Non-discrimination Statement: It is the policy of Stephen F. Austin State University, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship and veteran status. Unlawful discrimination based on sex includes discrimination defined as sexual harassment. Additionally, SFA prohibits discrimination on the basis of sexual orientation, gender identity and gender expression. SFA is committed to the principles of Equal Employment Opportunity law. An employee who violates this policy is subject to disciplinary action, up to and including termination. A student who violates this policy is subject to disciplinary action, up to and including expulsion.
Stephen F. Austin State University is committed to providing an educational and work environment that affirms the rights and dignity of each individual.

Whether you are a student, faculty, or staff member, the Lumberjacks Care team and our partners across campus are here to support you. If you experience or have been a witness to harm, have been accused of perpetrating harm, or are a mandatory reporter, the Lumberjacks Care team is here for you.

The universities commitment to providing this environment is shown in the Discrimination Complaints Policy (2.11), in accordance with federal and state law, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship and veteran status. Additional policy is included that prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. The university also committed to maintaining a learning and working environment that is free from sex discrimination, including sexual misconduct, as outlined in the Sexual Misconduct Policy (2.13). These policies are designed to eliminate sexual misconduct, prevent its recurrence, and address its effects.

The aforementioned policies were developed in accordance with the universities mission and the federal civil rights law, Title IX, of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity as outlined below:

“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.”

Sexual and discriminatory misconduct, as well as retaliation, is prohibited and will not be tolerated as such behavior violates our institutional values, adversely impacts the Lumberjack community, and interferes with our mission. The Lumberjacks Care team is committed to supporting this mission and maintaining and educational and work environment that is free from all behavior that violates these policies to provide fair and equitable support and process in which all Lumberjacks can learn, thrive, and succeed.

*Details of the universities commitment, procedures, and reporting options for the Discrimination Complaints Policy (2.11) and Sexual Misconduct Policy (2.13) are available at sfasu.edu/policies and sfasu.edu/lumberjacks-care.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resources</td>
<td>2</td>
</tr>
<tr>
<td>Title IX Coordinators</td>
<td>3</td>
</tr>
<tr>
<td>Definitions — Policy 2.13</td>
<td>4-8</td>
</tr>
<tr>
<td>What to Do if You or Someone You Know Has Experienced Sexual Misconduct</td>
<td>9-13</td>
</tr>
<tr>
<td>Confidential Support Resources for Sexual Misconduct</td>
<td>12</td>
</tr>
<tr>
<td>SFA Title IX Report and Process Overview</td>
<td>14</td>
</tr>
<tr>
<td>Reporting and Investigations</td>
<td>16-23</td>
</tr>
<tr>
<td><strong>16</strong> INFORMAL RESOLUTION OF CERTAIN SEXUAL MISCONDUCT COMPLAINTS (OPTIONAL)</td>
<td></td>
</tr>
<tr>
<td><strong>17</strong> INTERIM MEASURES AND ONGOING ASSISTANCE</td>
<td></td>
</tr>
<tr>
<td><strong>17</strong> FORMAL COMPLAINT AND INVESTIGATION</td>
<td></td>
</tr>
<tr>
<td><strong>19</strong> STANDARD OF PROOF</td>
<td></td>
</tr>
<tr>
<td><strong>20</strong> TIMELINES</td>
<td></td>
</tr>
<tr>
<td><strong>21</strong> APPEAL</td>
<td></td>
</tr>
<tr>
<td><strong>22</strong> REMEDIES</td>
<td></td>
</tr>
<tr>
<td><strong>23</strong> SANCTIONS AND DISCIPLINE</td>
<td></td>
</tr>
<tr>
<td>Additional Conduct Violations</td>
<td>24-25</td>
</tr>
<tr>
<td>Self-Care During the Investigation Process</td>
<td>26-27</td>
</tr>
<tr>
<td>Sexual Misconduct Prevention and Education at SFA</td>
<td>28</td>
</tr>
<tr>
<td>Additional Information and resources about Sexual Misconduct and Violence</td>
<td>29</td>
</tr>
<tr>
<td>Confidential Resources</td>
<td>30</td>
</tr>
<tr>
<td>Reporting Resources</td>
<td>31</td>
</tr>
</tbody>
</table>
Resources

Confidential Resources

Office of Violence Against Women, Grant Coordinator
Lumberjacks Care
oiecompliance@sfasu.edu
(936) 468-8292

Student Health Clinic
healthservices@sfasu.edu
(936) 468-4008

Family Crisis Center of East Texas, SFA Office
familycrisiscenterofeasttexas.com/sfasu-campus-office
(936) 468-7233 (SAFE)
24 hour crisis line: (800) 828-723

Counseling Clinic
cfacounselingclinic@sfasu.edu
(936) 468-1041

Reporting Resources

Title IX, Lumberjacks Care
titleIX@sfasu.edu
(936) 468-8292

University Police Department
Department of Public Safety
updemail@sfasu.edu
(936) 468-2608

Office of Student Rights and Responsibilities
sfajudicial@sfasu.edu
(936) 468-2703
Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator is the SFA official with responsibility for coordinating the university’s efforts to comply with and carry out its responsibilities under Title IX. This includes implementing the university’s Title IX regulations, including the investigation of Title IX reported violations. Deputy Title IX Coordinators assist the Title IX Coordinator with fulfilling these responsibilities and serve as an additional resource for students who are in their listed areas to report.

