UPPS: Sexual Misconduct Policy
Sponsor: Vice President for Student Affairs
Type of Policy: Non-Academic

Policy Locations: Student Handbook, Faculty Staff Handbook, Website Title IX Page
Contact: Richard Dahl Director of Human Resources

Nothing in this Policy is intended to create a contract and this Policy does not constitute a contract, express or implied, between LeTourneau University and any student, employee, independent contractor, vendor, or other individual or entity. The University reserves the right to amend this Policy without prior notice.

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 and that is 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. LeTourneau University believes its students, faculty members, employees, and campus guests should experience an environment free from Sexual Misconduct. 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 this Policy.

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": Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation.

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 based on sex in the University's educational programs and activities, in employment policies and practices, in admissions policies, 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." The University is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently in an education program or activity. Sexual Harassment is a form of sex discrimination. In accordance with Title IX and its regulations, this Policy addresses the University's prohibition of the following forms of sex discrimination: Title IX Sexual Harassment, Non-Title IX 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.

The University will not tolerate Sexual Misconduct in any form. The University will promptly and equitably respond to all reports of Sexual Misconduct in order to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual and the community.

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
Richard Dahl
Director of Human Resources
Center Office Phone: 903-233-4171
Email: richarddahl@letu.edu
P.O. Box 7001, Longview, TX 75607

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

B. Sexual Misconduct Prevention

LeTourneau University provides education on Sexual Harassment and Sexual Misconduct, including Sexual Assault, 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 and Title IX Team

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, Title IX Hearing Panel members/adjudicators, Appeal Officials, and facilitators of the informal resolution process 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 University also reserves the right to appoint a trained individual from outside of the University to serve in any role on the Title IX team.

The Title IX Coordinator's responsibilities include the development, implementation, and monitoring of meaningful efforts to comply with Title IX 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 and oversight of the complaint resolution processes and procedures, including review, investigation, and adjudication of formal complaints of Sexual Misconduct; distribution of educational materials and training for the campus community; and monitoring all other aspects of the University's Title IX compliance. These responsibilities include, but are not limited to:

- Ensuring University policies and procedures and relevant state and federal laws are followed;
- Informing any individual impacted by an allegation of Sexual Misconduct, including a complainant, a respondent, or another individual, about the procedural options and processes used by the University, and about resources available at the University and in the community;
- Training and assisting any University employees regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to these procedures;
- Determining whether grounds for appeal under this Policy have been properly stated;
- Ensuring that appropriate training, prevention, and education efforts, and periodic reviews of the University's climate and culture take place;
- Recordkeeping of all incidents reported to the Title IX Coordinator;
- Coordinating the University's efforts to identify and address any patterns or systemic problems revealed by reports and complaints; and
- Assisting in answering questions related to this Policy.

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.

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, applicants for admission or employment, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property. This Policy may also apply to individuals who interact with University community members under certain circumstances. 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, such as a residence hall, classroom, or on-campus event;
- 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.

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 may be subject to disciplinary sanctions.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a University community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in section IV. Prohibited Conduct below and more information about the process applicable to different types of Sexual Misconduct is provided in section VIII. The University's Complaint Resolution Process below.

This Policy applies regardless of the sexual orientation or gender identity of any of the parties. Although the University maintains its right to uphold and apply its religious beliefs with regard to sexual orientation and gender identity, the University has no tolerance for any form of Sexual Misconduct committed against any individual, regardless of the individual's sexual orientation or gender identity. Individuals are strongly encouraged to report all incidents of Sexual Misconduct, including Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation, even when the individual has a concern that they have engaged in conduct that may violate other University policies or expectations related to sexual activity.

III. Definitions for the Policy

Complainant: An individual who is alleged to be the victim of conduct that could violate this Policy.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

A **report** is an account of the alleged Sexual Misconduct that has allegedly occurred that has been provided to the University by the complainant, a third party, or an anonymous source.

A **formal complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that the University investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in the section VIII(C) Formal Complaint and Notice of the Allegations below.

Title IX Coordinator: The designated staff member of the University with primary responsibility for coordinating Title IX compliance efforts, and who generally oversees the complaint resolution process, documents the findings and decisions, and maintains official records. For more information regarding the Title IX Coordinator's role, see section I(C) Title IX Coordinator and Title IX Team above.

Sexual Misconduct: As used in this Policy, Sexual Misconduct means the following forms of sex discrimination and other misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking,[1] and Sexual Exploitation, as each of those terms is defined below in section IV. Prohibited Conduct.

