TO: Hearing Board/Panel

SUBJECT: Title IX/Sexual Misconduct Investigation

FROM: April Chaney, Investigator

The Complaint

The Title IX office received a report from a faculty member regarding an assignment Melissa Turner, Complainant, submitted during the course. The complainant states in the assignment that Michael Walker, Respondent, sexually assaulted her. The report alleged sexual assault from Respondent. Complainant requested a full investigation into Respondent and his actions.

The Investigation

The Title IX office completed an intake with Complainant on April 6, 2020 and a mutual no-contact directive was sent out on April 8, 2020.

20, 2020, and Respondent participated in an interview via Zoom on April 27, 2020 due to the impact of COVID-19 on SFA’s operations. Complainant requested that we interview 4 witnesses, Kate West, Veronica Beavers, Loree McCary, and Michara Delaney-Fields. The respondent requested that we interview 1 witness, Saville Harris. Both parties had the opportunity to review and correct their interview notes.

The Facts

Complainant’s Account

Complainant met Respondent in fall 2019 in an English class. Respondent sat next to Complainant in class and both would talk casually before and after class.

Respondent asked for Complainant’s phone number, but she refused and gave him her Instagram handle instead. Respondent began to direct message Complainant through Instagram that day. Complainant felt like Respondent was interested in her romantically, but did not feel the same way as him, so she told him that she had a boyfriend even though she did not. Complainant did not speak with Respondent after the initial contacts on Instagram and after she informed him that she had a boyfriend approximately 2-3 weeks after becoming friends on Instagram. Complainant stated that Respondent was “a little creepy.”

During the spring semester, on January 31, 2020, Complainant saw Respondent at a Kappa Kappa party where they had a casual conversation. Complainant told Respondent that her and her boyfriend had broken up. The complainant reported that she only spoke with the Respondent for a few minutes toward the beginning of the evening and spent the rest of the night drinking and spending time with her friends.

The Complainant shared that she drank too much and was “out of it” and struggled to walk. She said she became ill at the party, vomiting in the bathroom assisted by her friend, Kate West. Soon after, she decided she needed to go home. Her residence hall was two blocks from the party. She argued with her friend, witness 1, about her desire to walk alone, ultimately leaving the party by herself.

In the early morning of February 1, 2020, at approximately 12:30 a.m., Complainant began her walk home to her residence hall on campus. She stated that she does not recall anything after she left the party, until several hours later when she awoke in the hospital. She stated that she awoke in the ambulance and was angry and extremely tired. She refused to speak to the police
and begged to leave the hospital. Complainant allowed medical staff to give her IV fluids, but promptly left the hospital afterward against medical advice.

Complainant returned to her usual schedule the following day, but reports that she was very angry and confused. She believed something bad had happened, but did not want to think or talk about it. She refused to talk to her friend, witness 1, and just tried to go to class. She said she was okay for about a month, until she saw Respondent out at Mak’s (local restaurant). She stated that he waved at her and she began to shake and ran out of the restaurant, then vomiting in the parking lot. She stated that she returned home that day.

Complainant stated that following the evening at Mak’s, she began to remember some of the events of the incident. She stated that she found it grew harder to get out of bed or attend classes. She stated that she did not want to talk about the incident, but became very angry at the assignment given to her in her Intensive Writing English course. Complainant shared in an assignment that she was raped. Her instructor met with her the following day and informed her that she had to report the incident. She stated that she was angry at first, but then relieved that someone knew. She stated that she told the instructor who the Respondent was and then prepared to talk to the Title IX office following their contact.

**Respondent’s Account**

Respondent met Complainant in fall 2019 in an English class. Respondent sat next to Complainant in class and both would talk casually before and after class. Respondent stated that he was new to SFA and didn’t have very many friends, and he found the Complainant to be “very nice and very lovable.” Respondent considered Complainant to be an acquaintance for the first few weeks, then a very good friend after that.

Two to three weeks after Respondent met Complainant, he asked for Complainant’s Instagram handle so they could keep in touch outside of class. Respondent was interested in getting to know Complainant better and began to develop feelings for her. Respondent disclosed these feelings to Complainant around Halloween and Complainant “rejected” Respondent. Complainant stated that she had a boyfriend. Respondent feels that he may have disclosed these feelings to Complainant a little too soon.

