputy Coordinators, who will collectively insure the University's compliance with Title IX. The University will also train faculty or staff to serve as investigators, adjudicators, or appeal officials in the complaint resolution process. These trained faculty and staff will be members of the University's Title IX Team, along with the Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator's responsibilities include the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation and to end sexual misconduct, prevent its recurrence, and address its effects within the community. At LeTourneau University, the Title IX Coordinator oversees monitoring of University policy, implementation of grievance procedures, including notification, investigation and disposition of complaints; distribution of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; and ensuring a fair and neutral process for all parties.

Title IX Deputy Coordinators are individuals appointed by the University's President who assist with the implementation of policy and education, have a shared responsibility for consulting with and supporting the Title IX Coordinator, and may serve as the Coordinator's designee. Title IX Deputy Coordinators may also be called upon to investigate or adjudicate complaints of sexual misconduct; decide appeals; and/or facilitate informal resolutions to complaints.

The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this policy. When this policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

D. Retaliation Prohibited

The University will not tolerate retaliation against a person who in good faith reports, complains about, or participates in a sexual misconduct investigation or complaint resolution process. Individuals who engage in retaliation may be subject to discipline, up to and including termination of employment or expulsion from the University. Retaliatory actions may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this policy or that would discourage a reasonable person from engaging in activity protected under this policy; acts or comments intended to embarrass the individual; seeking to influence the participation or statements of parties or witnesses, or taking adverse action against them; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation may be in person, through social media, email, text, and other forms of communication, and it may be committed by parties to the complaint resolution process, their friends or representatives, or any other person. Retaliation may be present against a person even when the person's allegations of prohibited conduct are not substantiated.

II. Scope of Policy

This Policy applies to all University community members, including students, employees, faculty, staff, temporary employees, trustees, volunteers, vendors, independent contractors, visitors, guests, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property. All University community members are required to follow University policies, and all community members are protected by this Policy.

This Policy applies to sexual misconduct that is committed by or against a University community member that:

- occurs on campus or University property;
- occurs at University-sponsored events or programs that take place off campus, such as study abroad and internships; or
- occurs off campus and outside the context of a University-sponsored event or program, but that the University determines may (i) have continuing adverse effects on campus, University property, or in a University program or activity, (ii) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, University property, or in University program or activity, or (iii) create a hostile environment for community members on campus, University property, or in University program or activity.

III. Definitions for the Policy

A. Definitions of Prohibited Conduct

Sexual Misconduct

As used in this Policy, sexual misconduct means the following forms of sex discrimination and other misconduct: sexual harassment, sexual assault, domestic violence, dating violence, stalking,¹ and sexual exploitation, as each of those terms is defined below.

Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, and may violate other federal and state law, including Title VII of the Civil Rights Act of 1964, and Texas state law. Sexual harassment is unwelcome, sex-based verbal or physical conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis for an employment, academic, or other educational decision ("quid pro quo" harassment); or

¹ Some instances of dating violence, domestic violence, and stalking may not be sexual in nature. For purposes of this policy, the term "sexual misconduct" encompasses all instances of dating violence, domestic violence, and stalking (as those terms are defined in this Policy), regardless of whether there is a sexual component to the behavior.

- such conduct has the purpose or effect of unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment ("hostile environment" harassment).

Quid pro quo sexual harassment includes incidents in which the harasser either provides or denies an employment or educational benefit in exchange for sexual favors, or makes an adverse employment or educational decision on the basis of rejection of sexual advances.

Hostile environment sexual harassment occurs when the working, learning, or living environment is made hostile or abusive. An abusive or hostile environment is one that is reasonably and actually perceived by the complaining party as abusive such that it makes it difficult to perform job duties or to pursue one's education. Hostile environment harassment exists when there is unwelcome conduct that is sufficiently severe, persistent, or pervasive that the conduct interferes with an employee's employment or work performance or a student's ability to participate in or benefit from educational programs or activities. The circumstances to determine whether an environment is "hostile" could include:

- The frequency of the conduct.
- The nature and severity of the conduct.
- Whether the conduct was physically threatening.
- The effect of the conduct on the victim's mental or emotional state.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the victim's educational or work performance.
- Whether the statement was merely a discourteous, rude, or insensitive statement.
- Whether the speech or conduct deserves the protections of academic freedom.

Conduct can be sexual harassment whether or not any harassment or hostile feelings were intended.

Examples of sexual harassment may include, but are not limited to, the following:

- Unwelcome pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Unwelcome sexual flirtations, attention, advances, and propositions
- Punishing or threatening to punish a refusal to comply with a sexual-based request
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature
- Verbal abuse of a sexual nature or obscene language
- Unnecessary references to parts of the body or verbal commentary about an individual's body or appearance
- Remarks about a person's gender or sexual orientation
- Sexual innuendoes or humor
- Obscene gestures or leering
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity

- Bullying (conduct that may be physically threatening, harmful, or humiliating) that is based on sex, including cyber-bullying
- E-mail, texting ("sexting"), or electronic or cyber harassment

A hostile environment can exist by virtue of a combination of individual incidents that would not, individually, constitute sexual harassment. Even one serious incident may, however, constitute hostile environment harassment.

Both women and men are protected from sexual harassment under this policy, whether the harassment is perpetrated by a member of the same or the opposite sex. Sexual harassment may be committed by a male or a female toward either a male or a female.

Unwelcome conduct: Conduct is unwelcome when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident, including various objective and subjective factors.

Sexual Assault

Sexual assault is any actual or attempted sexual contact, including contact with any object, with another person without that person's consent. As used in this policy, sexual contact includes: intentional contact by the accused with the victim's private body parts (genital area, anus, groin, inner thigh, buttocks, or breasts), whether clothed or unclothed; coerced touching by the victim of another's private body parts (genital area, anus, groin, inner thigh, buttocks, or breasts), whether clothed or unclothed; or forcing another to touch oneself with or on any of these body parts. Sexual assault includes, but is not limited to, an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the private body parts (including the genital area, anus, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Texas the age of consent is 17.

Sexual assault can also be a crime under Texas law. For more information regarding Texas criminal law definitions, see Appendix B.

Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
- A person who is a current or former cohabitant of the victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under Texas's domestic or family violence law (or, if the crime occurred outside of Texas, the jurisdiction in which the crime of violence occurred).
- Any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws of Texas (or, if the crime occurred outside of Texas, the jurisdiction in which the crime of violence occurred). In addition to the relationships described above, Texas law defines domestic/family violence to include violence committed between individuals related by consanguinity or affinity, as determined under Texas Government Code Sections 573.022 and 573.024, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, a foster child and foster parent, without regard to whether those individuals reside together, and persons living together or previously living together in the same dwelling, without regard to whether they are related to each other.

While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury, assault, or sexual assault; or (2) a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

Domestic violence may also be called family violence, domestic abuse, domestic assault, or spousal/intimate partner/relationship abuse or violence. Domestic violence can also be a crime under Texas law. For more information regarding Texas criminal law definitions, see Appendix B.

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or violence, such as sexual assault, physical harm, bodily injury, or criminal assault, or the threat of such abuse or violence. Dating violence does not include acts covered under the definition of domestic violence.

Dating violence may also be called spousal/intimate partner/relationship abuse or violence. Dating violence can also be a crime under Texas law. For more information regarding Texas criminal law definitions, see Appendix B.

Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person (1) to fear for her or his safety or the safety of others, or (2) to suffer substantial emotional distress.

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through another person, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- repeated, unwanted, and intrusive communications by phone, mail, email, texting, and/or other electronic communications, including social media;
- repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- making direct or indirect threats to harm the victim, or the victim's children, relatives, friends, or pets;
- damaging or threatening to damage the victim's property;
- repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth, that would cause a person to feel threatened or intimidated.

Stalking can also be a crime under Texas law. For more information regarding Texas criminal law definitions, see Appendix B.

Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited without that person's consent. Examples of sexual exploitation include, but are not limited to:

- intentional and repeated invasion of sexual privacy (e.g., walking into the other person's room or private space);
- prostituting another person;
- video- or audio-taping of sexual activity or body parts without consent;
- any distribution of sexually explicit photos or videos without consent, including posting sexually explicit photos or videos in public or on social media sites;

- intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, breast, inner thigh, buttocks, genitals and/or groin area, or that is otherwise sexual in nature, without consent;
- engaging in voyeurism (e.g. viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent);
- exposing one's genitals or breasts or coercing another to expose their genitals or breasts in non-consensual circumstances;
- knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person;
- forcing others to view pornography.