Title IX Coordinator
Lumberjacks Care
Dr. Michael Walker
McKibben Education Building, 3rd Floor, Office 304
P.O. Box 13074, SFA Station
Nacogdoches, Texas 75962-3032
titleIX@sfasu.edu
(936) 468-8292

Deputy Title IX Coordinator for Athletics
Loree McCary
Senior Women’s Administrator, SFA Athletics
SFA Athletic Fieldhouse
P.O. Box 13010
Nacogdoches, TX 75962-3010
TitleIXathletics@sfasu.edu
(936) 468-3751
Fax: (936) 468-4052

Deputy Title IX Coordinator for Students
Dr. Hollie Smith
Assistant Dean of Student Affairs
Baker Pattillo Student Center
Suite 3.105
P.O. Box 13066
Nacogdoches, TX 75962-3066
TitleIXstudents@sfasu.edu
(936) 468-7249
Fax: (936) 468-7111

Deputy Title IX Coordinator for the SFA Charter School
Lysa Hagan CEO/Principal
SFA Charter School, Room 101B
P.O. Box 6072
Nacogdoches, TX 75962-6072
TitleIXcharter@sfasu.edu
(936) 468-5899
Fax: (936) 468-7015

Deputy Title IX Coordinator for Faculty, Staff, and Third-Parties
Loretta Doty
Director of Human Resources
Austin Building, Suite 201
P.O. Box 13039
Nacogdoches, TX 75962-3039
TitleIXemployees@sfasu.edu
(936) 468-2304
Fax: (936) 468-1104

*This information is subject to change. The most current contact information for these roles can be found at sfasu.edu/lumberjacks-care
**Complainant** - refers to the individual(s) who are alleged to have been impacted by a violation of this policy.

**Respondent** - refers to the individual(s) who is accused of violating this policy.

**Reporting Party** - refers to the individual(s) who submitted/made the report alleging a violation of this policy. The reporting party and complainant may or may not be the same person; for example, reports submitted by anyone designated as a responsible employee under this policy.

**Preponderance of the Evidence** - The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

**Sexual Misconduct** - A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking and other Inappropriate sexual conduct. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

**Sexual Assault** – Refers to any sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact, or intercourse that includes, but is not limited to, any offense that meets the definition of rape, fondling, incest or statutory rape.

  a) **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the person.

  b) **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the person, including instances where an individual is incapable of giving consent because of the person's age or because of a temporary or permanent mental incapacity.

  c) **Incest**: Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.

  d) **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.
Sexual Exploitation – Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex or knowingly transmitting a sexually transmitted infection to another.

Sexual Harassment – Unwelcome conduct of a sexual nature include, but are not limited to, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly as a term or condition of a person's student status, employment or participation in university activities, such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment or participation in university activities, or creates an objectively hostile environment, or such conduct is intentionally directed toward a specific individual and has the effect of unreasonably interfering with that individual's education, employment or participation in university activities, or creating an intimidating, hostile or offensive environment. Sexual harassment is a form of sex discrimination that includes:

a) Sexual Violence, Sexual Assault, Stalking, Domestic Violence and Dating Violence as defined herein.

b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
   i. unwelcome intentional touching; or
   ii. deliberate physical interference with or restriction of movement.

c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
   i. explicit or implicit propositions to engage in sexual activity;
   ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
   iii. gratuitous remarks about sexual activities or speculation about sexual experiences;
   iv. persistent, unwanted sexual or romantic attention;
   v. subtle or overt pressure for sexual favors;
   vi. exposure to sexually suggestive visual displays such as photos, graffiti, posters, calendars, or other materials; or
   vii. deliberate, repeated humiliation or intimidation based upon sex
Consent – Involves a voluntary, ongoing, mutual understanding among all participants that indicates a willingness through words or clear unambiguous actions that demonstrate a knowing, intentional agreement to engage in each instance 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.

Examples of Ineffective or Absence of Consent
The following list provides examples of when consent has not been obtained or is not effective. This list is to provide a basic understanding of ineffective or absence of consent and is not exhaustive:

Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated.

Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.

Consent to one act does not imply consent to another.

Past consent does not imply future consent.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) Incapacitation or (f) any other factor that would eliminate an individual’s ability to exercise his/her own free will to choose whether or not to have sexual activity.

Current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.
The definition of Consent for the crime of Sexual Assault in Texas can be found in Section 22.011(b) of the Texas Penal Code, as outlined below:

Coercion - The practice of compelling another party to act by use of intimidation or threats.

