

Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct

Original Implementation: July 27, 2015

Last Revision: July 23, 2019

1. General Policy Statement

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is free from sex and gender-based discrimination. Sexual harassment, sexual violence, relationship violence, and stalking are forms of sex and gender-based discrimination and will not be tolerated. The university will take prompt disciplinary action against any individuals or organizations, within its control, who violate this policy. 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.

1.1 Title IX of the Education Amendments of 1972

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.

1.2 Title IX Coordinator

University official with the responsibility of coordinating the university's efforts to comply with and carry out its responsibilities under Title IX and implementing its regulations, including the investigation of reported violations of this policy in accordance with Title IX, Violence Against Women Act, Clery, and the Campus SaVE Act.

Contact information for the Title IX coordinator is outlined in Section 4.7. This information is subject to change. The most updated contact information for the Title IX coordinator can be found at www.sfasu.edu/lumberjacks-care.

2. Applicability

This policy applies to all university administrators, faculty, staff, students, and third parties within the university's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off university property, if it potentially affects someone's equitable access to education or employment with the university. This policy applies regardless of the sex, gender, gender identity, or sexual orientation of the individual(s) involved. In addition, it applies whether the reported policy violation was made by, or against, a third party, and whether the reported policy violation was made verbally or in writing.

Instances of sex and gender-based discrimination related to hiring and compensation practices at the university are governed by the Discrimination Complaints policy (2.11).

3. Definitions, Prohibited Conduct, and Examples¹

Definitions

Complainant:

The individual(s) who is alleged to have been impacted by a violation of this policy.

Respondent:

The individual(s) who is accused of violating this policy.

Reporting Party:

The individual(s) who submits a 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 third parties, witnesses, advisors, or anyone designated as a responsible employee under this policy are considered a reporting party.

Responsible Employee:

Pursuant to Title IX and Texas State law, a responsible employee is a mandatory reporter when in the course and scope of their employment at SFA, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes prohibited behavior defined in this policy, when the incident is alleged to have been committed by or against a person who was at the time of the incident a student, employee, or visitor of the university. Responsible employees include all university full and part time employees and certain student employees including but not limited to students employed in the following areas: residence life, athletics, student affairs, and others student employees who have substantive and recurring contact with students (such as graduate teaching assistants and academic tutors).

Advisor:

Can be any individual who is chosen by the complainant or respondent to assist them in navigating the investigation proceedings and provide support and advice. An advisor does not act as a representative on behalf of the complainant or respondent except in limited circumstances as described in the investigation process.

Consent:

This involves 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.

Examples of Ineffective or Absence of Consent

The following list provides examples of when consent has not been obtained or is not effective. This definition includes but is not limited to:

¹ The definitions provided in the main body of the text are the definitions adopted by the university. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

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 their own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship or manner of dress does not, by itself, 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.²

Incapacitation:

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

² Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

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.

Preponderance of the Evidence:

The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining responsibility for allegations of sex and gender-based discrimination under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Prohibited Conduct

Intimidation:

A person commits intimidation by intentionally or knowingly threatening another person with bodily harm or threat of bodily harm. Intimidation occurs when placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.

Coercion:

The use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amounts to coercion if they wrongfully limit the other’s ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person’s ability to give consent.

Dating Violence³:

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 constitutes dating violence. The existence of such a relationship shall be determined by the individual subjected to the violence with consideration of the following factors:

³ Dating violence is defined by the Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
 - (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
 - (2) is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or Sexual Assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

- a) The length of the relationship;
- b) The type of relationship; and
- c) The frequency of interaction between the persons involved in the relationship.

Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate 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) Violence⁴:

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.

Hostile Environment:

Exists when sex and/or gender-based harassment is sufficiently severe, persistent, or pervasive that is unreasonably interferes with, limits, or deprives an individual’s ability to participate in or benefit from the university’s programs or activities or an employee’s terms and conditions of employment. A hostile environment can be created by anyone involved in a university’s program or activity (e.g., administrators, faculty members, employees, students, and university visitors).

In determining whether sex and/or gender-based harassment has created a hostile environment, the university considers if the conduct in question has been severe, persistent, or pervasive from both a subjective and objective perspective of a reasonable person. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the university must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual(s), the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex and/or

⁴ Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or Sexual Assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001\(1\)\(C\)](#), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) Dating violence, as that term is defined by Section [71.0021](#).