IV. Prohibited Conduct

The University prohibits the following forms of Sexual Misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in acts of Sexual Misconduct also violates this Policy.

A. Title IX Sexual Harassment

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions when the conduct occurs (1) in the University's education program or activity and (2) against a person in the United States.

1. Title IX Quid Pro Quo Harassment

Title IX Quid Pro Quo Harassment occurs when an employee of the University, including a student-employee, conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to,

[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.

sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.

2. Title IX Hostile Environment Harassment

Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, reasonable person means a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- Unwelcome pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Unwelcome sexual flirtations, attention, advances, and propositions
- 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

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity include, but are not limited to:

- 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 statement was merely a discourteous, rude, or insensitive statement
- Whether the speech or conduct deserves the protections of academic freedom.

3. **Sexual Assault, Domestic Violence, Dating Violence, and Stalking** as those terms are defined below (when such conduct occurs (1) in the University's education program or activity and (2) against a person in the United States).

For the purposes of the Title IX Sexual Harassment definition, 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.

Whether alleged conduct occurred in the University's **education program or activity** is a fact specific analysis. At a minimum, the University's education program or activity includes all of the operations of the University, including (1) locations on campus or otherwise owned or controlled by the University, such as residence halls and learning spaces, (2) locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, such as University athletic events and other University-sponsored off-campus activities, and (3) any building owned or controlled by a student organization that is officially recognized by the University.

B. Non-Title IX Sexual Harassment

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the University also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the University's education program or activity, but may nevertheless substantially and unreasonably interfere with a community member's employment, education, or environment on campus, University property or in a University program or activity or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) that did not occur against a person in the United States.

As used in this Policy, Non-Title IX 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, 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 a basis for an employment, academic, or other educational decision ("quid pro quo" harassment); or

- 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.

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

Examples of Non-Title IX Sexual Harassment may include, but are not limited to, the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; (2) does not occur in the University's education program or activity; or (3) does not occur against a person in the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, 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.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

C. 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; touching another with any of these 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Sexual Assault that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, on University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, on University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, on University property, or in a University program or activity.

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.
- An individual known to be – or who should be known to be – incapacitated, as defined by this Policy, cannot consent to sexual activity initiated by another individual.
- 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.

D. 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Domestic Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, on University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, on University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, on University property, or in a University program or activity.

E. 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Dating Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, on University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, on University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, on University property, or in a University program or activity.

F. 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Stalking that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, on University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, on University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, on University property, or in a University program or activity.

G. 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;
- ejaculating on another person without consent;
- distributing or displaying pornography to another without that individual's consent.

Sexual Exploitation does not include conduct covered under the definition of Title IX Sexual Harassment.

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

H. Retaliation and Interference with Process

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy. While the University does not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process 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 that are intended to influence whether someone participates in the complaint resolution process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process 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 or interference with process may be present regardless of the outcome of the Sexual Misconduct complaint resolution process.

Any individual who is aware of conduct constituting Retaliation and Interference with Process should immediately contact the Title IX Coordinator. The University will take appropriate action against any individual who engages in Retaliation and Interference with Process in violation of this Policy, up to and including termination of employment or expulsion from the University. For more information, see section X. Complaints of Related Misconduct below.

V. Reporting Sexual Misconduct

The University encourages individuals who have experienced Sexual Misconduct or who know about an incident of Sexual Misconduct to report the incident to the University, so that affected individuals may receive the support they need and so the University may respond appropriately. 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 responsive 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 is encouraged to 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
Richard Dahl
Director of Human Resources
Office Phone: 903-233-4171
Email: richarddahl@letu.edu

Deputy Coordinator:
Steve Conn
Dean of Students
Office Phone: 903-233-4431
Email: steveconn@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, mail, email, in person, or via the online reporting form. Reports may be made at any time, including non-business hours by phone, email, mail, or 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 complainant, the individual reporting if a different individual, and the respondent, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

Upon receiving a report of Sexual Misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. In addition, 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.

If an individual has made a report to a University employee who is not a confidential resource and has not yet heard from the Title IX Coordinator, please report directly to the Title IX Coordinator.

B. Anonymous Reporting

The University accepts anonymous reports of Sexual Misconduct. Anonymous reports may be filed using the University's online reporting form. The University will likely be limited in its ability to respond to an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful investigation. The individual making the report is encouraged to provide as much detailed information as possible.