Dating Violence – Includes abuse or violence or a threat of abuse or violence against a person with whom the actor has or has had a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined by the individual subjected to the violence with consideration of the following factors:

a) The length of the relationship;

b) The type of relationship; and

c) The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

Domestic (Family) Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the individual subjected to the violence by a person with whom the individual subjected to the violence shares a child in common, by a person who is cohabitating with or has cohabitated with the individual subjected to the violence as a spouse or intimate partner, by a person similarly situated to a spouse of the individual subjected to the violence under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth subjected to the violence who is protected from that person’s acts under the domestic or family violence laws of the state of Texas.
Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

a) **Course of conduct**: Means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, 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.

b) **Reasonable person**: Means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking behavior.

c) **Substantial emotional distress**: Means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation – Any adverse action threatened or taken against someone because the individual has filed, supported, or provided information in connection with a report of Sexual Misconduct. Retaliation includes, but is not limited to: intimidation, threats, or harassment against any Complainant, Reporting Party, Respondent, witness, or third party involved with the report, investigation, or disposition of a policy violation. This includes any action made directly by an individual or indirectly through coordination with a third party, by any means including but not limited to: verbal threats in person, by phone, email, text, social media; adverse impact on employment or grading decisions; interference with access to services or resources; or behavior or contact, including a pattern of behavior or contact, with a person that could influence the outcome of an investigation by preventing a fair, reliable, impartial, or proper investigation.
What to Do if You or Someone You Know Has Experienced Sexual Misconduct

If you are concerned about physical safety and/or are in need of immediate medical attention, call 911. The following medical providers are located on, or within walking distance from, SFA’s campus if non-immediate medical attention is needed.

**Student Health Clinic**  
Stephen B. Tucker Building  
South East Corner of Raguet and East College  
(936) 468-4008  
*(Students Only, Monday through Friday: 8 a.m. - 5 p.m.)*

**Nacogdoches Memorial Hospital**  
1204 North Mound Street  
Nacogdoches, Texas 75961  
(936) 564-4611  
*(Students, Faculty & Staff, Open 24 Hours)*

**Excel RR**  
1420 North Street  
Nacogdoches, Texas 75961  
(936) 569-0911  
*(Students, Faculty & Staff, Open 24 Hours)*

**Steps to Consider**

**Seeking Medical Attention As Soon As Possible**  
Health care professionals can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. If you choose to opt for forensic evidence collection a trained Sexual Assault Nurse Examiner (SANE) will collect the necessary physical evidence for future investigations.

**Preserving Evidence**  
It is imperative to preserve any possible forensic evidence from an assault for future investigation. A SANE exam can be conducted even if you do not yet know whether you want to report the assault or press charges with law enforcement. Evidence is best collected as soon as possible or at least within 72 hours of the incident. Do not shower, wash your hands, or brush your teeth as doing so can wash away potential evidence. Please remain in the clothing worn at the time of the incident or keep them in your possession. You should also preserve all electronic communication such as text messages, instant/direct messages, and screen shot Snapchats that may be useful to the Title IX office or law enforcement should you choose to report.
Reporting the Sexual Misconduct
Stephen F. Austin State University strongly encourages all members of our campus to immediately report sexual misconduct to law enforcement and the Title IX office, however we empower your choice whether or not to make such reports. Refer to Reporting Options for Sexual Misconduct and Harassment on page 13 for more information on reporting options.

Reports may be made by:
- An individual who has experienced sexual misconduct;
- Anyone who receives a report from someone who experienced sexual misconduct; and/or
- Anyone who witnesses or otherwise has information that sexual misconduct may have occurred.

The university strongly encourages individuals to immediately report incidents of sexual misconduct, but we recognize that some individuals may be hesitant. Although there is no specific time limit, we recommend reporting as soon as possible.

Responsible Employees
A mandatory reporter, also known as a “Responsible Employee,” is an SFA employee who is required to report incidents of sexual misconduct to the universities Title IX office. Supervisory staff members, administrators, academic advisers, athletic staff members who interact directly with students, faculty members including teaching assistants, resident hall assistants, residence life directors, and graduate research assistants are mandatory reporters.

If you are discussing your experience with a mandatory reporter, or if you think that an employee has the power to address policy violations, keep in mind that person has a duty to report what you share to the university’s Title IX office. If you do not want details disclosed to the Title IX coordinator, you can talk to a confidential resource.
Tips for Responsible Employees: How to Respond to a Disclosure of Policy Violation

During the disclosure:

- If a student begins to share information about an experience of sexual misconduct, try to empathetically interrupt them to remind them of your duty to report it to the Title IX coordinator (not law enforcement).
- Be clear that they can still talk to you, but you want them to be able to make an informed decision about whether or not to continue.
  - If they hesitate, offer them the information about confidential resources on campus, which can be accessed on the inside cover of this guide.
- If they choose to continue, provide nonjudgmental and compassionate support. Avoid asking questions about the incident or experience, and refrain from telling them what you think they should do.
- Do not assume you know how the student feels or anything related to their current emotion.
- Refer the student to appropriate confidential and reporting resources, which are detailed in this booklet. Let him/her know that confidential resources will not disclose anything about the incident to anyone, and is a great place to start to learn about your reporting options.