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

gender-based harassment, including:

- a) the nature, frequency, severity, and duration of the conduct;
- b) the identity and relationships of the persons involved;
- c) the effect of the conduct on a person's mental or emotional state
- d) the number of individuals involved;
- e) the location of the conduct and the context in which it occurred; and
- f) the degree to which the conduct affected an individual's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents in order to support a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex and/or gender-based harassment is not particularly severe.

First Amendment considerations: This policy does not impair the exercise of rights protected under the First Amendment.

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/Violence⁵:

Any sexual contact, intercourse, attempted or actual penetration of a person against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse and 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 persons who are related to each other within the degrees wherein marriage is prohibited by law.

⁵ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- c) Causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

- 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 their 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 or of 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 without consent from all parties involved, or knowingly transmitting a sexually transmitted infection (STI).

Sexual Harassment:

Unwelcome conduct of a sexual nature including but not limited to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature whether verbal, non-verbal, graphic, or otherwise and includes harassment based on sex, gender, sexual orientation, gender identity, or gender expression. Such conduct is sufficiently severe, pervasive, and objectively creates a hostile environment when submission to or rejection of such conduct is made, either explicitly or implicitly, as a term or condition of a person's student status, academic standing, employment, or participation in university activities. Sexual harassment occurs when such conduct is intentionally directed towards 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 and gender-based discrimination and includes but is not limited to:

- 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 photographs, graffiti, posters, calendars, or other materials; or
 - vii. deliberate, repeated humiliation or intimidation based upon sex or gender.

Other Inappropriate Sexual Conduct:

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but

is unprofessional, inappropriate for the workplace or university environment, and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or university environment.

Stalking⁶:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. The university will utilize the definition as defined by the Texas Penal Code, Section 42.072. For the purposes of this definition—

- a) *Course of Conduct:* 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, or communicates to or about a person threats, that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person’s property.
- b) *Reasonable Person:* Is a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.
- c) *Substantial Emotional Distress:* 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, participated in, or provided information in connection with a report or investigation of sex or gender-based discrimination. Retaliation includes, but is not limited to: intimidation, threats, or harassment against any complainant, reporting party, respondent, witness, advisor, 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 or written threats in person, by phone, email, text, or 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. Retaliation is prohibited and is considered a stand-

⁶ Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening: i. bodily injury or death for the other person; ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
 - i. fear bodily injury or death for himself or herself;
 - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - iii. fear that an offense will be committed against the person's property; or
 - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

alone policy violation without regard to any finding of responsibility for violation of this policy.

4. Reporting a Violation

4.1 Reporting Expectations and Requirements

Any person with knowledge of a violation outlined in this policy is strongly encouraged to report any violations of this policy to the Title IX coordinator or one of the deputy Title IX coordinators immediately, as well as university police if the alleged violation is also a criminal offense. Reporting options and online reporting forms can be found at the following website: www.sfasu.edu/lumberjacks-care. In addition, a link to reporting information will be maintained on the university home page. Reports can be submitted anonymously except for responsible employees as defined in this policy. Responsible employees must report violations within two (2) business days to the Title IX coordinator when in the course and scope of their employment at SFA witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes prohibited behavior defined in this policy. The university completes publicly available record-keeping under the Clery Act report and includes disclosures, without the inclusion of personally identifying information, on: dating violence, domestic violence, sexual assault, stalking, as well as other Clery reportable crimes that occur on campus. More information about campus safety and a copy of the Annual Campus Security Report can be found on the University Police Department website.

a. Anonymity

Individuals wishing to remain anonymous may report a suspected policy violation by completing the online “[Sexual Misconduct Reporting Form](#)” without providing any personal identification, or by telephone or written communication with the Title IX coordinator or a deputy Title IX Coordinator. Electing to remain anonymous may significantly limit the university’s ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating the policy. Retaliation against a person making a report or participating in an investigation is prohibited as outlined in Section 9.1 of this policy.

b. Confidentiality in the Reporting Process

Information shared by an individual with the designated confidential resources outlined in this policy cannot be revealed to any other individual, including the Title IX office or law enforcement, without the expressed permission of the individual, with the exception of minor involvement or a threat to harm themselves or others. These campus and community professionals include mental health providers, such as psychologists, counselors, and therapists; healthcare providers, such as doctors and nurses; ordained clergy; and sexual assault advocates, while working in their professional capacity. The university will share information only as necessary and only with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, administrators, and the parties involved in the alleged violation. The Title IX officials work to maintain confidentiality in the reporting process and when providing interim measures when possible. Complainants and reporting parties who want to discuss an alleged policy violation in strict confidence may use the resources outlined in Section 4.5.