Some forms of sexual exploitation can also be a crime under Texas law. For more information regarding Texas criminal law definitions, see Appendix B.

Retaliation

Retaliation is any adverse action, or threat thereof, taken against an individual for making a good faith report or complaint of a potential policy violation, supporting another person's report, responding to a complaint, or participating in good faith in the investigation of a complaint or the complaint resolution process, or opposing in good faith a practice or conduct that the person reasonable believes is in violation of this policy. Retaliatory acts may include, but are not limited to: any form of intimidation, threats, harassment, coercion, and other adverse action. See Retaliation Prohibited section above for more information.

B. Definitions of Consent, Coercion, and Incapacitation

Consent means words or overt actions by a person clearly communicating a freely given present agreement to perform a particular sexual act. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicated a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity. In addition:

- Consent to one form of sexual activity cannot, by itself, constitute consent to other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.

- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be obtained by use of coercion as defined by this policy.
- Consent cannot be obtained when a person is known to be or should be known to be incapable of consenting due to incapacitation, as defined in this policy.
- Explicit consent to protected sexual contact does not constitute consent to unprotected sexual contact. Where a party makes a representation that protection is or will be used, the other party's consent to the sexual contact generally will be interpreted as conditioned on that use of protection. If protection is removed during sexual contact, it is the responsibility of the person removing protection to obtain consent to the unprotected sexual contact.
- Consent can only be given if one is of legal age. In Texas, the legal age of consent is 17 years old.

Incapacitation means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to alcohol or other drug ingestion, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, nonconsent, or the withdrawal of consent; and whether such condition was known or reasonably known to the accused or a reasonable sober person in the accused's position. Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct.

Coercion is conduct or intimidation that compels an individual to engage in sexual contact or sexual activity against the individual's will by: (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would cause a reasonable person to fear severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain consent from another.

C. Definitions of Other Terms Used in this Policy

Victim refers to an individual who is alleged to have been subject to conduct that violates this policy.

Accused refers to an individual who has been accused of prohibited conduct under this policy.

Complainant refers to the person(s) filing a complaint with the University under this policy. In addition, the term "complainant" may also be used to refer generally to a person alleged to have been subjected to conduct that violates this policy, whether or not he or she has filed a complaint.

Respondent refers to the person(s) named as the accused in a complaint under this policy.

A **report** is an account of the alleged sexual misconduct provided to the University by the victim/complainant, a third party, or an anonymous source.

A **complaint** is a formal allegation of the alleged sexual misconduct provided to the Title IX Coordinator by the complainant that begins a complaint resolution process as set forth in the University's Complaint Resolution Process section of this policy.

IV. Reporting Sexual Misconduct

The University encourages individuals who have experienced sexual misconduct to report the incident to the University. In addition, the University encourages individuals who have experienced criminal sexual misconduct to report the incident to law enforcement.

A. Reporting to the University

In order to take appropriate corrective action, officials at LeTourneau University must be aware of sexual misconduct. Therefore, any member of the LeTourneau University community or other individual covered by this policy who believes that he or she has been the subject of or has witnessed any form of sexual misconduct should promptly report such behavior to a University official as outlined below.

Individuals may report sexual misconduct to the University by contacting the following officials:

Title IX Coordinator

Dr. Kristy Morgan
Dean of Students
Student Life Office, Second Floor Allen Family Student Center
Office Phone: 903-233-4410
Email: kristymorgan@letu.edu

Deputy Coordinator:

Phyllis Turner
Director of Human Resources
Office Phone: 903-233-4171
Email: phyllisturner@letu.edu

Online Reporting Form

The University's online reporting form is available [here](#) and on the University's [Title IX webpage](#).

Reports can be made by telephone, email, in person, or via the [online reporting form](#). As discussed below, individuals have the option of making an anonymous report using the University's online reporting form. Reports to the University should include as much information as possible, including the names of the individual alleging they have experienced sexual misconduct and the accused, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

When a student or employee reports to the University that they have been a victim of alleged sexual assault, domestic violence, dating violence, or stalking, regardless of location, the University will provide a written explanation of available rights, options, and procedures.

Anonymous Reporting

The University accepts anonymous reports of sexual misconduct. Anonymous reports may be filed using the University's [online reporting form](#). The University may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation. The individual making the report is encouraged to provide as much detailed information as possible.

Employee Reporting Obligations

University employees (with the exception of student employees) are required to make a prompt report to the Title IX Coordinator of information they receive or witness in the course and scope of their employment regarding incidents they reasonably believe constitute alleged sexual misconduct committed by or against a person who was a student at or an employee of the University at the time of the incident. Reports should be made as soon as possible and must include all relevant details to the extent known, including the name of the alleged victim, the name of the individual accused of misconduct, other individuals involved in the incident, other information, including the date, time, and location of the incident, and whether the alleged victim expressed a desire for confidentiality in reporting the incident. Confidential resources, as identified in the "Confidentiality and Reporting" section below, are not required to report detailed information to the Title IX Coordinator. However, pursuant to Texas law, confidential resources who speak with someone on a confidential basis must report to the Title IX Coordinator the type of incident alleged, without including any information that would violate an expectation of privacy. Employees who receive information or reports of alleged sexual misconduct should not attempt to "investigate" the allegation or ask the reporting individual to provide details of the alleged misconduct. To the extent the reporting individual provides details, that information should be provided to the Title IX Coordinator. Upon receiving a report, the Title IX Coordinator will review the report and determine next steps under this policy. Failure of a University employee to report allegations of sexual misconduct to the Title IX Coordinator may result in disciplinary action in accordance with the Staff Separation from the University Policy 3.3.6; pursuant to Texas law, the University must terminate any employee who it determines, pursuant to the University's disciplinary procedures, failed to make a required report. In addition, pursuant to Texas law, failure to report an incident may also constitute a criminal misdemeanor. Employees are not required to report an incident in which the employee him-or-herself was the victim of sexual misconduct and are not required to report an incident they received information about due to a disclosure made at a public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution.

Unless waived in writing by the alleged victim, the identity of an alleged victim of an incident reported to the Title IX Coordinator by a University employee pursuant to this section will be disclosed only to persons employed by or under contract with the University who are necessary to conduct an investigation or related complaint resolution process, a law enforcement officer as necessary to conduct a criminal investigation, the person or persons alleged to have perpetrated the incident, to the extent required by other law, or potential witnesses to the incident as necessary to conduct an investigation.

If the report involves known or suspected abuse or neglect of a child, the employee must report the matter to the Title IX Coordinator and University Police immediately and also comply with the employee's mandatory reporting obligations to state officials under state law.

Amnesty and Waiver of Other Policy Violations

LeTourneau University encourages the reporting of sexual misconduct policy violations. Sometimes, victims or witnesses are hesitant to report to university officials because they fear that they themselves may be charged with policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that individuals who have experienced sexual misconduct choose to report to university officials. To encourage reporting, the University pursues a policy of offering a person who makes a good faith report to the University that they are a victim of or witness to sexual misconduct or who participates in an investigation limited amnesty from being charged with violations of other policies, such as the University's alcohol policy, related to the particular incident. Violations of other policies may be addressed through educational options rather than discipline in such cases and the University may still require the individual to participate in educational or restorative action.

B. Confidentiality and Reporting

Requests to the University for Confidentiality or Non-Action

The University understands and supports individuals' interest in confidentiality in cases involving sexual misconduct. However, when the University receives a report of sexual misconduct, it has a legal obligation to respond in a timely and appropriate manner. There are situations in which the University cannot honor a request for confidentiality or request for no-action in order to meet its obligations under the law to provide an educational environment that is safe and free from sexual harassment or sexual violence.

If an individual reports alleged sexual misconduct and requests that his or her name not be disclosed to the accused person or that the University not investigate or seek action against the accused person, the University will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment. The Title IX Coordinator will weigh the request against a range of factors relating to the need to provide a safe and nondiscriminatory environment, including the seriousness of the alleged misconduct, whether there have been other complaints or reports of misconduct against the accused, whether the alleged misconduct poses a risk of harm to others, and the ability to conduct an investigation without revealing identifiable information. Honoring a request that the individual's name not be revealed to the accused person or that the University not investigate or seek action against the accused person may limit the University's ability to respond fully to the incident and pursue appropriate disciplinary action. If the University determines that it can respect an individual's request not to disclose his or her identity to the accused person, it will take all reasonable steps to respond to the complaint consistent with the request.