C. Employee Reporting Obligations

University 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. Certain student employees (including, but not limited to, resident assistants, building managers when on duty, course preceptors, student mentors, or student campus security workers) who receive such information in the course of their work position or duties also must report the to the Title IX Coordinator. A limited group of student employees, including resident assistants, always have a duty to report information they receive about Sexual Misconduct to the Title IX Coordinator, even while not formally on duty. If the student employee is uncertain whether the information should be reported to the Title IX Coordinator, the student employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report. Reports should be made as soon as possible and must include all relevant details to the extent known, including the names of the complainant, the respondent, and other individuals involved in the incident, as well as 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 section VI(B) Confidential Resources 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 Sexual 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 complainant, the identity of the complainant 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 a complaint resolution process, a law enforcement officer as necessary to conduct a criminal investigation, the respondent to the extent required by law, or potential witnesses to the incident as necessary to conduct a complaint resolution process. University employees who are not confidential resources and receive a report of Sexual Misconduct should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to the Title IX Coordinator, the employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

If an individual has made a report to a University employee who is not a confidential resource and has not yet heard from the Title IX Coordinator, they should make the report directly to the Title IX Coordinator.

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.

D. Amnesty and Waiver of Other Policy Violations

LeTourneau University encourages the reporting of Sexual Misconduct Policy violations. Sometimes, individuals 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 or who have knowledge of 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, except as outlined in this section. Amnesty may not be extended in instances where an employee engaged in conduct constituting a violation of other University policies that harmed any individual, where an employee who engaged in a violation of another University policy holds a leadership role on campus, including a leadership role over students or employees, or where an employee is engaged in a violation of another University policy with a student, in which case the University may still pursue disciplinary action for the alleged violation of other University policies. When amnesty is provided, violations of other policies may be addressed through educational options rather than discipline and the University may still require the individual to participate in educational or restorative action.

E. Reporting to Law Enforcement

Some types of Sexual Misconduct prohibited by this policy are also 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 a complaint resolution process. In addition, the filing of criminal charges against the respondent will not preclude the University from proceeding with a Sexual Misconduct complaint resolution process. A University investigation and a criminal investigation may be pursued simultaneously. An individual that reports to law enforcement may decline, at any time, to provide information or participate in the University's complaint resolution process. For more information, see section IX(E) Non-Participation and Silence below.

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. 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.

VI. Confidentiality and Reporting

A. 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 Misconduct.

If an individual reports alleged Sexual Misconduct and requests that his or her name not be disclosed to the respondent or that the University not investigate or seek action against the respondent, 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 Sexual Misconduct, the respective ages and roles of the complainant and respondent, whether there have been other complaints or reports of misconduct against the respondent, whether the respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct, whether the alleged incident poses a risk of harm to others, whether the respondent allegedly threatened further Sexual Misconduct or other violence against the complainant or others, whether the alleged Sexual Misconduct was committed by multiple respondents, whether the alleged Sexual Misconduct was perpetrated with a weapon, whether the University possesses other means to obtain relevant evidence of Sexual Misconduct (e.g., security footage, eyewitness, physical evidence), whether the report reveals a pattern of perpetration, e.g., via illicit use of drugs or alcohol, at a given location, or by a particular group), and the extent of any threat to the University community.

The University will take all reasonable steps to respond to the report consistent with the request for confidentiality or request not to pursue an investigation made by the complainant, however, the scope of the response by the University may be impacted or limited based on the nature of the complainant's request. The University will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality.

If the University determines that it can respect a complainant's request not to disclose his or her identity to the respondent, it will inform the complainant and will take all reasonable steps to respond to the report consistent with the request, including taking any steps the University determines necessary to protect the health and safety of the University community in relation to the alleged Sexual Misconduct. If, based on the presence of one or more of the above factors or other factors, the Title IX Coordinator determines the University needs to investigate and, if appropriate, pursue disciplinary action (even without the participation of the complainant), the Title IX Coordinator will inform the complainant. In such cases, the Title IX Coordinator may, at

the complainant's request, inform the respondent that the complainant asked the University not to investigate, but the University decided to move forward. A complainant can choose not to participate in a complaint resolution process. When the University moves forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights provided to a complainant under this Policy, even if the individual did not sign the formal complaint.

B. 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 or when there is an imminent threat to the life of any person.

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

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, such as one of the University officials designated in the section V(A) Reporting to the University above, the University will be unable to provide certain supportive/interim 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 may later decide to file a formal complaint with the University or report the incident to local law enforcement.