In the spring 2020 semester, Complainant was not talking to Respondent as much as she used to. Respondent stated that he missed Complainant.

Complainant stated that he was happy to see Complainant at the Kappa Kappa Fraternity party on **January 31, 2020**. Respondent stated that Complainant told him that she broke up with her boyfriend, which he believed was an invitation to try and date her. He stated that he spent
most of the night talking with Complainant and volunteered to walk her home where he assumed they would have sex.

On **February 1, 2020**, at approximately 12:30 am Respondent began to walk Complainant home. He stated Complainant had been drinking, but did not appear drunk. On the walk she stumbled on uneven sidewalk, where he caught her from falling and they kissed. Respondent stated that she asked to stop walking and “make out” on the way to her residence hall. He said that a few minutes after leaving the party they began to have sex on the ground until Witness 1 interrupted them. He was very upset by the abrupt intervention by the witness, so he “stormed off.” Respondent stated that Witness 1 then tackled him and held him down, while Witness 1 screamed at him.

Respondent reported that campus police arrived soon after and arrested him, transporting him to the police station.

Respondent stated that he did not see Complainant until over a month later, when he saw her at Mak’s (local restaurant). He said he was excited to see her, even though he thought she might be mad at him. He stated that he smiled at complainant, but she quickly left. He stated he did not know why she did not want to talk to him.

**Witness Accounts**

**Witness 1**

Witness 1 is a friend of complainant.

Kate West, graduate student left the Kappa Kappa party approximately ten minutes after Lissy Turner. She stated that although Lissy insisted she was fine to walk the two blocks home from the party alone, she began to feel uncomfortable with her choice, so she set out toward Lissy’s residence hall about 12:15 am., on **February 1, 2020**.

As she approached a dumpster on the way to the residence hall, she spotted two people behind the dumpster. She stated that she was surprised when she saw Michael Walker on top of an unconscious woman. Witness 1 stated that she confronted Walker, asking, "What the fuck are you doing? She's unconscious." Witness 1 stated that she then realized the unconscious woman was Lissy Turner. According to Witness 1, Turner quickly rose and fled the scene. Witness 1 stated that she briefly determined whether Complainant was breathing and then chased the Respondent, tripped him and held him down around 75 feet (23 m) away from the dumpster, asking "What are you smiling for?" Witness 1 pinned Walker down, while she shouted to another bystander to call emergency services. Campus police arrived moments later, questioned Walker and then arrested him.
Witness 1 waited with Complainant until an ambulance arrived. Witness 1 rode with Complainant to the hospital. In the ambulance, Complainant appeared to “come to.” Witness 1 stated that Complainant insisted at the hospital that she was allowed to leave and did not give any statements to the police. Witness 1 stated that Complainant left the hospital against medical advice.

Witness 1 stated that the Complainant would not discuss anything about the night afterward. She appeared angry much of the time and withdrew from friends after a few weeks. Witness 1 stated that Complainant rarely attended classes after about a month after the incident.

Witness 2

Veronica Beavers, party attendant, is an acquaintance of both the Complainant and Respondent.

Witness 2 attended the Kappa Kappa Fraternity party, the night of January 31, 2020. Witness 2 stated that she saw the Complainant and Respondent speaking at the beginning of the party, but did not recall seeing them together the rest of the evening.

Witness 2 stated that she saw Complainant with a drink in hand much of the evening. She stated that she also remembers seeing Complainant waiting in line to do a keg stand, but did not see her actually do one. Witness 2 also recalled laughing at the complainant late in the evening when Complainant was running to the bathroom with her friend, Witness 1. She stated that she “high fived” her as she ran past her.

Witness 2 stated that she saw Respondent playing beer pong with Witness 5 at around 11:00 pm. She stated that Witness 5 was teasing Respondent about playing poorly, calling him a “noob.” Witness 2 did not see Respondent the rest of the night.

Witness 2 reports seeing both Respondent and Complainant periodically during the semester, but never together. She stated that approximately 1 month later, she bumped into Complainant in the women’s restroom in the Student Center reporting that Complainant “looked awful.”

Witness 2 stated that she overheard Respondent in a class, before class started, about 2 weeks after the party, stating that he had dated Complainant. Witness 2 stated that she did not believe Respondent, but did not say anything about it to him.