If the Title IX Coordinator determines that the University cannot maintain a request for confidentiality or non-action, the Title IX Coordinator will inform the individual who has alleged the sexual misconduct. In such cases, the Title IX Coordinator may inform the individual accused of misconduct that the individual asked the University not to investigate, but the University decided to move forward. An individual who alleges sexual misconduct can choose not to participate in an investigation or disciplinary proceeding. When the University moves forward with a complaint resolution process without the participation of the individual who has alleged the sexual misconduct, that individual will have the same rights provided to a complainant under this policy.

Confidential Resources

The University encourages individuals who believe they have experienced sexual misconduct to talk to someone about what happened. Different people on campus have different legal reporting responsibilities, and different abilities to maintain confidentiality, depending on their roles at the University. Some individuals and campus resources can offer confidentiality while others have specific obligations to respond when they receive a report of a crime or a campus policy violation. In making a decision about whom to contact for support and information, it is important to understand that most University employees are not confidential resources, and are therefore obligated to report to the University any information they receive about sexual misconduct. Individuals who would like to speak to someone on a confidential basis should contact a confidential resource listed below. Individuals may be assured of confidentiality when speaking to a therapist, doctor, attorney, or other person who is legally obligated to maintain patient or client confidentiality. Confidential resources generally cannot disclose confidential communications to another person without the reporter's consent, except under very limited circumstances, such as when the allegations must be reported under mandatory reporting laws relating to child or elder abuse or neglect.

Confidential resources provided by LeTourneau University are those persons who are licensed counselors or a licensed/ordained pastor listed below:

LeTourneau University Center for Counseling
Licensed counselors
Longview Hall
Counseling@letu.edu; 903-233-3490

Julie Moore, Director of Health Services
Second Floor, Allen Family Student Center
juliemoore@letu.edu; 903-233-4445

Dr. Pat Mays, Campus Pastor
Spiritual Life Office, Belcher Center
patrickmays@letu.edu; 903-233-3373

Dr. Mays serves in multiple roles on campus. If you are seeking Dr. Mays's assistance in his role as a confidential resource, you should contact him through the office contact information listed above and should make clear prior to disclosing any information that you are seeking his assistance as a confidential resource.

Pursuant to Texas law, when a confidential resource employed by the University receives information regarding incidents they reasonably believe constitute alleged sexual misconduct committed by or against a person who was a student at or an employee of the University at the time of the incident, the confidential resource must report to the Title IX Coordinator the type of incident alleged, without including any information that would violate an expectation of confidentiality.

All other LeTourneau University staff and faculty members are required by University policy to report observations or actual knowledge of incidents of sexual misconduct.

The following resources are available off-campus to individuals who wish to speak with a confidential resource:

- RAINN (Rape, Abuse, and Incest National Network):
 - 24/7 Phone Number: 1.800.656.4673
 - Website: <https://www.rainn.org/>
 - Online Chat: <https://hotline.rainn.org/online/>

A person who speaks to a confidential resource should understand that, if the person does not report the concern to a non-confidential resource at the University, the University will be unable to provide certain interim actions or protective measures that would require involvement from the University (such as issuing a no-contact directive), conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource and do not report the concern to the University may later decide to file a complaint with the University or report the incident to local law enforcement.

Protecting Privacy

Although most University employees cannot promise confidentiality, the University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct and will share information with other University employees only on a need to know basis. The University will protect the privacy of the individuals involved in a report of sexual misconduct to the extent possible consistent with the University's legal obligations, even if the individual does not specifically request privacy. However, the University may be required to share information with individuals or organizations outside the University under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the University may be subject to a subpoena or court order requiring the University to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the University's responsibilities under FERPA, as allowed by law. Except for the reasons described above, the allegations will not be shared with law enforcement without the consent of the individual who has alleged the sexual misconduct.

Confidentiality and Required Statistical Reporting or Community Warnings

Under the Clery Act, the University has legal obligations to maintain certain records, report statistical information relating to certain criminal offenses, and to provide the University community with information relating to certain crimes that occur on campus. These crimes include sexual assault, domestic violence, dating violence, and stalking. In connection with the University's recordkeeping pursuant to the Clery Act, statistical reporting to the Department of Education, or community warnings, the University will protect a crime victim's confidentiality to the extent possible even if the victim does not specifically request confidentiality. Publicly available recordkeeping, including Clery Act statistical reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a victim's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the victim's and accused's names and any other identifiers that would enable the public to identify the victim or accused in the context of the incident report. The University may issue a crime alert (referred to as a timely warning) to the University community about certain reported offenses if a serious or

ongoing threat to the community exists. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future, and will not include any identifying information about the individual who has alleged the sexual misconduct.

C. Title IX Coordinator's Initial Review and Assessment of Reports to the University

When the University receives a report or complaint of alleged sexual misconduct, the Title IX Coordinator will hold a preliminary meeting between the alleged victim/complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full investigation interview.

As part of the initial meeting with the alleged victim/complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the complainant;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on- and off-campus resources;
- Notify the complainant of options for and how to request interim actions and protective measures;
- Provide the complainant with an explanation of the procedural options, including how to file a complaint (if not already filed) and the complaint resolution process;
- In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, advise the complainant of the right to have an advisor;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

The Title IX Coordinator will assess the report for potential risk of harm to the University community and take steps to address these risks, including but not limited to assessing the need for a timely warning under the Clery Act, in consultation with the University Police Department.

D. Reporting to Law Enforcement

Some sexual misconduct prohibited by this policy may be crimes. Individuals who believe they have experienced criminal sexual misconduct are strongly encouraged to notify local law enforcement. Individuals have the right to notify or decline to notify local law enforcement. The University will assist individuals notify law enforcement. Filing a report with law enforcement is not necessary for the University to proceed with institutional procedures and will not impede institutional procedures. A University investigation and a criminal investigation may be pursued simultaneously.

Individuals who would like to report sexual misconduct to law enforcement should contact the following:

- 911 (for emergencies)
- Longview Police Department
903-237-1199
302 West Cotton Street, Longview, TX 75601
- University Police Department
903-233-4444

If a person chooses to report an incident to police, a police officer will take a statement regarding what happened. The officer will ask the reporting party to describe the alleged assailant(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. A reporting party may have a support person with them during the interview. The University Police Department (UPD) forwards reports of sexual violence to the Title IX Coordinator. NOTE: Reporting an incident to police is a separate step from pressing charges. After filing a report, there is no obligation to continue with legal proceedings or participate in a University complaint resolution process. If the assault occurred off-campus, the incident can be reported to the local law enforcement agency. UPD will assist individuals who are unsure of how and where to report the crime. The reasons for reporting to UPD are: 1) to take action which may prevent further victimization, which could include issuing a Timely Warning in certain circumstances to warn the campus community of an impending threat to their safety; 2) to apprehend the assailant; 3) to seek justice for the wrong that has been done to you; and 4) to have the incident recorded for purposes of reporting statistics about incidents that occurred on campus. If it is any individual's desire to report the assault to a local law enforcement agency other than UPD, whether the incident occurred on-campus or off-campus, UPD will assist individuals on how and where to report the crime.

V. Immediate and Continuing Assistance Following an Incident of Sexual Assault or Other Sexual Conduct

A. Information about University and Community Resources

The University will support any person adversely impacted by sexual misconduct. Both the University and the community provide a variety of resources to assist and support individuals who have experienced sexual misconduct or are affected by allegations of sexual misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the University or to law enforcement. Contact information for on- and off-campus resources (including confidential resources) that can provide an immediate response in a crisis situation, including assisting with obtaining needed resources and explaining reporting options, is listed in the Response to Sexual Assault and Resources section in Appendix A of this policy and on the University's website. Emergency numbers and information about health care options are also listed in the Response to Sexual Assault and Resources section in Appendix A of this policy and on the University's website. It is important for victims of sexual misconduct to go to a hospital for treatment and preservation of evidence, if applicable under the circumstances, as soon as practicable after the sexual misconduct incident.

Support services that may be available include, but are not limited to, connecting the individual with appropriate on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about orders for protection and other available protections and services. To the greatest extent practicable, based on the number of counselors employed, the University will ensure that each alleged victim and accused of an incident of sexual assault and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

The University will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community. Those preferring off-campus counseling services will be assisted in locating such resources by University personnel.