After the disclosure:

- Ask the student if they would like to sit with you while you complete the online form (www.sfasu.edu/lumberjacks-care).
- Let them know that they can request confidentiality in working with the Title IX coordinator, and the institution will do everything possible to maintain confidentiality.
- Complete the report with the information you have been provided. Do not worry about asking the student for details, as they will be asked to provide these when meets with the Title IX designee.
- Ask if the student feels safe leaving. If not, ask them if you should call campus police to escort them to where they are going on campus or if they have a friend whom they can stay with, or if any other safety measures should be taken.
- Treat the student with the compassion and kindness you have always shown when you see them.
- Follow up to ask how they are doing. If you see they are struggling, or continuing to struggle in class, isn’t showing up for class, or you note
What to Do if You or Someone You Know Has Experienced Sexual Misconduct (Cont.)

a change in appearance or character, ask them about their behavior, or make a referral to the SFA Early Alert Program by completing the Early Alert form at www.sfasu.edu/judicial.

- If the student feels their academic challenges are due to experiencing of sexual violence, refer them to the Title IX office for support.

- Prioritize self-care; working with someone who has experienced trauma can cause a person to feel a myriad of emotions or reactions. Acknowledge how the disclosure might have impacted your emotional well-being, and take action to alleviate any stress.

Syllabus Statement
The following is a statement that faculty members can include in their syllabus in order to notify students of their reporting obligation as a responsible employee:

Statement as a Responsible Employee

SFA strives to provide an educational and work environment that affirms the rights and dignity of each individual. It is the policy of the university, in accordance with federal and state law, to prohibit unlawful gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, intimate partner and dating violence, and stalking. Please be aware that all SFA employees (other than those designated as confidential resources, such as advocates, counselors and health care providers employed in these capacities by the university and as listed in section 4.5 of Policy 2.13) are required to report information about such discrimination and harassment to the university. This means that if you tell a faculty member about a situation of gender-based discrimination, sexual harassment, and/or sexual violence or other related misconduct as outlined in Policy 2.13, the faculty member must share that information with the university’s Title IX coordinator. If you would like to speak to a confidential resource who does not have this reporting responsibility, you can find a list of resources at www.sfasu.edu/Lumberjacks-care.
Report Online

Access our online reporting forms through the Title IX website at sfasu.edu/lumberjacks-care and fill in all the information you have about the incident. Don't worry if you can't fill in all of the boxes. Just fill out what you do know to the best of your abilities.

If you would like to file a report based on a violation that happened to you, or someone you know, complete our Online Reporting Form found in the box with a blue heading to the right of your screen.

**Online Reporting Form**

For Sexual Misconduct Policy 2.13: including sexual assault, sexual harassment, dating violence, domestic violence, and stalking

Responsible Employees

If you are a responsible employee filing a report, complete the Responsible Employee form found in the box with a red heading to the right of your screen. Please remember that you are not investigating the incident. Please keep questions to a minimum and allow the trained Title IX office to complete the investigation.

**Responsible Employee**

Reporting Information
All responsible employees such as administrators, faculty, staff, students and third parties are strongly encouraged to immediately report any incidents of sexual misconduct and other inappropriate sexual conduct to the Title IX coordinator or one of the deputy coordinators as soon as they are made aware of the violation. Reporting options, including anonymous, third party and responsible employee online reporting forms, can be found at: www.sfasu.edu/lumberjacks-care. In addition, a link to reporting information is maintained on the university homepage: www.sfasu.edu

Options to Initiate an Investigation:

- Report the incident to the Title IX office using the contact information found in this booklet;
- Call the university’s police department to file an informational report, or to press criminal charges:
  
  SFA Department of Public Safety
  
  232 East College Street
  
  Non-Emergency: (936) 468-2608
  
  Emergency from cellphone: (936) 468-2608
  
  Emergency: 911

*If the incident did not occur on SFA’s campus, and you are not in immediate danger on campus, contact the appropriate law enforcement agency based on the location of the assault to report. If you are not sure who to contact, call any law enforcement agency and they can provide you with the correct agency and contact information.

- Pursue assistance with absences, or extensions on assignments, by contacting the following office:
  
  Office for Student Rights and Responsibilities
  
  Thomas J. Rusk Building, 3rd Floor, Office 315
  
  sfajudicial@sfasu.edu
  
  (936) 468-2703

- Contact the Lumberjacks Care, Title IX office for assistance with starting an investigation with the university, pursue student disciplinary action, and have access to all services provided by the Office for Student Rights and Responsibilities at:
  
  Lumberjacks Care Office
  
  McKibben Education Building, 3rd Floor, Office 304
  
  titleIX@sfasu.edu
  
  (936) 468-8292
What happens when a report of sexual misconduct is made?

SFA Title IX Report and Process Overview

If the person one told is not a confidential resource, the Title IX Coordinator or Deputy Coordinator receives a report of sexual misconduct.

A Title IX staff member contacts the person who may have experienced sexual misconduct to provide information about resources and options, a link to University policy and procedures, an overview of the investigation process, and an invitation to meet.

The person who has experienced sexual misconduct decides whether or not to meet with a Title IX staff member.

The person chooses to meet. The staff member goes over resources & options. The person may request interim protective measures or support mechanisms.

The person chooses not to meet or chooses not to proceed with an investigation. Typically the University can honor that request (see policy 2.13 for exceptions). The person may request an investigation at a later date.

The person chooses to proceed with an investigation. The respondent is put on notice. A Title IX Investigation begins.