C. 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 keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to carry out the complaint resolution process pursuant to this Policy. 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.

D. 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 complainant's confidentiality to the extent possible even if the complainant 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 complainant's and respondent's personally identifying information will not be included in publically available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify the complainant or respondent 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 complainant.

VII. 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 Title IX Coordinator or to law enforcement.

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 complainant and respondent of an incident of alleged Sexual Misconduct 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. Those preferring off-campus counseling services will be assisted in locating such resources by University personnel. 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.

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. 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.

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 respondent 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 prior to the conclusion 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.

C. Emergency Removal

The University reserves the right to remove a student respondent, in whole or in part, from the University's education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the University will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or

safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the University will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

D. Administrative Leave

The University reserves the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

VIII. The University's Complaint Resolution Process

When the University receives a formal complaint of a potential Policy violation, the University will promptly and equitably respond to the formal complaint in accordance with the provisions and procedures set forth below. The University will provide a fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a formal complaint alleging a violation of this Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that is not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the investigation report, and through the Written Rebuttal Statements in response to the other party's Written Response Statement as discussed below.

Each complaint resolution process will require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a complaint resolution process.

This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, the Title IX Coordinator will make a final

determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the University reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

A. Trained Officials

Each Sexual Misconduct complaint resolution process will be conducted by individuals, including Title IX Coordinators, Investigators, Title IX Hearing Panel members/Adjudicators and any person who facilitates an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training on the definition of Title IX Sexual Harassment; the scope of the University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an Investigator report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: 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, and the University's policies and procedures.

B. Initial Meeting Between Complainant and Title IX Coordinator

In most cases, the first step of the complaint resolution process is a preliminary meeting between the 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 or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the 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 and the safety of the campus;
- 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 supportive/interim measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint (if not already filed) and the complaint resolution process;
- Advise the complainant of the right to have an advisor of choice, as applicable under this Policy;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks when necessary, in consultation with appropriate campus officials.

If the Title IX Coordinator determines that the report or formal 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.

C. Formal Complaint and Notice of the Allegations

The filing of a formal complaint typically begins the complaint resolution process under this Policy. In most cases, formal complaints are made and signed by the complainant. However, in some cases, the University may pursue a complaint resolution process even if the complainant chooses not to make or move forward with a formal complaint. Generally, the Title IX Coordinator will make a determination of whether the University will pursue a complaint resolution process even when the complainant has not filed a formal complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the University will notify the complainant before proceeding. See section VI(A) Requests to the University for Confidentiality or Non-Action above for more information. The Title IX Coordinator signing the formal complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

Formal complaints of Sexual Misconduct should be made through the Title IX Coordinator:

Richard Dahl, Director of Human Resources
903-233-4171; richarddahl@letu.edu

When a formal complaint is filed, the Title IX Coordinator will review and assess the formal complaint to determine if it states an allegation of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the University's complaint resolution process, including the informal resolution process;

- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process, including section IX(F) Obligation to be Truthful below.

If the University decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged policy violations;
- Provide the respondent an explanation of the complaint resolution process, including the informal resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Provide the respondent with information about on- and off-campus resources;
- Notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no contact directive);
- Notify the respondent of available supportive/interim measures;
- Advise the respondent of the right to have an advisor of choice as applicable under this policy; and
- Explain the University's policy prohibiting retaliation.

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

D. Consolidation of Formal Complaints

The University reserves the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

E. Informal Resolution Process

Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process. In cases involving

allegations of Sexual Assault or more serious Sexual Misconduct, informal resolution may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate.

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, but rather will aid in the resolution of formal complaints in a non-adversarial manner. Under the informal process, the University will only conduct such fact-gathering as is useful to resolve the formal complaint 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, 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 educational and extracurricular activities of the University. Examples of potential remedies are provided in the section IX(H) Supportive/Interim Measures below. The proposed 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 and request the formal resolution process at any time prior to reaching an agreed upon resolution. 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 prior to reaching an agreed upon resolution, 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.

Prior to engaging in an informal resolution process, the University will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the University will obtain the parties' voluntary, written consent to the informal resolution process.

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 formal complaint and the University agree in writing to the terms and conditions of a proposed 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 proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the University do not agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Title IX Coordinator

presenting the proposed resolution to the parties, the formal complaint will be referred to the formal resolution process.