A complete description of the University's and community's resources, both confidential and non-confidential, and additional information regarding what individuals can do if they experience sexual misconduct is provided in the Response to Sexual Assault and Resources section in Appendix A of this policy and on the University's website. Individuals who believe they have been subjected to any form of sexual misconduct are encouraged to seek support from these resources.

B. Information about Protective Orders and University No-Contact Directives

Individuals who have experienced sexual misconduct and want to avoid contact with the accused may have several options available to them, including seeking a protective order from a civil court or requesting a no-contact directive from the University.

Individuals may have the right to pursue protective orders, which are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. Information regarding how to apply for one of these protective orders is in the Response to Sexual Assault and Resources section in Appendix A of this Policy and on the University's website. The University will support an individual if they wish to have the University's assistance in making contact with law enforcement authorities or other referral resources to seek such orders. A protective order can be enforced by contacting local law enforcement. The University will fully cooperate with any such order issued by a criminal, civil, or tribal court and will respect and assist in the implementation of protective orders to the extent practicable. For more information and assistance, individuals should contact the Title IX Coordinator.

A no-contact directive is a University-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued pending the outcome of a complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, or written communication with one another, or communication through another on a party's behalf. To request a no-contact order from the University, individuals should contact the Title

IX Coordinator. A University no-contact directive may be enforced by contacting University Police or the Title IX Coordinator.

VI. The University's Complaint Resolution Process

When the University receives a complaint of a potential policy violation, the University will promptly respond and address the complaint pursuant to the guidelines and procedures set forth below.

Each process involving a sexual misconduct complaint will provide a prompt, fair, and impartial investigation and resolution. Each sexual misconduct complaint resolution process will be conducted by individuals who receive annual training on the issues related to sexual harassment, sexual assault, domestic violence, dating/intimate partner violence, stalking, and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. The training is free of bias such as sex stereotypes or generalizations and includes the following topics: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, preventing sexual assault, responding to incidents of sexual assault, the dynamics of sexual assault, neurobiological responses to trauma, and compliance with state and federal laws on sexual assault. In addition, each complaint resolution process will be conducted by individuals who do not have a conflict of interest or bias for or against the complainant or respondent.

The University will take appropriate steps to eliminate illegal sexual misconduct, prevent its recurrence, and remedy its discriminatory effects on the complainant and others as quickly as possible. In some cases, interim measures may be taken before the investigation and disciplinary process has been completed in order to eliminate or diminish the opportunity for additional harassment or to alleviate the effects of the conduct that is the subject of the complaint. Any interim measures will respect the rights of all participants to be treated with fundamental fairness.

A. Sexual Misconduct Complaint

The filing of a complaint typically begins the complaint resolution process under this process. In most cases, complaints are made by the complainant, the individual who alleges that he or she has experienced the sexual misconduct. However, in some cases, the University may pursue a complaint resolution process even if the alleged victim chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the University will pursue a complaint resolution process even when the alleged victim has not filed a complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, it will notify the alleged victim before proceeding.

Complaints of sexual misconduct should be made through the Title IX Coordinator:

Dr. Kristy Morgan, Vice President for Student Affairs
Second Floor, Allen Family Student Center
903-233-4410; kristymorgan@letu.edu

When a complaint is filed, the Title IX Coordinator will review and assess the complaint as set forth in Section IV:C – Title IX Coordinator’s Initial Review and Assessment of Reports to the University – or ensure that such review and assessment has already been completed. This includes the Title IX Coordinator holding a preliminary meeting between the complainant and the Title IX Coordinator as described in Section IV: C – Title IX Coordinator’s Initial Review and Assessment of Reports to the University.

In addition, the Title IX Coordinator will review the complaint to determine whether it alleges a violation of this Policy. The Title IX Coordinator has discretion to dismiss the matter or refer the matter to other applicable University disciplinary procedures. If the Title IX Coordinator determines that the report or complaint, even if substantiated, would not be a violation of this policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

B. Notice to the Respondent

When the Title IX Coordinator has received a complaint of sexual misconduct, the Title IX Coordinator will review the complaint and will meet with the respondent. As part of the initial meeting with the respondent, the Title IX Coordinator will:

- Notify the respondent of the complaint and alleged policy violations that are being investigated;
- Provide the respondent an explanation of the complaint resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any interim actions or protective measures that have been put in place that directly relate to the respondent (i.e., no contact directive);
- Provide the respondent with information about on- and off-campus resources;
- Notify the respondent of options for and how to request interim actions and protective measures;
- In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, advise the respondent of the right to have an advisor; and
- Explain the University's policy prohibiting retaliation.

This stage of initial review of the complaint by the Title IX Coordinator and initial notice of complaint to the respondent generally will take no more than ten (10) calendar days.

C. Formal and Informal Resolution Options

Complaints of sexual misconduct may be addressed through the University’s formal resolution process or informal resolution process. In cases involving allegations of sexual assault or more serious sexual misconduct, informal resolution generally is not appropriate. The complainant, the respondent, and the University all must agree to pursue an informal resolution. When a party or the University does not agree to pursue an informal resolution, the University will use the formal resolution process. If the complaint is not processed or resolved through the informal resolution process, the complaint will be processed according to the formal resolution process.

D. Possible Sanctions and Remedies

Sanctions and remedies that the University may assign in either the formal resolution process or the informal resolution process include the following, as appropriate for students, employees, visitors, or others. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the sexual assault, domestic violence, dating violence, or stalking provisions of this policy.

Sanctions for students include, but are not limited to:

- Written admonition – a warning letter may be sent to the student, and copied to his/her discipline record;
- Educational/accountability sanctions – a student may be required to attend an educational class, training, or meeting, mandatory drug or alcohol assessments or other counseling, or other educational sanctions at the student's expense;
- Fines – established and published fines may be imposed by Residence Life, the Dean of Students or University Police Department;
- Restitution – a student may be required to pay restitution for damages or loss of property;
- Loss of privilege – a student may lose a privilege afforded to them as a LeTourneau University student;
- Removal/Suspension from Campus Housing – a student may be required to leave campus housing for a determined amount of time; conditions may be placed on his/her return;
- Disciplinary Probation – a student may be placed on probation for a determined period of time, during which he or she may be held to immediate suspension or expulsion upon an additional violation;
- Disciplinary Suspension – a student may be separated from the University for a determined period of time, with certain conditions to be met for re-entry;
- Disciplinary Dismissal – a student may be separated from the University permanently.
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- Revocation of admission to the University;
- Temporary or permanent restricted access to areas of campus and campus events;
- Temporary or permanent restricted access to or participation in activities, organizations or courses;
- Temporary or permanent removal from class or residential assignment;
- Conditions upon presence on campus or at university events;
- No trespass or no contact directives;
- Behavioral contracts;
- Community service hours;
- Removal or non-renewal of scholarships or honors;
- Restrictions on re-enrollment
- Payment of restitution or costs incurred.

Pursuant to Texas law, if a sanction imposed on a respondent results in the student becoming ineligible to reenroll at the University, the University shall include on the student's transcript a

notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason. Pursuant to Texas law, if a student withdraws from the University pending the outcome of the complaint resolution process, the University will continue the disciplinary process in accordance with the procedures set forth in this policy and will not issue a transcript to the student until the disciplinary process is completed and, if a sanction imposed on a respondent results in the student becoming ineligible to reenroll at the University, the University shall include on the student's transcript a notation stating that the student is ineligible to enroll in the University for a reason other than an academic or financial reason.

Sanctions for employees (faculty and staff) include, but are not limited to:

- Warning – verbal or written;
- Performance improvement/management process;
- Required assessment or counseling;
- Required training or education;
- Probation;
- Loss of pay increase;
- Loss of oversight or supervisory responsibility;
- Demotion;
- Suspension with pay;
- Suspension without pay;
- Termination of employment.
- Temporary or permanent restricted access to areas of campus and campus events;
- Temporary or permanent restricted access to or participation in activities, organizations or courses;
- Conditions upon presence on campus or at university events;
- No trespass or no contact directives;
- Behavioral contracts;
- Community service hours;
- Removal or non-renewal of honors;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion;
- Transfer or change of job or responsibilities;
- Revocation of tenure;
- Ineligibility for rehire.