The Title IX coordinator assigns the case to a university-designated, trained investigator who will investigate using a civil rights investigation model. At the end of the investigation the investigator will provide a formal report with the determination of findings to the Title IX coordinator.

If a respondent is found responsible the report is forwarded to the appropriate sanctioning authority on campus.
Assessment of Reported Violation

The Title IX coordinator or designee will conduct a preliminary assessment of the reported violation and recommend courses of action in consultation with the reporting party.

Notification to Reporting Party of University Offices Offering Assistance

After receiving a report, the Title IX coordinator or deputy coordinator shall inform the reporting party of available resources and assistance.

INFORMAL RESOLUTION OF CERTAIN SEXUAL MISCONDUCT COMPLAINTS (OPTIONAL)

An informal resolution may be appropriate:

a) With a report not involving Sexual Violence as defined in this policy; and

b) When both parties are categorically similar (i.e. employee/employee or student/student).

If an informal resolution is deemed appropriate by the Title IX coordinator or designee, then the complainant will be provided assistance with informally resolving the alleged sexual misconduct. Assistance may include, depending on the reported policy violation, providing the complainant with strategies for communicating with the respondent that the behavior is unwelcomed and should cease, directing a university official to inform the respondent to stop the unwelcomed conduct, or other informal resolution designed to stop, remedy and prevent future incidents. However, the university may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.

A complainant may end this informal process at any time and proceed with a formal report and investigation.

Timeframe

Informal resolutions should be completed no later than 10 business days after the Title IX coordinator receives the request for informal resolution. Should an informal resolution take longer, a justification for the delay will be provided to the parties by the Title IX coordinator.
Confidentiality and Documentation

The university will document informal resolutions, which will be maintained by Title IX office. If the complainant or reporting party wishes to remain anonymous, the university’s ability to establish facts and eliminate the alleged misconduct will be limited. The university will attempt to find the right balance between the complainant’s or reporting party’s desire for privacy and confidentiality and its responsibility to provide an environment free of sexual misconduct.

INTERIM MEASURES AND ONGOING ASSISTANCE

In addition to the services provided by on- and off-campus providers, the university will take immediate and interim measures to assure the safety and well-being of the complainant; to maintain an environment free from harassment, discrimination or retaliation; and to protect the safety and well-being of community members (for example, if the accused is an employee, interim action may include reassignment and/or suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule or modifying other aspects of the educational environment). Active participation in an investigation is not required for the provision of interim measures.

Interim action also may include allowing the complainant to move to a different residence hall, changing work schedules, altering academic schedules and withdrawing from or retaking a class without penalty. Moreover, the university may be able to provide additional accommodations for a complainant while an investigation is pending.

At the outset of an investigation, students alleging policy violations involving violence, including but not limited to sexual assault, domestic violence, dating violence or stalking, and who are enrolled in the same course with a respondent, may withdraw from the course without any academic penalty as an interim measure. This same option is available to the respondent.

FORMAL COMPLAINT AND INVESTIGATION

Formal Complaint

To begin the investigation process, the complainant or reporting party should submit a signed, written statement providing the details of the conduct that is the reason for the reported policy violation, including the complainant’s or
reporting party’s name, signature and contact information; the name of the person(s) directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documentation or information that is relevant to the reported policy violation. The university may initiate an investigation, regardless of the manner in which a reported policy violation is received; however, a detailed, written complaint may enhance the investigation. If the complaint is not in writing, the investigator will prepare a statement of what he or she understands the reported violation to be after the initial interview and ask the complainant to verify that statement.

Investigation and Findings

A. An investigator will be assigned to investigate the reported policy violation.

B. As part of the investigation process, the complainant and the respondent will be provided notice of the reported policy violation and be allowed five business days to respond in writing. If the complainant or respondent has evidence that there is a conflict of interest or other bias between them, the individual should describe and provide the evidence of the conflict of interest or bias in there response. Substantiated conflicts of interest or other bias will be handled in accordance with Section 8.3 of the SFA Sexual Misconduct Policy (2.13).

C. As part of there response, the complainant and the respondent may present any document after or information that is believed to be relevant to the reported policy violation.

D. People thought to have information relevant to the reported policy violation will be interviewed, and those interviews will be appropriately documented. Both the respondent and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
E. After the investigation is complete, a written report will be issued to the Title IX coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty member, employee or third party). The report shall include a summary of the reported policy violation and investigation, factual findings and a conclusion regarding whether a policy violation occurred (based on a preponderance of the evidence standard).

F. Prior to completing the final written report, the complainant and respondent will be provided an opportunity to review a preliminary report outlining the reported policy violation and investigation process, including relevant evidence and factual findings. The complainant and respondent will be provided an opportunity to review this information and respond to the investigator if any relevant information or evidence has not been included or is misrepresented in the preliminary report. If necessary, additional investigation or clarifications will be made before completing the final written report, which will include a conclusion regarding whether a policy violation occurred based on preponderance of the evidence.

G. The complainant and respondent shall be informed concurrently in writing of the finding(s). Each will be allowed to inspect the report or, at the university’s discretion, be provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971, to the extent applicable.