4.2 Responsible Employees

Incidents of sexual misconduct may also be reported to responsible employees. A responsible employee is a university employee who has the duty to report incidents of sexual misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, residence life directors and academic advisors, and graduate teaching assistants. Any employee with confidentiality obligations as defined in Section 4.5 is excepted.⁷ Responsible employees should report incidents of sexual misconduct to the Title IX Coordinator as soon as possible using the [Responsible Employee - Title IX Reporting Form](#). Responsible employees can find contact information for the Title IX Coordinator and deputy coordinators at the following website: www.sfasu.edu/lumberjacks-care.

a) Timeliness of Report

Delays in reporting can greatly limit the university's ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy. Texas State law requires responsible employees to report policy violations promptly and if it is determined that a responsible employee knowingly fails to make a report, the individual may be subject to criminal charges and termination. For the purposes of this policy, the university defines prompt as occurring within two (2) university business days of witnessing or learning of a policy violation.

Responsible employees must include in the report all information concerning the incident known to them that is relevant to the investigation and, if applicable, any actions to redress the incident, including whether an alleged complainant expressed a desire for confidentiality in reporting the incident.

Individuals identified as responsible employees are not required to report under this policy if they are the victim of any prohibited behavior outlined in this policy. Additionally, responsible employees are not required to report if they learned of the incident from a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution.

4.3 Reporting to Law Enforcement

Reports of criminal offenses occurring on campus, including but not limited to sexual assault, dating violence, domestic violence, and stalking may also be made to the Stephen F. Austin State University Police Department (UPD) at 936-468-2608 (non-emergency) or 911 (emergency) or to the City of Nacogdoches Police Department 936-559-2607 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. Regardless of where the incident occurred UPD can assist in making a report to the appropriate law enforcement agency. Individuals are not required, but strongly encouraged to report all criminal violations to law enforcement. The Title IX coordinator and deputy title IX

⁷ For example, a student may make a report to an employee in the Office of the Dean of Student Affairs, a faculty member, or residence life staff. Each of these individuals is considered a responsible employee and accordingly each is obligated to report to the Title IX coordinator or other appropriate designee.

coordinators can assist individuals in contacting these law enforcement agencies as well as the confidential resources outlined in Section 6.1 C of this policy. Employees and students with protective or restraining orders relevant to a report are encouraged to provide a copy to the University Police Department.

If a report of a policy violation is made to the University Police Department, officers will advise the complainant or reporting party of their right to file a report under this policy. To the extent allowed by law and university policy, the University Police Department shall also notify the Title IX coordinator of the report, and provide the Title IX coordinator, or the individual investigating the reported policy violation, access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

4.4 Reporting to Outside Entities

An individual wishing to make a report may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct including sexual violence:

Office for Civil Rights
U.S. Department of Education 1999 Bryan
St., Suite 1620 Dallas, TX 75201
Phone: (214) 661-9600
FAX: (214) 661-9587

Employees may also contact the U.S. Equal Employment Opportunity Commission or Texas Workforce Commission Civil Rights Division to complain of sex discrimination or Sexual Harassment:

U.S. Equal Employment Opportunity Commission Houston
District Office
1919 Smith St., 6th Floor Houston, TX
77002
Phone: (800) 669-4000
FAX: (713) 651-4987

Texas Workforce Commission Civil
Rights Division
101 E 15th St., Rm 144-T
Austin, TX 78778
Phone: (888) 452-4778

4.5 Confidential Support and Resources

Physical and mental health care professionals (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an incident to anyone in any way that identifies the complainant or reporting party, without the complainant's or reporting party's permission with exception to incidents

involving minors or threats to harm themselves or others. University employees who learn of a reportable violation while providing confidential services outlined above are not required to report identifying information to the Title IX coordinator, but are required to submit a non-personally identifiable report so statistical reports can be accurately produced in accordance with the Clery Act. Thus, students may discuss an incident with a counselor or counseling trainee at SFA Counseling Services or SFA Counseling Clinic, School Psychology Assessment Center, or a health care provider in the Student Health Clinic. In addition, the university has designated the Project Coordinator for the U.S. Department of Justice Office on Violence Against Women (DOJ OVW) as a confidential reporting source. Contact information on these resources are available in Section 6. Any person can report a violation of this policy to any of these confidential reporting sources without concern that personally identifiable information related to the incident will be reported to the Title IX Coordinator. Employees may seek assistance from the SFA Counseling Clinic, their own personal health care provider, or an off-campus resource without concern that the incident will be reported to the Title IX Coordinator. More information about university and community resources that provide such confidential services can be found on the following website: www.sfasu.edu/lumberjacks-care.