Witness 3

Dr. Delaney-Fields, instructor of Intensive Writing English course, in which Complainant was enrolled in the Spring 2020 semester.
Witness 3 states that Complainant was quiet, but participated in the course until about mid-February. She stopped attending regularly and appeared to become more withdrawn. She stated that she submitted an assignment that stated she was raped “a couple of months ago.” Dr. Delaney –Fields submitted the incident report for the case. **See IR.**

**Witness 4**

Loree McCary, bystander to incident. Witness 4 stated that she was walking home from Taco Bueno at approximately 12:30 am, when they heard someone yelling at somebody else. Witness 4 stated that she was curious, so she walked toward the shouting as she ate her burrito. She stated that as she drew closer to the voices, she saw a young woman sitting on a young man, yelling at the man to stop laughing. The woman, later identified as Witness 1, yelled at Witness 4 to call the campus police. Witness 4 threw her burrito, pulled her phone out and called campus police describing what she saw. She stated that she stayed on the phone with campus police until they arrived, then giving her statement to the police. Witness 4 then proceeded home.

**Witness 5**

Saville Harris, Friend of Respondent attended the Kappa Kappa Fraternity party on January 31, 2020

Witness 5 stated that he spent much of the party with Respondent. Witness 5 stated that generally Respondent was “pretty quiet,” but was funny. Witness 5 stated that he saw Complainant and Respondent speaking at the beginning of the party. He stated that Respondent sent him a text that said “Getting Lucky 2nite!” earlier in the night.

Witness 5 stated that he played beer pong with Respondent and that they drank probably 4-5 beers together between 8:00 pm and 12:00 am. Witness 5 stated that he lost track of Respondent at some point and did not see him after approximately 12:00 am.

Witness 5 stated that the following day he received a text from Respondent stating that he had a rough night, but would see him later. Witness 5 texted back asking what happened and if he got “him some.” Respondent stated that he was arrested for “drunk and disorderly,” but made a “love connection.” **See evidence 1 and evidence 2.**

**Applicable Policy Terms**
The University defines Sexual Assault as including “the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.” For the purposes of this investigation, the following definitions apply:

“Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Raped is included.

“Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

“Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Analysis

Using the definitions above and considering all information from the investigation, the panel must determine if the following is a factor in their analysis:

- Was there force?
- Was the Complainant incapacitated?
- Did the Respondent know the Complainant was incapacitated?
- Was there consent?
“Consent” is a voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or clear unambiguous actions, and demonstrates a knowing, intentional agreement to engage in each instance and stage of sexual activity. Knowledge of consent is the responsibility of each person involved in every instance of sexual activity and consent can be withdrawn at any time. A person who is Incapacitated is not capable of giving Consent.

“Incapacitated” refers to a state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which they appear to give consent but do not have conscious awareness or the capacity to consent.
Evidence

Last night ended up rough!

What happened? Struck out?

I was arrested for drunk and disorderly

hahahaha. noob.

made a love connection tho

hahaha. love connection. stoopid.

Gettin some tonight!

yea right

watch me

you couldn't get any if Amazon prime was delivering

I don't know where you went but I'm leaving with Veronica and Kate. Have fun. We'll be at ihop.
Stephen F. Austin State University
Responsible Employee - Title IX Reporting Form

Submitted on April 1, 2020

Nature: Sexual Assault
Urgency: Unknown at this time
Incident Date and Time: February 1, 2020
Incident Location: On-Campus – In city Limits

Reported by
Name: Jane Doe
Title: Faculty
Email: Doej@sfasu.edu
Phone: 936-468-xxxx
Address:

Involved Parties
Melissa (Lissy) Turner (202XXXXX)
Complainant/Person Impacted/Victim/Survivor
Michael Walker (202XXXXX)
Responding Party/Alleged Male

Information Reported
Which of the following best describes your relationship to the person that the misconduct impacted?

Staff

Please provide all specifics and details of the misconduct as provided to you.

In my Intensive Writing English course, I read an assignment that the student (Lissy Turner) submitted in my class. The students were asked to explore a time in their lives that they experienced a struggle and how they triumphed over the struggle. Lissy wrote the following:
I think my entire life has been a struggle. Everything seemed like it was getting better until this semester. I hate this class and this assignment is really awful. Assignments should not ask for something so personal and then do nothing to help. I was raped about a couple of months ago and someone even saw it and no one cares. Everybody sucks.