H. If the respondent is found responsible for violation of this policy, after the appeal process has concluded (see the following subsection, Appeal), the matter will be referred to the appropriate administrator, who will impose disciplinary action or sanction(s) in accordance with applicable policies and procedures dependent on the status of the respondent (i.e. student, faculty member or employee).

Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.
Provisions Applicable to the Investigation

Assistance
During the investigation process, a complainant or respondent may be assisted by an advisor of his/her choosing, however, the advisor may not actively represent the complainant or respondent in any meeting or interview. Failure to abide by this policy may result in the advisor being dismissed from the meeting or interview.

Documentation
The university shall document reported policy violations and their resolution and retain copies of all materials in accordance with state and federal records laws and university policy.

Conflicts of Interest
In the event a conflict of interest (or related bias) exists between a complainant/respondent and a university official responsible for any part of the investigation or disposition of the reported policy violation, the university will determine if a conflict of interest (or other related bias) exists and, if so, make appropriate substitutions for that individual’s role in the process.

STANDARD OF PROOF
All investigations under this policy will use the preponderance of the evidence standard to determine violations of this policy.

TIMELINES
Barring any unforeseen and reasonable delays, the university will make a good faith effort to conduct a thorough, fair, reliable and impartial investigation in a timely manner. If an investigation and resolution go beyond 60 calendar days after the initial report was received and the respondent was placed on notice, the university will notify all appropriate parties in writing of the reason for the delay and the expected timeframe adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the university may defer its fact-gathering until after the initial stages of a criminal investigation. The university will nevertheless communicate with the complainant regarding there rights, procedural options, the status of the investigation and the implementation of interim measures to ensure the safety and well-being of the complainant. The
university also will communicate with the respondent regarding the rights, procedural options and information regarding the status of the investigation as they relate to the respondent. The university will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.

The university will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The university has an independent duty to investigate reported policy violations of sexual misconduct. The filing of a complaint under this policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the university’s investigation of the reported policy violation.

APPEAL

Each party will have five business days from the date the report/letter is issued via email to each party to submit a written appeal of the finding(s) using the Sexual Misconduct Appeal of Investigation Findings online form. An appeal is not intended to rehear or re-argue the matter and is limited to the following grounds:

a) substantive procedural error that resulted in preventing a fair, impartial or proper investigation. Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.

b) discovery of substantial new evidence that was unavailable at the time of the investigation and which reasonably could have affected the findings of the investigator, and/or

c) finding(s) not supported by the evidence.

If an appeal is filed, the other party will have two business days to file a response to the appeal.

Appeals will be reviewed within seven business days after being received. The Title IX coordinator will submit all appeal materials to an appeal panel consisting of three members from a pool of trained individuals, typically deputy Title IX coordinators or investigators not affiliated with the matter. The appeal panel may:

a) affirm or uphold the determination
b) request further investigation into the reported violation or
c) take such other action as may be warranted under the circumstances.

The complainant and the respondent shall be informed concurrently in writ-
ing of the decision.

REMEDIES
In addition to sanctions that may be imposed pursuant to the appropriate
disciplinary policy, the university will take appropriate action(s), including
but not limited to those listed below, to resolve reported policy violations of
sexual misconduct, prevent any recurrence and, as appropriate, remedy any
effects:

a) imposing sanctions against the respondent, including attending
   training, suspension, termination or expulsion
b) ensuring the complainant and respondent do not share classes, working
   environments or extracurricular activities
c) making modifications to the on-campus living arrangements of the
   respondent or complainant (if the complainant requests to be moved)
d) providing comprehensive, holistic support services, including medical,
counseling and academic support services, such as tutoring
e) providing the complainant extra time to complete or retake a class or
   withdraw from a class without academic penalty and minimizing any
   financial implications to the extent permitted by applicable law
   or regulation
f) determining whether sexual misconduct adversely affected the
   complainant's university standing
g) conducting, in conjunction with university leaders, a university climate
   check to assess the effectiveness of efforts to ensure that the
   university is free from sexual misconduct and using that information to
   inform future proactive steps that the university will take
h) providing targeted training for a group of students or employees if, for
   example, the sexual misconduct created a hostile environment in a
   residence hall, department, student organization or on an athletic team.
   Bystander intervention and sexual misconduct prevention programs
   may be appropriate.
i) issuing policy statements or taking other steps to clearly communicate
   that the university does not tolerate sexual misconduct and will
   respond to any reports such incidents.
These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the university’s investigation. If the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

SANCTIONS AND DISCIPLINE
Disciplinary action against faculty members and employees will be handled under the university’s policies for discipline and dismissal of faculty members and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension and dismissal. The vice president for university affairs, or designee, will impose disciplinary action, if any, against a student under the university’s student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension or expulsion.

In accordance with federal law, when disciplinary action is commenced because of a violation of this policy, both parties will have equal opportunities in all aspects of the sanctioning process, including notices and advisor assistance. Further, the standard of proof in determining the outcome will be the preponderance of the evidence, as defined in this policy.
Additional Conduct Violations

Retaliation
Any administrator, faculty member, student or employee who knowingly and intentionally engages in any retaliatory action or behavior as outlined in this policy against any individual(s) involved in a case or investigation is subject to additional disciplinary action, up to and including expulsion and/or termination from the university. Individuals considered involved in a case or investigation include, but are not limited to, the complainant(s), reporting party(ies), respondent(s), any witness(es) and anyone who has provided information in connection with a violation, and/or participated in an investigation or disciplinary process of a reported violation.