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

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

F. Formal Resolution Process

If the formal complaint is not processed or resolved through the informal resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below.

1. Investigation

The Title IX Coordinator will assign one or more Investigators to conduct a prompt and equitable investigation. The University will ensure that the Investigator(s) has received the appropriate training, and is impartial and free of any conflict of interest or bias for or against complainants and respondents generally and for or against the complainant and respondent in the case. The parties will receive written notice of the Investigator(s) appointed. If any party has a concern that the Investigator(s) has a conflict of interest or bias, the party should report the concern in writing as indicated in the section IX(I) Conflicts of Interest below.

The 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 Investigator of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the Investigator, and to suggest questions that they would like asked of the other party or witnesses, including questions challenging credibility. The Investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses and evidence and to 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. The complainant and respondent will be given equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary circumstances exists as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

Before the end of the investigation phase, the parties will be informed of a close of evidence date. The parties are required to submit any and all information and evidence they would like considered as part of the investigation 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 Investigator, in consultation with the Title IX Coordinator, determines otherwise. In cases involving allegations of Title IX Sexual Harassment, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

At the conclusion of the investigation, the Investigator will prepare a report fairly summarizing the relevant evidence. The investigation report may consist of any information, documents, data, or other evidence that will be provided to the Title IX Hearing Panel/Adjudicators. At the Investigator's discretion, such information may include, as applicable: the formal complaint, the notice of allegations, any other evidence obtaining during the investigation, and the 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 Investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The time frame for the investigation generally is within (i) forty-five (45) calendar days from the assignment of the Investigator or (ii) if, after the date the Investigator is assigned, the parties receive an amended notice of allegations that includes new allegations or new parties, forty-five (45) calendar days from the date of the amended notice of allegations. In some cases, more time may be required. In cases involving allegations of Title IX Sexual Harassment, the University will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See the section VIII(F)(2) Access to Information below for more information.

2. Access to Information

The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

a. Cases Involving Allegations of Title IX Sexual Harassment

Review of Directly Related Evidence

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator or Investigator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,500 words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is

relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the Investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence 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 may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The Investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

Review of Investigation Report

For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator or Investigator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,500 words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the Investigator(s) that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written 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 may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the Investigator(s) 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 Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

b. Cases Involving Allegations of Other Forms of Sexual Misconduct

For formal complaints involving allegations of forms of Sexual Misconduct that are not Title IX Sexual Harassment, 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 five (5) 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 4,500 words in length, to the Title IX Coordinator (the "Written Response Statement"). The response statement must be submitted by the conclusion of the five day review and response period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the Investigator that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written 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 may not address each other in the Written Response Statement.

The parties will have an opportunity to review the Written Response Statement submitted by the other party and submit a written rebuttal. The Title IX Coordinator will provide a two (2) calendar day review and rebuttal period for the complainant and respondent to have access to review the other party's Written Response Statement and prepare a written rebuttal to the other party's Written Response Statement (the "Written Rebuttal Statement"). The parties' access to the other party's Written Response Statement generally will be provided during normal business hours in a designated on-campus location. The Written 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 Written Rebuttal Statement may not exceed 2,500 words in length and must be submitted to the Title IX Coordinator by the conclusion of the two day review and rebuttal period described above. The Written Rebuttal Statement may be used only to respond to arguments made in the other party's Written Response Statement and to challenge the credibility of the

other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written 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 may not address each other in the Written Rebuttal Statement.

The parties will have an opportunity to review the Written 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 Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on-campus location. The Written 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 Written Rebuttal Statement of the other party, no further responses are permitted by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the Written Response Statements and Written Rebuttal Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the Investigator for clarification, additional investigation, and/or to have information added, 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 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 treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

3. Adjudication

Following the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/Adjudicators. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above in section VIII(F)(2) Access to Information.

a. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

Appointment of the Title IX Hearing Panel

The Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel 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 individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in the section IX(I) Conflicts of Interest below.

Live Hearing

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the University will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

University Appointed Advisors

If a party does not have an advisor present at the live hearing, the University will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The University reserves the right to appoint any individual as the University deems appropriate to act as an advisor at a live hearing. The University's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

Live Hearing Procedures

Please ask the Title IX Coordinator for additional information about live hearings procedures.

Decision-Making Process

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

The Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Lie detector test results will not be considered credible by the Title IX Hearing Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the University or a court of law will generally be given little weight, if any, by the Title IX Hearing Panel in the decision-making process.