Describe the impact the misconduct has had on the Complainant (e.g. person impacted/victim/survivor) because of the alleged behavior on any of the following: employment, learning or living environment, or ability to participate in university programs.

Lissy was doing great at the beginning of the semester, but as the semester has moved forward, she has become more and more withdrawn and her grades have declined.

Witnesses - List everyone you believe can provide relevant information regarding the issue being reported that were not included above. Include as much contact information as possible.

Lissy stated that a class mate, Kate West saw what happened and she pulled the perpetrator off of her.

Please use the checklist to indicate the types of documentation you are attaching that pertain to the alleged misconduct.

No attachments

How did you become aware of the alleged misconduct?

**Student completed an assignment in which they stated this event happened.**

Is any other SFA employee aware of this potential violation or report? (e.g. was another employee with you when the report was made, is another employee aware of the potential violation, or did the person impacted reference reporting this to another Mandatory Reporter?) If so, please list their names, contact information, and role on campus if known. n/a

Pending IR #0002XXXX
Submitted from 144.96.225.XX and routed to April Chaney (Title IX Compliance Specialist). Processed by routing rule #47. Copies to: TitleIX@sfasu.edu
Stephen F. Austin State University Hearing Panel Script

Parties Involved in Hearing:

Investigator(s)
Committee Members & Panel Chair
Witness(s)
Complainant (and Advisor)
Responding Party (and Advisor)

Opening

1. The meeting of the Hearing Board/Panel should be convened in public session
2. The Panel Chair should review any issues or agenda items that should be discussed in public session
3. At the completion of any discussion, the Panel Chair will announce that the Panel is to move into executive session in order to consider allegations of violation of Stephen F. Austin State University Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13).

Introductions:

(1) After everyone is seated and the recorder is turned on, the Chairperson will facilitate introductions of

the Complainant, Respondent, and others present for the Hearing.

(NOTE: The Chairperson will read all text in italics, except for the Investigator portion, and facilitate the Hearing.)

Chairperson: Thank you for joining us today. I am (Chairperson’s full name) and I will serve as the Committee Chairperson. This is a College/University hearing for Michael Walker on August 11, 2020. The Complainant is Melissa Turner.

At this time, will the members of the Panel, the Investigator and any others present introduce themselves and identify their role in this hearing?

(2) Chairperson will explain the importance of confidentiality and FERPA.

Chairperson: The Hearing Panel, the Respondent, the Complainant, their Advisors, the Investigators, and all others present are reminded of the importance of the confidentially
of this process. This hearing is being recorded. This recording will be the only official record of the live hearing. This recording is the property of Stephen F. Austin State University and will be maintained in compliance with federal and state law, and the Stephen F.Austin State University records retention policy. After this matter concludes, any party wishing to review this recording should submit a written request to the Title IX Coordinator, Amanda Pruit. The Title IX Coordinator, Amanda Pruit has the authority to grant that request as permitted by law.

There is to be no recordings made other than the official recording made by the institution. All personally identifiable information of students on this recording is protected by FERPA.

(3) Chairperson will explain that this is an administrative hearing and the standards for the conduct process.

**Chairperson:** This is a meeting of Stephen F. Austin State University Hearing Board/Panel. This is an administrative hearing and not a court of law. It is our goal to make sure all parties have a fair opportunity to have their information presented.

As Chair, I am here to facilitate this process and serve as a voting member. I reserve the right to dismiss anyone from this process who is disruptive, noncooperative, uncivil or behaves in manner that interferes with the Board's ability hear this case.

The investigators are here to provide an overview of the investigation and respond to questions from the board and parties regarding any evidence, information, or testimony collected during the investigation. Although the investigators will have an opportunity to address the board, we reserve the right to ask the investigator clarifying questions at any time during this hearing.

Advisors, you are here to provide cross-examination of the opposing party and witnesses. You do not have an active role in this process beyond this and may not interrupt the hearing process or object to questions to your party. You may speak to the party you are advising but, you must do so in a manner that is not disruptive. If you choose to behave in a manner this is disruptive, you may be dismissed from this process.

Everyone who is participating in this hearing has a duty to be honest and truthful. This is not a court of law. However, the University expects you conduct yourself in a manner consistent with the University policies. If you choose not to comply with those expectations, you may be dismissed from this proceeding.
If it is determined that the Respondent, Complainant, registered student organization, or student witnesses have made intentional false or misleading statements in this hearing, the student or student organization will be subject to potential disciplinary actions under the Code of Student Conduct.