Sanctions for other respondents, such as visitors, guests, volunteers, vendors, independent contractors, trustees, or other individuals found responsible under this policy may include, but are not limited to, any of the sanctions listed above and other sanctions as appropriate under the circumstances, such as cancelation or nonrenewal of contracts.

For any suspension or other temporary restriction, the time frame of such suspension or restriction may range from one day to five years, with reinstatement requirements that could include behavioral contracts, required assessment, counseling, or education, demonstrated rehabilitation, or conditions upon the individual's presence on campus or at university events

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) has committed or promoted

behavior involving sexual misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of organization recognition and/or funding, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department. Violations of imposed sanctions should be reported to the Title IX Coordinator.

LeTourneau University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect student and employee rights and personal safety. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, depending on the severity of the offense. In the event that the University issues a sanction that is not contained in this policy, it will include that sanction in its next policy update.

Remedies, accommodations, and protective measures for the complainant include, but are not limited to:

- A mutual or one-sided no contact directive;
- Prohibiting an individual involved from being on University property;
- Prohibiting an individual involved from participating in University-sponsored events;
- Changing an individual's on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a University residence;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Access to counseling and medical services;
- Making information about protective orders available to a complainant;
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the university community include, but are not limited to:

- Increased monitoring, supervision, and/or security at locations or in connection with activities where the sexual conduct occurred or is likely to reoccur;
- Targeted or broad-based educational programming or training for relevant persons or groups.

In addition, the University may recommend education, training, counseling, or other support services for others involved in the complaint resolution process, including complainants and witnesses, in some instances—for example, when individuals have engaged in high-risk use of alcohol or drugs.

E. Informal Resolution Process

If the complainant, the respondent, and the University all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator will act as a neutral and will not be an advocate for either the complainant or the respondent in the informal resolution process. Under the informal process, the University will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the University, and the University community.

Any informal resolution must adequately address the concerns of the complainant, the rights of the respondent, safety, fairness, and the overall intent of the University to stop, remedy, and prevent policy violations. Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the University. The recommended resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent.

The University will not require a complainant or respondent to engage in mediation, directly confront the other party, or participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process at any time and request the formal resolution process. The University also has the discretion to discontinue the informal process and move the complaint to the formal resolution process. If at any point during the informal resolution process, the complainant or respondent or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will begin.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the University terminates the process. If the parties to the complaint agree in writing to the terms and conditions of a recommended resolution, which will include a description of the information relied upon in the informal process, within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the complaint will be referred to the formal resolution process. If the complaint is referred to the formal resolution process, the time spent attempting to reach an informal resolution generally will not be counted as part of the seventy-five (75)-day time frame discussed in the "Time Frames for Resolution" section below.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

F. Formal Resolution Process

Investigation

The Title IX Coordinator will assign one or more Title IX investigators to conduct an adequate, reliable, and impartial investigation. The University will ensure that the Title IX investigator(s) has received the appropriate training, and is impartial and free of any conflict of interest. The parties will receive written notice of the Title IX investigator(s) appointed. If any party has a concern that the Title IX investigator(s) has a conflict of interest, the party should report the concern in writing as indicated in the "Conflicts of Interest" section below.

The Title IX investigator will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses; these interviews are generally audio-recorded. As part of the investigation, the University will provide an opportunity for both the complainant and respondent to advise the Title IX investigator of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the Title IX investigator, and to suggest questions that they would like asked of the other party. The Title IX investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses and determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. Similarly, the investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any suggested questions for the other party and determine which questions to ask or not ask. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. General character or reputation evidence generally will not be considered relevant and will not be included in the investigation. The Title IX investigator, in consultation with the Title IX Coordinator, may choose not to interview character witnesses and/or not to include information from character witnesses in the investigation report.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

Near the end of the investigation, the parties will be informed of a close of evidence date. The parties are required to submit any and all information and evidence they believe relevant by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the Title IX investigator, in consultation with the Title IX Coordinator, determines otherwise.

At the conclusion of the investigation, the Title IX investigator will prepare a report setting forth the relevant facts gathered. The Title IX investigator generally will compile as part of the investigation report all evidence relevant to the alleged sexual misconduct in the University's possession, including any relevant information, documents, recordings, or other evidence. At the Title IX investigator's discretion, such information may include, as applicable: the written complaint, recordings or written records of interviews with the complainant, respondent, and any witnesses, any other evidence obtaining during the investigation, and the Title IX investigator's report of the investigation. The investigation report will be forwarded to the Title IX Coordinator. The Title IX Coordinator has the discretion to ask the Title IX investigator for clarification, additional investigation, and/or to have information removed or redacted from the investigation report.

The time frame for the investigation generally is within thirty-five (35) calendar days from the assignment of the Title IX investigator. In some cases, more time may be required.

Review of Investigation Report and Response and Rebuttal Statements

For complaints addressed under the formal resolution process, the complainant and respondent will have the opportunity to review the investigation report and submit a written response. The Title IX Coordinator will provide a seven (7) calendar day review and response period for the complainant and respondent to have access to review the investigation report and prepare a written response to the investigation report. The parties' access to the investigation report generally will be provided during normal business hours in a designated on-campus location. The investigation report cannot be photographed, copied, or removed from the on-campus office or other location provided for review purposes. The parties (and their advisors) may take personal handwritten notes.

The parties may provide a written response to the investigation report by submitting a response statement, which may not exceed 2,500 words in length, to the Title IX Coordinator. The response statement must be submitted by the conclusion of the seven day review and response period described above. The response statement may be used as an opportunity to clarify points in the investigation report or identify information previously given to the Title IX investigator that is not included in the investigation report which the party believes should have been included. While the parties may be assisted by their advisors in preparation of the response statement, the response statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The parties will have an opportunity to review the response statement submitted by the other party and submit a written rebuttal. The Title IX Coordinator will provide a three (3) calendar day review and rebuttal period for the complainant and respondent to have access to review the other party's response statement and prepare a written rebuttal to the other party's response statement. The parties' access to the other party's response statement generally will be provided during normal business hours in a designated on-campus location. The response statement cannot be photographed, copied, or removed from the on-campus office or other location provided for review purposes. The parties (and their advisors) may take personal handwritten notes.

The parties may provide a written rebuttal to the other party's response statement by submitting a rebuttal statement, which may not exceed 1,500 words in length, to the Title IX Coordinator. The rebuttal statement must be submitted by the conclusion of the three day review and rebuttal period described above. The rebuttal statement may be used only to respond to arguments made in the other party's response statement. While the parties may be assisted by their advisors in preparation of the rebuttal statement, the rebuttal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The parties will have an opportunity to review the rebuttal statement submitted by the other party. The Title IX Coordinator will provide two (2) calendar days for the complainant and

respondent to have access to review the other party's rebuttal statement. The parties' access to the rebuttal statement generally will be provided during normal business hours in a designated on-campus location. The rebuttal statement cannot be photographed, copied, or removed from the on-campus office or other location provided for review purposes. The parties (and their advisors) may take personal handwritten notes. While the parties have the opportunity to review the rebuttal statement of the other party, no further responses are permitted by either party.

The Title IX Coordinator will review the response statements and rebuttal statements. Based on the statements, the Title IX Coordinator has the discretion to ask the Title IX investigator for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the permitted scope or word limits of the statements as stated above or that otherwise exceed the scope of information that may be considered in the complaint resolution process, such as general character or reputation evidence and evidence relating to the complainant's prior sexual history.

Adjudication

Following the investigation, the Title IX Coordinator will assign a panel of three adjudicators to conduct an adequate, reliable, and impartial adjudication. Generally, the adjudicators will be members of the Title IX Team who have not previously been involved in the specific complaint resolution process. The University reserves the right to appoint any trained adjudicator. The University will ensure that the adjudicators have received the appropriate training, and are impartial and free of any conflict of interest. The parties will receive written notice of the adjudicators appointed. If any party has a concern that an adjudicator has a conflict of interest, the party should report the concern in writing as indicated in the "Conflicts of Interest" section below.

The adjudicators will review the investigation report and any response statements and rebuttal statements of the parties. The adjudicators may, in their discretion, seek additional information from the Title IX investigator, the parties, or another individual, or request additional investigation by the Title IX investigator. In the event that the adjudicators request additional information, the complainant and respondent will be notified and provided access to additional information received by the adjudicators.

The adjudicators will use a preponderance of the evidence standard to determine whether it is more likely than not that the respondent violated the policy. The respondent is presumed to be not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the adjudicators conclude that there is sufficient evidence to support a finding that the respondent more likely than not engaged in sexual misconduct.