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 a violation of this Policy—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.

b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will assign a panel of three Adjudicators to conduct a prompt and equitable 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 Adjudicators who are without conflict or bias. 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 section IX(I) Conflicts of Interest below.

The adjudicators will review the adjudication file. The adjudicators may, in their discretion, seek additional information from the Investigator or another appropriate individual, or request additional investigation by the Investigator. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the Adjudicators, the complainant and respondent will be notified and provided access to that information.

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.

Lie detector test results will not be considered credible by the Adjudicators in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the University or a court of law will generally be given little weight, if any, by the Adjudicators in the decision-making process.

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 legal obligations. As part of the determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the Adjudicators with information regarding previous violations of the Sexual Misconduct Policy or other University policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

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 a violation of this Policy—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.

4. Possible Sanctions and Remedies

The Title IX Hearing Panel/Adjudicators will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The 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 and any previous University policy violations by the respondent.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct.

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.

Remedies for the complainant are designed to restore or preserve equal access to the University's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies for the complainant include implementing or extending all or some of the following actions, without limitation:

- 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.

The Title IX Coordinator is responsible for effective implementation of any remedies.

5. Notice of Outcome

The complainant and respondent will simultaneously receive a written notice of the Title IX Hearing Panel's/Adjudicator's decision on the formal complaint.

Prior to being provided the notice of outcome, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of outcome with any other individual, except as permitted in the non-disclosure agreement.

For complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of an education program or activity or against a person *outside* of United States, the written notice will include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the University's policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination 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 and permissible bases 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.

For all other complaints of Sexual Misconduct, the written notice will include the decision of the Adjudicators.

In cases involving allegations of Title IX Sexual Harassment, the written notice of outcome will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice of outcome will generally be received within twenty-five (25) calendar days from the date the Adjudicators receive the adjudication file. In some cases, more time may be required.

The decision of the Title IX Hearing Panel/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 and the sanctions, if any, will be effective.

Dismissal of Formal Complaint Prior to Adjudication

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment under this policy, the University will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the University reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the University may, at its discretion, dismiss the case prior to adjudication in certain circumstances, as permitted by law. Circumstances that may lead to dismissal prior to adjudication include, but are not limited to: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the University dismisses a formal complaint, the University will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

6. Appeal

Either party may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in section VIII(F)(6) Dismissal of Formal Complaint Prior to Adjudication. The parties may also appeal the Title IX Hearing Panel's/Adjudicators' decision regarding responsibility. An appeal may be made exclusively on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or Title IX Hearing Panel/adjudicator(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

a. Submitting an Appeal

The parties may request an appeal by submitting a written appeal statement, which may not exceed 2,500 words in length, challenging the outcome of the complaint resolution process. The written appeal statement must be submitted to the Title IX Coordinator within two (2) calendar days after the date the notice of outcome was sent to the complainant and respondent and must explain the grounds for the appeal. 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.

The Title IX Coordinator will review the appeal statement. If the appeal statement states a permissible ground for appeal as listed above, the Title IX Coordinator will continue the appeals process. The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must not exceed 2,500 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive 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.

The Title IX Coordinator will review any written response to the appeal and may remove or redact any portions of the statements which exceed the word limit or that otherwise exceed the scope of information which may be considered in the complaint resolution process, such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply.

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, the written appeal statement, the written response to the appeal, the written notice of the Title IX Hearing Panel's/Adjudicators' decision, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the Appeal Official's decision at the Title IX Coordinator's discretion.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) 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.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing

the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

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 who is free of conflict of interest or bias. 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 or bias, the party should report the concern in writing as indicated in the section IX(I) Conflicts of Interest below.

b. Consideration of Appeal

The Appeal Official will review the appeal file. The Appeal Official may, in his/her discretion, seek additional information from the Title IX Coordinator, the Investigator, or another appropriate individual. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if the Appeal Officials receives any additional information, the parties shall have an opportunity to review the additional information.

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 there is sufficient evidence to conclude that it is more likely than not that one or more of the above grounds for appeal is satisfied, generally, the matter will be remanded for further investigation and/or adjudication by the Title IX Hearing Panel/Adjudicators, and/or an additional live hearing, as determined by the Appeal Official. If the Appeal Official grants an appeal finding the imposed sanctions or other response by the University are not appropriate to the finding, the Appeal Official has the discretion to modify the sanctions determination or to remand the matter to the Title IX Hearing Panel/adjudicators for a new sanctions determination. If the Appeal Official modifies the sanctions determination, the Appeal Official's sanction decision will be subject to an appeal pursuant to this Section.