This portion of the hearing will not include impact statements or letters of character reference from the Complainant or Respondent. These statements or letters of character reference will be read by the Responding Party and Complainant or by me, the Chairperson, prior to the sanctioning portion of the hearing only if a violation of the University's Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13) is found to have occurred. I will halt any impact statements during this portion of the hearing and will ask that they be delivered only if a Responsible finding is rendered.

The expectations throughout the hearing are to be honest and to not interrupt those trying to speak. This is a formal hearing and the expectation is that all individuals involved conduct themselves in a professional and respectful manner.

(4) Presentation of Formal Allegations and Final Investigation Report by Investigator.

Investigator: I have been designated as the Investigator and to present the information and evidence I gathered from the Complainant, the Responding Party, and relevant witnesses as well as all relevant documents. All pertinent information and evidence was compiled into the Final Investigation Report, which includes a timeline of the event(s), statements from the Complainant and the Respondent, statements from witnesses, physical and electronic evidence, a breakdown of the discrepancies between the Complainant’s and Respondent’s recount of the incident, and credibility considerations. Both parties were provided an opportunity to review the report and to challenge information in the report as well as add information and pose additional questions to the other party prior to the final preparation of this report. This final report has been shared with the Parties prior to submission to the Board.

In accordance with the information and evidence expounded in the Final Investigation Report, the following are the Formal Allegations issued to the Respondent: Sexual Assault.
Please note, the Complainant and/or Respondent may request breaks to confer with advisors or with myself at any time during the hearing. At this time, I will present the Investigation Report: (reference Investigation Report).

(5) When the Investigator has finished presenting the Investigation Report, the Chairperson leads the information-gathering portion of the University Discipline Committee Hearing.

Chairperson: This is the information-gathering portion of the hearing. All questions are to be directed to the Investigator. It is the responsibility of the Investigator to answer all questions. The Investigator may confer with the Complainant, Respondent, and/or witnesses. If the Complainant, Respondent, and/or witnesses would like to assist the Investigator in answering of questions, they may do so. Remember impact statements are not to be presented at this time.

- Would the Complainant like to ask any questions of the Investigator(s)?
- Would the Responding Party like to ask any questions of the Investigator?
- Do members of the Hearing Board/Panel have questions? Please direct them to the Investigator.
- Do members of the Hearing Board/Panel have questions for the Complainant?
- Do members of the Hearing Board/Panel have questions for the Responding Party?

Questioning between the Parties: All questions will be directed through the Panel Chair by the advisor of the party

- Does the Responding Party have any questions of the Complainant?
- Does the Complainant have any questions for the Respondent?

Witnesses: Witnesses will be brought into the hearing one at a time. Each witness will be asked to introduce him/herself. The questioning will be as follows:

- Do members of the panel have a question for the witness?
- Does the Complainant, through their Advisor, have a question for the witness?
- Does the Respondent, through their Advisor, have a question for the witness?

Following all questioning the witness will be excused.
Final Statements:

- Do members of the panel have any additional questions for the Complainant, the Respondent or the Investigator(s)?

- Does the Complainant have any final statements? [Note: not an impact statement]

- Does the Respondent have any final statements?

- Does the Investigator(s) have any final statements?

(6) The committee moves to deliberate.

Chairperson: Thank you to the participants for the information presented in today’s hearing. At this time, the committee will meet alone to deliberate whether Respondent is responsible for a violation of the Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13). The tape recorder will be turned off during these closed deliberations. Per the Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13), the Chairperson of the Committee will inform the Title IX Coordinator in writing of the decision(s) made by the Committee and the rationale for each decision and for any sanctions imposed.

The Title IX Coordinator will notify both parties in writing and simultaneously of the Committee’s decision with regard to a Responsible or Not Responsible finding and applicable sanction(s), condition(s), and/or restrictions within two (2) university/college business days. Please keep in mind that both parties may utilize the Disciplinary Appeals process outlined in the [Stephen F. Austin State University Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13).

Thank you all for your participation today. At this time, everyone but the Committee members are dismissed.