Interference with an Investigation
Any person who knowingly and intentionally interferes with an ongoing investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an ongoing investigation may include, but is not limited to:
   a) attempting to coerce, compel or prevent an individual from providing testimony or relevant information
   b) removing, destroying or altering documentation relevant to the investigation: or
   c) providing false or misleading information to the investigator, or encouraging others to do so.

No Effect on Pending Personnel or Academic Actions Unrelated to the Reported Violation
The filing of a report under this policy will not stop or delay any action unrelated to the report, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated university rules or policies, (2) any evaluation or grading of students participating in a class or the ability of a student to add/drop a class, change academic programs or receive financial reimbursement for a class, or (3) any job-related functions of a university employee. Nothing in this section shall limit the university’s ability to take interim action.

False Reports
A charge of filing a false report may be made by the university against any person who knowingly and intentionally files a false report under this policy. An individual found responsible is subject to disciplinary action, up to and including dismissal or separation from the university. A finding of non-responsibility does not indicate a report was false.
Complete details regarding the reporting and investigation process can be found in the Sexual Misconduct Policy (www.sfasu.edu/policies). SFA is committed to creating an environment free of all forms of gender discrimination. Should you have any questions about your rights and responsibilities under this policy, you may contact the Title IX coordinator, or go to www.sfasu.edu/Lumberjacks-care for more information.
Going through the investigation process can be a stressful experience. Gathering and presenting documentation, writing a response, identifying witnesses, being interviewed, reviewing the report or letter once a decision is made and waiting can all have an impact on one's stress level and daily functioning. The following information is offered to help you manage any stress you may be feeling during the process.

**Consider talking to someone.**
Confiding in a trusted friend or family member can be very helpful at a stressful time. This person would be someone who would not share your information with anyone else, who makes you feel believed and supported, who will not ask you a lot of questions and can be an excellent, empathic listener. Your friends want to support you at a time like this, so do not let your concern of burdening them stop you from reaching out. Students also can contact SFA Counseling Services (936) 468-2401 and schedule an appointment. All shared information is confidential.

**Surround yourself with positive, supportive people.**
Even those who do not know about your experience can be a source of support and encouragement during this process. Spend time with people who help you feel safe and validated. Also, consider limiting your social media exposure to only those sites that are positive and uplifting.

**Learn more about resources.**
Talk to the Family Crisis Center advocate at SFA to learn more about what to expect from the process and the services available to support you (936) 468-7233.

**Consider having a confidential advisor with you at meetings or interviews.**
While your confidential advisor will not actively participate in the process, his/her presence can be comforting and supportive during the experience. An advisor can be anyone you choose, such as a trusted friend or family member.
Attend to your physical wellness.

- Mental health providers on campus are not required to report to the Title IX office. Counselors at Counseling Services and the Counseling Clinic can offer a non-judgmental listening experience and provide information on life after assault.
- Do what you can to get enough sleep.
- Consider yoga and meditation.
- Physical wellness also plays a large role in the recovery process. Consider engaging in physical exercise.
Sexual Misconduct Prevention and Education at SFA

In the spirit of the SFA Way and to promote a culture of respect and understanding among all Lumberjacks, SFA offers a variety of sexual misconduct and violence prevention and education activities. These activities are available to those who would like to learn more about sexual misconduct and sexual violence prevention, as well as for those who would like to be more involved in prevention, advocacy and education.

SFA SWAT (Student Wellness Action Team)

SFA SWAT comprises SFA students who are trained to provide education through presentations, outreach and advocacy in sexual violence prevention, bystander empowerment, alcohol education, comprehensive wellness, and mental health and stress management. To schedule a presentation or event, or if you are interested in joining SWAT, email: sfaswat@gmail.com.

Lumberjacks Care

The sexual violence prevention and education program through Lumberjacks Care can provide education and training help educate students and employees about sexual violence prevention and support response, gender-based discrimination and prevention, and how to support a survivor.

Voices for Change by Get Inclusive

All incoming students are required to complete an online, interactive training that covers information about preventing and responding to sexual misconduct, including how to identify and intervene in a potentially harmful situation.