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 Title IX Hearing Panel/Adjudicators reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/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 Investigator or whether a new Investigator should be appointed. Upon remand, the Investigator and Title IX Hearing Panel/Adjudicators will use the same process as required for all complaint resolution processes under this Policy. If the matter is remanded, the Title IX Hearing Panel's/Adjudicators' decision on remand will be appealable under the procedures discussed in this Section.

If the Appeal Official determines that there is insufficient evidence to determine 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. If the Appeal Official dismisses the appeal, the sanctions will be effective on the date the Appeal Official's decision is provided to the parties.

The Appeal Official will simultaneously issue a written decision to the parties describing the result of the appeal and the Appeal Official's rationale for the result. The time frame for the appeal generally is within twenty (20) calendar days from the Appeal Official's receipt of the appeal file. In some cases, more time may be required.

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.

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

A. Equal Rights of the Complainant and Respondent

In all Sexual Misconduct complaint resolution processes under this Policy, both the complainant and respondent are entitled to:

- To be treated with respect and dignity;
- For the complainant, to report the Sexual Misconduct to the University;
- Appropriate support from 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 complaint resolution process;
- To equitable procedures that provide both parties with a prompt and impartial complaint resolution process conducted by officials who receive annual training on conduct prohibited by this Policy;
- To receive a written explanation of support available from University or community resources;
- To privacy to the extent possible consistent with applicable law and University policy;
- To choose whether or not to participate in the complaint resolution process, with the acknowledgment that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- To have a reasonable time to provide information to the Investigator;
- To raise a concern regarding a possible conflict of interest or bias on the part of any person involved in the complaint resolution process;
- To appeal the decision and any sanctions determination in certain circumstances, as discussed in the section VIII(F)(7) Appeal above;
- 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 notice of the allegations and defenses and an opportunity to respond;

- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- Timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- To have prompt and equitable opportunity to identify relevant witnesses and other evidence and to suggest possible questions to be asked of the other party during the formal complaint resolution process;
- To periodic updates, and updates upon request, on the status of the investigation and/or adjudication;
- The complainant and respondent have the right to access to information as part of the complaint resolution process, as set forth in the section VIII(F)(2) Access to Information above.
- For the complainant, not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct.

B. Additional Rights in Cases Involving Allegations of Title IX Sexual Harassment

In cases involving allegations of Title IX Sexual Harassment the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section IX(D) Advisors below for additional information and requirements regarding the conduct of advisors.
- The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in the section VIII(F)(2) Access to Information above.
- The parties will be provided a copy of the investigation report for their review and written response, as set forth in the section VIII(F)(2) Access to Information above.
- The complaint resolution process will include a live hearing, at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in the section VIII(F)(3)(a) Live Hearings above.

C. Additional Rights in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section IX(D) Advisors below for additional information and requirements regarding the conduct of advisors.

D. Advisors

The complainant and the respondent in complaint resolution processes involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States, have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, 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 and requirements for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings, which may occur in person. As a general matter, the University will not delay its process to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment, advisors 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, Title IX Hearing Panel/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.
- In complaint resolution processes involving allegations of Title IX Sexual Harassment:

    - At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in the section VIII(F)(3)(a) Live Hearings above.
    - Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in the section VIII(F)(2) Access to Information above.
- In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States:
    - Advisors may have access to information as is described further below in the section VIII(F)(2) Access to Information above.
- 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.

E. 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 and make a determination based upon the information available. If at any time the complainant declines to participate in the process, the University's ability to meaningfully investigate and adjudicate a formal 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 may proceed with the complaint resolution process and 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.

In cases involving allegations of Title IX Sexual Harassment, the Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.

F. Obligation to be Truthful

All parties and witnesses have an obligation to provide truthful information and evidence in connection with any report or complaint resolution process under this Policy. Engaging in dishonesty may be considered retaliation or interference with process 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. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified below in section X. Complaints of Related Misconduct.

G. 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.

H. Supportive/Interim Measures

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will consider whether supportive/interim actions, accommodations, or protective measures are reasonably necessary or appropriate to protect the parties and the broader University community. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter sexual harassment.

The University will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, and protective measures. Supportive/interim measures will be available with or without a formal complaint, and 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.

Any person seeking supportive/interim measures, including complainants and respondents, should contact the Title IX Coordinator.