If the adjudicators determine that the respondent is responsible for a policy violation, they will then determine sanctions and remedies. The adjudicators will impose sanctions and/or remedies as they determine necessary in their discretion to end the misconduct, prevent its recurrence, and address its effects, while supporting the University's educational mission and Title IX obligations. As part of that determination of sanctions and remedies, the adjudicators may, in their discretion, request information from the Title IX Coordinator regarding any

previous violations of the sexual misconduct policy by the respondent and consider such other policy violations in assigning sanctions. If such information is shared with the adjudicators, the parties will be notified.

When a respondent is found not responsible for a policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of hostile environment sexual harassment—the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

The complainant and respondent will receive a written notice of the adjudicator's decision. The notice will be provided to the complainant and the respondent at the same time.

For complaints involving sexual assault, domestic violence, dating violence, or stalking, the written notice will include the decision of the adjudicators, any imposition of sanctions, and the rationales for the decision and sanctions, including how the evidence was weighed, how the information supports the result, and the standard of evidence applied. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice will include any other steps the University has taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will include remedies offered or provided to the complainant.

For all other complaints of sexual misconduct, the written notice will include the decision of the adjudicators. The respondent's written notice will include any imposition of sanctions and the complainant's written notice will include any imposition of sanctions that directly relate to the complainant. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice will include any other steps the University has taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will include remedies offered or provided to the complainant.

The time frame for the adjudication generally is within twenty (20) calendar days from the adjudicators receiving the investigation report and any response statements and rebuttal statements of the parties from the Title IX Coordinator. In some cases, more time may be required.

The determination of the adjudicators may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

Appeal

Either party may appeal the adjudicators' decision. An appeal may be made exclusively on one of the following grounds:

- There is new and significant evidence that has not yet been considered that could have affected the outcome of the process. However, intentional omission of evidence by the appealing party is not a ground for an appeal.
- A procedural error occurred that substantially affected the outcome of the process.

- The sanctions imposed or other response by the University are not appropriate to the findings.

The parties may request an appeal by submitting an appeal statement, which may not exceed 2,500 words in length, to the Title IX Coordinator within three (3) calendar days after written notice of the adjudicators' decision has been given. The appeal statement must explain the grounds for the appeal. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied. While the parties may be assisted by their advisors in preparation of the appeal statement, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal. If the appeal statement states a permissible ground for appeal as listed above, the Title IX Coordinator will continue the appeals process.

The non-appealing party will be notified of the appeal and the alleged grounds for the appeal. The non-appealing party may submit a written response to the appeal, not to exceed 2,500 words. The written response to the appeal must be submitted to the Title IX Coordinator within three (3) calendar days of receiving notice of the appeal.

The Title IX Coordinator will review the appeal statement and any written response to the appeal. The Title IX Coordinator may remove or redact any portions of the statements which exceed the permitted scope of the appeal or word limit or that otherwise exceed the scope of information which may be considered in the complaint resolution process, such as general character or reputation evidence and evidence relating to the complainant's prior sexual history. The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appeal official. Such information, may include, as applicable, the written appeal statement, the written response to the appeal, the written notice of the adjudicator's decision, the investigation report, the parties' response statements, the parties' rebuttal statements, and any previously undiscovered evidence (if discovery of new evidence is a ground for appeal).

The appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a three (3) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents. The parties (and their advisors) may take personal handwritten notes.

The Title IX Coordinator will assign an appeal official to decide the appeal. Generally, the appeal official will be a member of the Title IX Team who has not previously been involved in the specific complaint resolution process. The University reserves the right to appoint any trained appeal official. The University will ensure that the appeal official has received the appropriate training, and is impartial and free of any conflict of interest. The parties will receive written notice of the appeal official appointed. If any party has a concern that the appeal official has a conflict of interest, the party should report the concern in writing as indicated in the "Conflicts of Interest" section below.

The appeal official will review the appeal file. The appeal official may, in his/her discretion, seek additional information from the Title IX investigator, the parties, or another individual, or request additional investigation by the Title IX investigator. In the event that the appeal official requests additional information, the complainant and respondent will be notified and provided access to additional information received by the appeal official.

The appeal official will use a preponderance of the evidence standard to determine whether it is more likely than not that one of the above-listed grounds for appeal have been satisfied. If the appeal official determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, generally, the matter will be remanded for further investigation and/or adjudication, as determined by the appeal official. If the appeal official finds that the sanctions imposed or other response by the University are not appropriate to the findings, the appeal official has the discretion to modify the sanctions determination or to remand the matter to adjudicators for a new sanctions determination. If the appeal official modifies the sanctions determination, the appeal official's sanctions decision will be subject to an appeal.

When the matter is remanded, the appeal official, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the original adjudicators or whether new adjudicators should be assigned. The appeal official may not change the adjudicators' determination of whether the respondent was responsible or not responsible for a policy violation. Only the adjudicators reviewing the matter on remand from an appeal may change the determination of the original adjudicators of whether the respondent was responsible or not responsible for a policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the appeal official, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous Title IX investigator or whether a new Title IX investigator should be appointed. Upon remand, the Title IX investigator and adjudicators will use the same process as required for all complaint resolution processes under this policy. If the matter is remanded, the adjudicators' decision on remand will be appealable under the procedures discussed in this Section.

If the appeal official determines that the appealing party has not demonstrated that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal official will dismiss the appeal. This dismissal decision is final and is not appealable.

The appeal official will issue a written decision stating the appeal official's findings and decision on the appeal. The time frame for the appeal generally is within thirty (30) calendar days from the appeal official's receive of the appeal file. In some cases, more time may be required.

Sanctions generally will take effect immediately, notwithstanding an appeal. A request may be made to the Title IX Coordinator to defer the effective date of sanctions in exigent circumstances. In cases where the appeal results in reinstatement to the University or of privileges, all reasonable attempts will be made to restore the individual to his or her prior status.

Appeals arising out of alleged violations of this policy must be made under this appeal process and are not eligible for consideration under faculty, staff or student grievance policies or processes.

VII. Rights and Obligations in the Complaint Resolution Process and General Provisions

A. Rights of the Complainant and Respondent

The University strives to provide a prompt and fair process for investigating and resolving complaints of sexual misconduct. Throughout this process, both the complainant and respondent have the following rights, many of which are described in greater detail in this policy:

- To be treated with respect and dignity.
- For the complainant, to report the sexual misconduct to the University.
- For the complainant, to receive assistance from the University in reporting the incident to law enforcement at any stage of the process and the right to decline to report the incident to law enforcement.
- To receive information about the process the University will employ for conducting the investigation, adjudication, and appeal.
- To the prompt and equitable resolution of the complaint.
- To receive information about support available from University or community resources.
- To privacy to the extent possible consistent with applicable law and University policy.
- To have an advisor present throughout the process.
- To choose whether or not to participate in the complaint resolution process.
- To a prompt and thorough investigation of the allegations.
- To have a reasonable time to provide information to the investigator.
- To raise a concern regarding a possible conflict of interest on the part of any person involved in the investigation, adjudication, or appeal.
- To appeal the decision and any sanctions determination made by the adjudicators in certain circumstances, as discussed in the Appeal section.
- To notification, in writing, of the case resolution, including the outcome of any appeal.
- To be free from retaliation as defined in this policy.
- To written notice of the allegations and defenses and an opportunity to respond;
- To have equal opportunity to identify relevant witnesses and other evidence and to suggest possible questions to be asked of the other party during the formal process;
- To periodic updates, and updates upon request, on the status of the investigation and/or adjudication;
- For the complainant, not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent.

In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, the following rights will be afforded to the complainant and the respondent in addition to those rights described above.

- The complainant and respondent have the right to timely and equitable notice of any meeting or proceeding at which the person's presence is expected by this policy.
- The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process.

- The complainant and respondent have the right to an advisor of choice to be present during the complaint resolution process. The University will not limit the choice of advisor for the complainant or respondent in any meeting or disciplinary process. See the “Advisors in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, and Stalking” section below for additional information and rules regarding the conduct of advisors.

B. Advisors in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

The complainant and the respondent in complaint resolution processes involving allegations of sexual assault, dating violence, domestic violence, and stalking have the right to be assisted by an advisor of their choice, including an attorney. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the complaint resolution process and, if a member of the University community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the University’s complaint resolution process.