Access to this training was provided via email to your @jacks.sfasu.edu account from Get Inclusive. Access to this training can also be found by following the steps below:

1. Go to www.sfasu.edu
2. Click on mySFA located at the top right had side of the page and log in
3. Once you have logged in, scroll to the bottom of the page and locate the Student Training section on the right
4. Click on the red, underlined, Student Training link to open a separate website
5. Click on the Student Empowerment Plus link to start the training
Local Resources

Lumberjacks Care Office
sfasu.edu/lumberjacks-care

The complete Sexual Misconduct Policy (2.13) and Discrimination Complaint Policy (2.11)
sfasu.edu/policies

University Police Department
sfasu.edu/dps

Lumberjacks Guardian Mobile Application
sfasu.edu/dps/lumberjack-guardian.asp

Family Crisis Center of East Texas
familycrisiscenterofeasttexas.com

State Resources

Texas Association Against Sexual Assault
taasa.org

Texas Counsel on Family Violence
tcfv.org

National Resources

The National Domestic Violence Hotline
thehotline.org

The Rape, Abuse, and Insents National Network
rainn.org
Confidential Resources

Office of Violence Against Women, Grant Coordinator
Lumberjacks Care Office
McKibben Education Building, 3rd Floor, Office 304B
Website: sfasu.edu/lumberjacks-care
Email: oiecompliance@sfasu.edu
(936) 468-8292

Counseling Services
Thomas J. Rusk Building, 3rd Floor, Office 332
Website: sfasu.edu/counselingservices
Email: counseling@sfasu.edu
(936) 468.2401

Counseling Clinic
Human Services Building, 2nd Floor, Office 202
Website: sfasu.edu/humanservices/139.asp
Email:sfacounselingclinic@sfasu.edu
(936) 468-1041

Student Health Clinic
Stephen B. Tucker Building
South East Corner of Raguet and East College Street
Monday through Friday: 8 a.m. - 5 p.m.
Website: sfasu.edu/healthclinic
Email: healthservices@sfasu.edu
(936) 468-4008

Family Crisis Center of East Texas, SFA Office
McKibben Education Building, 3rd Floor, Office 304D
Monday, Wednesday, Thursday and Friday: 8 a.m. - 5 p.m.
Tuesday: 1 p.m. - 5 p.m.
Closed from Noon - 1 p.m. daily
Website: familycrisiscenterofeasttexas.com/sfasu-campus-office
(936) 468-7233 (SAFE)
24 hour crisis line: (800) 828-723
Reporting Resources

Title IX Coordinator
Lumberjacks Care Office
McKibben Edu. Building, 3rd Floor, Office 304
Website: sfasu.edu/lumberjacks-care
Email: titleix@sfasu.edu
936.468.8292

University Police Department
Department of Public Safety
232 East College Street
Website: sfasu.edu/dps
Email: updemail@sfasu.edu
936.468.2608 (non-emergency, from land line)
936.468.2608 (emergency, from cell phone)
911

Office of Student Rights and Responsibilities
Thomas J. Rusk Building, 3rd Floor, Office 315
Website: sfasu.edu/judicial
Email: sfajudicial@sfasu.edu
936.468.2703

Deputy Title IX Coordinator for Students
Assistant Dean of Student Affairs
Baker Pattillo Student Center, 3rd Floor, Suite 3.105
Email: titleixstudents@sfasu.edu
936.468.7249

Deputy Title IX Coordinator for Faculty, Staff, and Third-Parties
Director of Human Resources
Austin Building, Suite 201
Email: titleixemployees@sfasu.edu
936.468.2304

Deputy Title IX Coordinator for Athletics
Senior Woman Administrator, SFA Athletics
SFA Athletic Fieldhouse
Email: titleixathletics@sfasu.edu
936.468.3751

Deputy Title IX Coordinator for the SFA Charter School
Principal
SFA Charter School, Room 101b
Email: titleixcharter@sfasu.edu
936.468.5899
Stephen F. Austin State University is committed to providing an educational and work environment that affirms the rights and dignity of each individual.

Whether you are a student, faculty, or staff member, the Lumberjacks Care team and our partners across campus are here to support you. If you experience or have been a witness to harm, have been accused of perpetrating harm, or are a mandatory reporter, the Lumberjacks Care team is here for you.

The university’s commitment to providing this environment is shown in the Discrimination Complaints Policy (2.11), in accordance with federal and state law, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship and veteran status. Additional policy is included that prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. The university also committed to maintaining a learning and working environment that is free from sex discrimination, including sexual misconduct, as outlined in the Sexual Misconduct Policy (2.13). These policies are designed to eliminate sexual misconduct, prevent its recurrence, and address its effects.

The aforementioned policies were developed in accordance with the university’s mission and the federal civil rights law, Title IX, of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity as outlined below:

“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.”

Sexual and discriminatory misconduct, as well as retaliation, is prohibited and will not be tolerated as such behavior violates our institutional values, adversely impacts the Lumberjack community, and interferes with our mission. The Lumberjacks Care team is committed to supporting this mission and maintaining and educational and work environment that is free from all behavior that violates these policies to provide fair and equitable support and process in which all Lumberjacks can learn, thrive, and succeed.

*Details of the university’s commitment, procedures, and reporting options for the Discrimination Complaints Policy (2.11) and Sexual Misconduct Policy (2.13) are available at sfasu.edu/policies and sfasu.edu/lumberjacks-care.
Non-discrimination Statement: It is the policy of Stephen F. Austin State University, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship and veteran status. Unlawful discrimination based on sex includes discrimination defined as sexual harassment. Additionally, SFA prohibits discrimination on the basis of sexual orientation, gender identity and gender expression. SFA is committed to the principles of Equal Employment Opportunity law. An employee who violates this policy is subject to disciplinary action, up to and including termination. A student who violates this policy is subject to disciplinary action, up to and including expulsion.