DO NOT READ PAST THIS LINE UNTIL DISMISSED PARTIES HAVE DEPARTED

Committee Deliberates
Chairperson: As Chairperson, it is my responsibility to ensure that every member of this Committee actively participates, at least to some degree, in the deliberation process. During the deliberation period, we, the committee members, should confer with one another openly, candidly, and respectfully. It is important that we ponder the language of each relevant Code provision as it relates to the facts presented, discuss the significance of each piece of evidence, and assess credibility where in question. At some point during deliberations, each committee member should make a point to verbally express his or her opinion of whether the Respondent is responsible or not responsible for each of the alleged violations of the Code of Student Conduct. Let us begin the discussion with any and all general thoughts, concerns, and considerations. Then we will move to deliberation of each specific allegation. Once discussion has concluded, we will move to a vote on each allegation. I, (Chairperson), will tally the vote and fill out Committee Findings Form.

At this time, the floor is open for discussion.

(8) Sanctions, Conditions, Restrictions

The Committee is responsible for identifying sanction(s), condition(s), and/or restriction(s) to be issued for violations of the Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy (2.13). After impact statements and character letter(s) have been presented, the Committee will deliberate the sanction(s), condition(s), and/or restriction(s).

All questions regarding the appropriateness and uniformity of proposed sanction(s), condition(s), and/or restriction(s) should be directed to the Conduct Officer.

Once sanction(s), condition(s), and/or restriction(s) have been determined, the Committee will complete the Committee Findings Form which will include the rationale for the findings and for any sanctions imposed, and the hearing is adjourned.
Dear [Name],

This serves as official correspondence from Stephen F. Austin State University regarding the outcome of the formal hearing held on [date]. The Complainant, [name], submitted a formal complaint to the Title IX Coordinator on [date] alleging that you engaged in behavior(s) that conflict with SFA’s expectations and standards, including [allegations] on [date] at [location]. The Title IX Investigator, April Chaney, conducted a formal investigation of the Complainant’s allegations, and the final investigation report served as the basis for the formal hearing held pursuant to the University’s Title IX policy.

Both parties and their advisors were provided with an opportunity to review all information gathered during the investigation that was directly related to the allegations. This information, along with a copy of the investigation report, was provided by the Title IX Investigator to both parties in an electronic format from [date] to [date]. [If a response was provided, include a date here].

A copy of the final investigation report was provided to both parties and their advisors, along with the formal hearing notice, on [date].

The Stephen F. Austin State University Title IX hearing panel (“the Panel) was convened on [date] to review information provided in the investigation report and information provided by both parties and witnesses (if any) during the hearing. You and the [Complainant/Respondent], the [#] witnesses identified in the investigation report, and the Title IX Investigator all participated in the formal hearing. Based on the information presented at the hearing, the Panel has made the following findings of fact:
The Panel also evaluated the credibility of the parties and witnesses. We found the analysis of credibility for each party/witness.

Using the preponderance of the evidence standard, the Panel has found you/the Respondent responsible/not responsible for violating the following section(s) of the Title IX Policy (2.13):

INSERT POLICY SECTIONS HERE

The Panel determined the Respondent findings.

As a result of the Board’s findings, the following sanction(s) have been assigned:

[SANCTIONS]

The rationale provided for the assigned sanction(s) is as follows:

[RATIONALE]

A record of this matter will be maintained as part of your student conduct record pursuant to University policy and will be considered as prior conduct history if you are found responsible for any future policy violations.

Failure to successfully complete the sanction(s) by the assigned deadline(s) will result in your student account being placed on hold. A hold on your account may prevent you from seeking readmission, enrolling, dropping a class, adding a class, processing of formal transcript requests, etc. Once the hold is in place, it will not be removed until all sanctions are satisfactorily completed.
Both parties are afforded the opportunity to appeal this decision one time within the University’s process detailed in the Title IX Policy. If you wish to appeal this decision, you must submit the appeal request via the online Appeal Request Form no later than five (5) business days following the date of this letter. You will be notified in writing if an appeal request is received regarding this matter. If no appeal requests are received by the conclusion of the five (5) business day period, this decision will constitute final University action with respect to this matter. Please refer to the Title IX Policy for additional information regarding the appeal process.

If you have any questions regarding the grievance process and procedures related to the Title IX Policy, or the contents of this letter, you may contact Amanda Pruit, Title IX Coordinator at (936) 468-8292.

Sincerely,

[Name]

Chair

Stephen F. Austin State University Title IX Hearing Panel