Guidelines related to the use of advisors:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to in-person interviews or other meetings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor’s availability to attend in-person interviews and meetings. As a general matter, the University will not unnecessarily delay its processes to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution proceeding. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with the investigator, adjudicators, appeal official, Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- Advisors may have access to information concerning a case only when accompanying the party (for in-person access to information) or only when the party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor’s access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor’s agreement to maintain the confidentiality of any student education records or other confidential information.
- If a party selects an attorney as an advisor, the advisor’s participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- The University will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party’s advisor is an attorney.

- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The University reserves the right to dismiss an advisor.

C. Non-Participation and Silence

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the University may still proceed with the applicable complaint resolution process. If at any time the complainant declines to participate in the process, the University's ability to meaningfully investigate and resolve a complaint may be limited. In such cases, the University may proceed with the complaint resolution process if possible to do so without the complainant's participation, and will make a determination based on the information available. The respondent also has the right to decline to participate in the complaint resolution process. If at any time the respondent declines to participate in the process, the University will proceed with the complaint resolution process and will make a determination based on the information available. A respondent's silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent's denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

D. Obligation to be Truthful

All parties and witnesses have an obligation to provide truthful information and evidence in connection with any report, investigation, or complaint resolution process under this policy. Engaging in dishonesty may be considered retaliation under this policy and/or violate other university policies, including the Community Values and Expectations code found in the LeTourneau University Student Handbook and Faculty/Staff Handbook. Individuals who knowingly and intentionally file a false report or provide false information may be subject to disciplinary action under the Community Values and Expectations code, which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, termination of employment, or expulsion.

E. Requests for Reasonable Accommodations

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The University will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the University may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process;
- Providing an interpreter for individuals who are limited English-language proficient.

F. Interim Actions and Protective Measures

The Title IX Coordinator will consider whether interim actions, accommodations, or protective measures are reasonably necessary or appropriate to protect the parties and the broader University community, including protection from retaliation, pending completion of the complaint resolution process. The University will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, and protective measures. Interim protective measures will be considered regardless of whether a complainant chooses to report the incident to local law enforcement, asks to keep a reported violation of the policy confidential, or requests that the University not investigate the matter. The University will comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. When appropriate, such interim actions and protective measures may be available to complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available.

Any person seeking interim action or protective measures, including complainants and respondents, should contact the Title IX Coordinator.

Examples of interim actions include, but are not limited to:

- Establishing a "no contact" order prohibiting the parties involved from communicating with each other during the response and resolution process;
- Changing an individual's on-campus residency, dining, or transportation arrangements.
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues, including but not limited to allowing an individual to drop a class in which both parties are enrolled without any academic penalty;
- Providing security escorts;
- Access to counseling and medical services;
- Making available information about protective orders and providing assistance with respect to obtaining and enforcing such orders;
- Assistance in identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services, legal assistance, visa and immigration assistance, and student financial aid;

Other protective measures may be available, if safety concerns or other overriding circumstances warrant them, including:

- Barring an individual from University property;
- Prohibiting an individual involved from participating University sponsored events;
- Prohibiting an individual from residing in a University residence.

The University determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

Interim actions or protective measures provided to an individual are confidential, provided confidentiality would not impair the ability of the University to provide the accommodations or protective measures. The University will only disclose information necessary to provide the accommodations or protective measures in a timely manner to individuals who need to know the information in order to effectively provide the accommodations or protective measures. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The University will inform the individual before sharing personally identifying information that the University believes is necessary to provide an accommodation or protective measure. The University will tell the individual what information will be shared, with whom, and why.

G. Conflicts of Interest

If a complainant or respondent has any concern that any individual acting for the University under this policy has a conflict of interest or bias, they should report the concern in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) calendar days after receiving notice of the person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that the assigned Title IX investigator(s), adjudicators, and appeal officials do not have a conflict of interest or bias. If a complainant or respondent has any concern that the Title IX Coordinator has a conflict of interest or bias, they should report the concern in writing to the Vice President for Finance and Administration. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the President will appoint another person to oversee adherence to the Sexual Misconduct Policy with respect to the complaint at issue.

H. Complaints of Retaliation, Violation of Interim Measures, or Violation of Sanctions

Any complaint relating to retaliation in violation of this policy, violations of interim measures, or violations of sanctions should be reported promptly to the Title IX Coordinator. The University will take appropriate action against any individual who retaliates against another person in violation of this policy or who violates interim measures or sanctions.

I. Time Frames for Resolution

The University is committed to the prompt and equitable resolution of allegations of sexual misconduct. The University will strive to complete the investigation and adjudication processes within seventy-five (75) calendar days of receiving a complaint. Specific time frames for each phase of the complaint resolution process are set forth in the Formal Resolution Process. If

there is an appeal, the appeal period will extend the complaint resolution time period. When a time frame for a specific phase of the process is less than five (5) calendar days, the University may, in its discretion, use business days to calculate the time frame deadline. Each phase of the process will generally be as follows:

- Review of complaint and Notice of complaint to the respondent: ten (10) calendar days
- Investigation: thirty-five (35) calendar days
- Review of investigation report and response and rebuttal statements: ten (10) calendar days
- Adjudication: twenty (20) calendar days

In some cases, extensions of the applicable time frames may be necessary. The Title IX Coordinator may grant reasonable extensions to the time frames set forth in this policy when warranted by the circumstances. For example, extensions may be granted if the University has been asked to delay its procedures during the evidence gathering stage of a criminal investigation, if the reported allegations are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), if witnesses are not on campus due to a scheduled break or for another reason, due to unsuccessful attempts at informal resolution, or for other unforeseen circumstance. Extensions will be no longer than necessary. The complainant and respondent will receive written notice of any extensions, the reason for the extension, and the expected adjustment to the time frame.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged sexual misconduct incident. There is no statute of limitation for reporting prohibited conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If a complaint is brought forward more than five (5) calendar years after an alleged incident, the University, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the complaint, and will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If the party accused in the complaint is still a member of the University community as a student or employee, the complaint generally will be processed under these procedures.

J. Application of Policy

When the University receives a report or complaint of a violation of this policy, the University will generally apply the complaint resolution procedures from the policy that is in effect at the time that the report or complaint is made and generally will apply the sexual misconduct definitions from the policy that was in effect at the time the alleged misconduct occurred.

K. Investigation of Other Alleged University Policy Violations

If a complaint of sexual misconduct also implicates alleged violations of other University policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged sexual

misconduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the sexual misconduct complaint. Where the Title IX Coordinator, in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violations will be evaluated under the applicable policy, but the investigation and adjudication will be conducted in accordance with this policy.

L. Reservation of Flexibility

The procedures set forth in this policy reflect the University's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances. In instances where a complaint is made against an individual who is not a student or employee of the University, the University reserves discretion to use a process or procedures other than those outlined in this policy, as appropriate under the circumstances.

VIII. Alternative Procedures

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in Texas is:

U.S. Department of Education
Office for Civil Rights
Dallas Office
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810
Telephone: 214-661-9600
FAX: 214-661-9587
TDD: 800-877-8339
Email: OCR.Dallas@ed.gov

IX. Recordkeeping

The Title IX Coordinator is responsible for maintaining the official University records of sexual misconduct reports and complaints. When a complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the complaint or report will be provided to the Title IX Coordinator, who will maintain such records in accordance with University record retention requirements and applicable law. Records related to sexual misconduct reports and complaints will be treated as confidential and shared only on a need-to-know basis or as required by law.

Certification Statement

This policy has been approved by the following and represents LeTourneau University policy and procedure from the date of this document until superseded.

President and Cabinet

The following individual is the policy's Senior Reviewer and is responsible for being the most knowledgeable about the policy, as well as supporting the execution of the policy.

Vice President of Student Affairs

Policy History

Approved Policy, April 20, 2016
Approved Revision, June 25, 2018
Approved Revision, August 12, 2019

Appendix A – Response to Sexual Assault and Resources

If you have personally experienced any form of sexual misconduct, tell someone as soon as possible. Your safety and well-being is paramount to the University.