Examples of supportive/interim measures include, but are not limited to:

- Establishing a "no contact" order prohibiting the parties involved from communicating with each other;
- 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;
- Protection from retaliation;
- 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.

If the respondent is a University student and the respondent will be barred from University property, prohibited from residing in a University residence, or otherwise removed from the education program or activity, in whole or in part, prior to the conclusion of the complaint resolution process, these protective measures will be put in place pursuant to the procedures discussed in the section VII(C) Emergency Removal above.

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.

Supportive/interim 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.

Any concern about a violation of a supportive/interim measure should be reported to the Title IX Coordinator. Complaints of a violation of a supportive/interim measure will be handled as discussed in the section X. Complaints of Related Misconduct below.

I. 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, for or against complainants or respondents generally or for or against the individual complainant or respondent, 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 Investigator(s), Title IX Hearing Panel members/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 formal complaint at issue.

The parties should be mindful that the University has a small and close-knit campus community. That a party simply knows an individual acting for the University under this Policy or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the University encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator's attention for consideration.

J. Time Frames for Resolution

The University is committed to the prompt and equitable resolution of allegations of Sexual Misconduct. As is discussed in more detail above, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

1. Cases Involving Allegations of Title IX Sexual Harassment

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in the section VIII. The

University's Complaint Resolution Process above. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of directly-related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

2. Cases Involving Allegations of Other Forms of Sexual Misconduct

Specific time frames for each phase of the complaint resolution process are set forth in the section VIII. The University's Complaint Resolution Process above. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

In any Sexual Misconduct complaint resolution process, the process may include additional days between these phases as the University transitions from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it.

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 new parties or new allegations are added in an amended notice of allegations, if parties or witnesses are not available, due to unsuccessful attempts at informal resolution, any intervening school break, the need for language assistance or accommodation of disabilities, or for other unforeseen circumstance. Extensions will be no longer than necessary. The complainant and respondent will receive written notice of any delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, the University may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

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 supportive/interim 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 respondent is still a member of the University community as a student or employee, the complaint generally will be processed under these procedures.

K. Presumption of Non-Responsibility

The presumption is that the respondent is not responsible for a Policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a policy violation only if the appointed Title IX Hearing Panel/Adjudicators conclude that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

L. Application of Policy

When the University receives a report or formal 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 formal 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. For cases involving allegations of Title IX Sexual Harassment, the University will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

M. Investigation of Other Alleged University Policy Violations

If a formal 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 formal 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. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

N. Reservation of Flexibility

The procedures set forth in this Policy reflect the University's desire to respond to complaints in good faith and in compliance with legal requirements. 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. The University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances. In instances where a formal 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.

X. Complaints of Related Misconduct

Any complaint relating to retaliation or interference with process in violation of this Policy, or violations of supportive/interim measures, sanctions, the obligation to be truthful, or a nondisclosure agreement should be reported promptly to the Title IX Coordinator. The University will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process or a violation of supportive/interim measures, sanctions, the obligation to be truthful, or a nondisclosure agreement. The University will take appropriate action against any individual who retaliates against another person or interferes with a process in violation of this Policy or who violates supportive/interim measures, sanctions, the obligation to be truthful, or a nondisclosure agreement.

When the University receives a complaint of retaliation or interference with process or of violations of supportive/interim measures, sanctions, the obligation to be truthful, or a nondisclosure agreement, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator's discretion, options for resolution include, but are not limited to: informal discussions and resolution facilitated by the Title IX Coordinator, investigation and/or determination by the Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from the Complaint Resolution Process outlined above for addressing Sexual Misconduct formal complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy. The University will notify the parties of the outcome of the complaint.

XI. 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

XII. Recordkeeping

The Title IX Coordinator is responsible for maintaining the official University records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the complaint resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal 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 formal complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a complaint resolution process.

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 for Student Affairs

Policy History

Approved Policy, April 20, 2016
Approved Revision, June 25, 2018
Approved Revision, August 12, 2019
Approved Revision, August 11, 2020
Approved Revision, December 13, 2021

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:
  Richard Dahl
  Director of Human Resources
  Office Phone: 903-233-4171
  Email: richarddahl@letu.edu

Title IX Deputy Coordinator:
Dr. Steve Conn
Dean of Students
Office Phone: 903-233-4431
Email: steveconn@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

- Angela Clipperton, Director of Health Services
  Second Floor, Allen Family Student Center
  Angelaclipperton@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.

47926590v2