- In an emergency, call 911.
- Seek appropriate medical care as soon as possible for injuries, preventive treatment for sexually transmitted diseases, and possible evidence collection, even if you are uncertain whether you want to press charges or pursue legal action. Immediate medical examination, ideally within the first 24 hours after any sexual misconduct occurs, helps assure the preservation of evidence. Preserving evidence may be necessary for the proof of criminal sexual misconduct or to obtain a protection order. Following a sexual assault and prior to an examination, do not bathe, shower, brush teeth, comb hair, smoke, eat or drink or change clothes, and if possible, do not urinate; do not alter the scene of the assault. If you decide to receive an examination, bring another set of clothes to the hospital since clothes will be collected as part of the evidence. If you have changed clothes, bring your soiled clothing with you for evidence collection. Additionally, you are encouraged to gather bedding, linens or any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet. Evidence found in phone records (texting), e-mails, and/or social media (Facebook, Snapchat, etc.) should also be preserved.
- Consider securing immediate professional support on or off campus to assist you in the crisis. Contact confidential on-campus and/or off-campus resources for emotional support, information, and/or advocacy.
- Report the conduct to the Title IX Coordinator. The Title IX Coordinator can arrange for interim measures and accommodations, including no contact directives. The Title IX Coordinator can provide information to students who wish to obtain protective orders with local authorities.
- Report the conduct to the local Police Department, if desired. The University will help the employee or student in reporting the assault to the police and/or in filing a criminal charge.

Emergency Contacts:

- 911
- University Police Department, 903-233-4444

Reporting Sexual Misconduct to the University:

- Title IX Coordinator:
Dr. Kristy Morgan
Vice President for Student Affairs
Student Life Office, Second Floor Allen Family Student Center
Office Phone: 903-233-4410
Email: kristymorgan@letu.edu

Title IX Deputy Coordinator:

Phyllis Turner
Director of Human Resources
Office Phone: 903-233-4171
Email: phyllisturner@letu.edu

Reporting Sexual Misconduct to Law Enforcement:

- Longview Police Department
903-237-1199
302 West Cotton Street, Longview, TX 75601
- University Police Department
903-233-4444

Confidential Resources:

Confidential resources provided by LeTourneau University are those persons who are licensed counselors or a licensed/ordained pastor listed below:

- LeTourneau University Center for Counseling
Licensed counselors
Longview Hall
Counseling@letu.edu; 903-233-3490
- Julie Moore, Director of Health Services
Second Floor, Allen Family Student Center
juliemoore@letu.edu; 903-233-4445
- Dr. Pat Mays, Campus Pastor
Spiritual Life Office, Belcher Center
patrickmays@letu.edu; 903-233-3373
Dr. Mays serves in multiple roles on campus. If you are seeking Dr. Mays's assistance in his role as a confidential resource, you should contact him through the office contact information listed above and should make clear prior to disclosing any information that you are seeking his assistance as a confidential resource.

The following resources are available off-campus to individuals who wish to speak with a confidential resource:

- RAINN (Rape, Abuse, and Incest National Network):
24/7 Phone Number: 1.800.656.4673
Website: <https://www.rainn.org/>
Online Chat: <https://hotline.rainn.org/online/>

Healthcare Resources and Information:

- Christus Good Shepherd Medical Center – Longview
700 East Marshall Avenue
Longview, TX 75601
903-315-2000

A sexual assault medical forensic examination is performed by specially trained medical professionals for the purpose of evaluation and treatment of trauma, treatment of possible exposure to infection, referral to counseling and follow-up medical care, and for the collection of evidence following a report of sexual assault by a victim. The medical well-being of the patient is the primary objective of the sexual assault nurse examiner ("SANE") at all times during the examination. The exam will take place at the sexual assault exam site, in a confidential room with trained staff and volunteers. During the examination, the SANE will take a medical history of the patient to determine injuries and appropriate medical treatment for the patient. The next step is an examination in order for the SANE to document trauma to any part of the body. Last, a collection of forensic evidence is done, and a sexual assault evidence collection kit is sometimes used. An evidence collection kit is used to collect physical evidence. If the examination takes place more than 96 hours after the assault, an evidence collection kit may not be used because it is unlikely that evidence would still be present on the victim. However, evidence may still be gathered by documenting any findings obtained during the medical examination (such as bruises or lacerations), photographs and bite mark impressions (if appropriate), and securing statements made by the survivor about the assault.

If the victim reports the crime, local law enforcement may authorize the exam or the victim may request a sexual assault exam without first reporting to law enforcement as a 'non-reported sexual assault.' Survivors of a sexual assault may obtain a medical forensic exam and have evidence collected, without cost to the victim, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to two years to decide to report the crime.

Counseling and Mental Health Services:

- LeTourneau University Center for Counseling
Longview Hall
903-233-3490, counseling@letu.edu
- Women's Center of East Texas
1415 McCann Road, Longview, TX 75606
903-295-7846

Victim Advocacy Services:

- Women's Center of East Texas
1415 McCann Road, Longview, TX 75606

903-295-7846

- RAINN (Rape Abuse, and Incest National Network):
Get Help 24/7: 1.800.656.4673 (HOPE)

Legal Assistance:

- Women's Center of East Texas
1415 McCann Road, Longview, TX 75606
903-295-7846

Visa and Immigration Assistance:

- Office of Global Initiatives
First Floor, Allen Family Student Center
903-233-3172

Student Financial Aid:

- LeTourneau University Financial Aid Office
2nd Floor of Library
FinancialAid@letu.edu, 800-759-8811

Information Regarding Obtaining a Protective Order:

Protective orders are legal orders issued by a state courts protects you from someone who has been violent, including sexual assault, or threatened to be violent. You can get a protective order if someone has hurt you or threatened to hurt you, and you are afraid that the person may hurt you again, and either you, your spouse, or your dating partner has a close relationship with the person who hurt you (such as marriage, close relatives, dating or living together, or having a child together). You can also get a protective order if you have been sexually assaulted or stalked, regardless of the relationship between you and the person who sexual assaulted or stalked you. A protective order can order the other person not to contact you or go near you, your children, other family relatives, your pets, your home, where you work, or your children's schools; not hurt you or threaten to hurt you; and not have a gun or license to carry a gun. There are several different types of protective orders that may be issued under Texas law: a magistrate's order for emergency protection (emergency protective order), a temporary ex parte protective order (usually 20 days), and a final (permanent) protective order. For additional information regarding protective orders, you may contact the Title IX Coordinator.

You may apply for a protective order by going to the district attorney's office or courthouse. You will generally file your application in the county where you or the abuser lives or in any county where the abuse took place.

District Attorney's Office
Gregg County Courthouse
101 E. Methvin, Suite 333
Longview, TX 75601
Office Hours: 8:00am - 5:00pm Monday through Friday
Phone: 903-236-8440
Fax: 903-236-8490

Gregg County Courthouse
101 East Methvin
Longview, Texas 75601
Phone: 903-758-6181

In some counties, the county attorney or district attorney may help you file for a protective order. An online assistance kit is also available [here](#). The Texas Advocacy Project (1-800-374-4673) also provides information and assistance regarding protective orders, including helping prepare legal documents.

Appendix B – Texas Criminal Law Information

Some of the conduct prohibited by this policy may be crimes. The statutory information for Texas criminal law definitions are provided below. Additional information regarding Texas criminal law definitions may be found in the University's prevention programs and annual security report. The Texas criminal law citations are provided for informational purposes only. The definitions set forth in the Definitions of Prohibited Conduct section above will be used for all purposes under this policy.

Sexual Assault:

Sexual assault is a criminal act under state law. See [Texas Penal Code, Section 22.011 et seq.](#) for applicable criminal law definitions of sexual assault and aggravated sexual assault in Texas.

Domestic Violence:

Domestic violence is a criminal act under state law. See [Texas Penal Code, Section 71.003 et seq.](#) for applicable criminal law definitions related to domestic violence in Texas. Domestic violence is referred to as family violence under Texas law.

Dating Violence:

Dating violence is a criminal act under state law. See [Texas Penal Code, Section 71.0021](#) for applicable criminal law definitions of dating violence in Texas.

Stalking:

Stalking is criminal act under state law. See [Texas Penal Code Section 42.072](#) for applicable criminal law definitions of stalking.

Sexual Exploitation:

Some forms of sexual exploitation are criminal acts under state law. See, e.g., [Texas Penal Code, Sections 21.08](#): Indecent exposure, 21.15: Invasive visual recording, 21.16: Unlawful disclosure or promotion of intimate visual material, 21.17: Voyeurism, and 43.02 et seq.: Prostitution for applicable criminal law definitions relating to sexual exploitation in Texas.