4.6 Immunity

In an effort to encourage reporting and participation under this policy, the university will grant immunity from disciplinary action related to other minor policy violations (such as alcohol possession, community guidelines, etc.) that may be discovered in the course of an investigation so long as those actions were not a contributing factor in the prohibited behavior. Additionally, any person who voluntarily initiates a report under this policy, assists a complainant, or cooperates with the investigation by either providing testimony or evidence, or otherwise participates in a disciplinary process or judicial proceeding arising from a reported violation of this policy, if that person acts in good faith in reporting a policy violation or participating in an investigation, is immune from certain civil, criminal, and disciplinary action as outlined by state law. Specifically, civil and criminal liability for offenses punishable by fine only, that might otherwise be incurred or imposed as a result of those actions; and students and employees may not be subjected to any disciplinary action by the university for any violation of prohibited conduct reasonably related to the incident for which suspension, expulsion, or termination is not a possible outcome. Immunity does not apply to a person who perpetrates or assists in the perpetration of a prohibited behavior outlined in this policy.

4.7 Title IX Coordinator and Deputy Title IX Coordinators

These are the SFA officials with responsibility for coordinating the university's efforts to comply with and carry out its responsibilities under Title IX, Violence Against Women Act, Clery Act, and Campus SaVE Act and associated guidance and regulations, including the investigation of reported violations to this policy and Title IX.

Contact information for the Title IX coordinator and Deputy Title IX coordinators is outlined below. This information is subject to change and the most updated contact information for the Title IX coordinator and deputy coordinators can be found at www.sfasu.edu/lumberjacks-care.

Title IX Coordinator is the Director of Community Standards

McKibben Education Building, Suite 304 | titleIX@sfasu.edu | (936) 468-8292

Deputy Title IX Coordinator for Students is the Assistant Dean of Student Affairs for Programming
Baker Pattillo Student Center, Suite 3.302 | titleIXstudents@sfasu.edu | (936) 468- 7249

Deputy Title IX Coordinator for Faculty, Staff, and Third Parties is the Director of Human Resources
Austin Building, Suite 201 | titleIXemployees@sfasu.edu | (936) 468-2304

Deputy Title IX Coordinator for Athletics is the Senior Woman Administrator, SFA Intercollegiate Athletics
SFA Athletic Fieldhouse | titleIXathletics@sfasu.edu | (936) 468-3751

Deputy Title IX Coordinator for the SFA Charter School is the CEO/Principal SFA Charter School | 2428 Raguet Street | titleIXcharter@sfasu.edu | (936) 468- 5899

5. Parties' Rights Regarding Confidentiality and Privacy

The university has great respect for the confidentiality and privacy of the parties in a reported policy violation. Under federal and state law, however, responsible employees who receive a report of prohibited conduct outlined in this policy must share that information within two (2) business days to the Title IX coordinator and/or a deputy Title IX Coordinator. The Title IX officials may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant's or reporting party's request for confidentiality.

All university employees who are directly involved in the university's response to allegations of prohibited conduct outlined in this policy including investigators, members of appellate committees, sanctioning authorities, and administrative personnel, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the complainant, the respondent, any other individuals involved in the process, and the broader campus community and to maintaining an environment free from sex discrimination and gender-based harassment.

Privacy and confidentiality have distinct meanings under this policy when referencing the Title IX process as follows:

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of the information is limited to those university employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process as much as possible to ensure a fair, reliable, impartial, and proper investigation is completed.

Confidentiality

Once a policy violation is reported to the Title IX Office, officials work to maintain confidentiality when providing interim measures when possible. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in this policy as confidential.

In the course of the investigation, the university may share information only as necessary with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, and the respondent to ensure a fair, reliable, impartial, and proper investigation is completed. Outside of the limited release of identities needed to respond to the alleged violation, the identities of and information about the complainant and respondent will remain confidential and will only be released with the written authorization of that person or their legal guardian, except as required by law. The university will take all reasonable steps to ensure there is no retaliation against a complainant, reporting party, respondent, advisor, witness, or third party. The university will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971, as applicable, and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the university will also protect the privacy of all parties involved in a report of sex and gender-based discrimination.

6. Resources

6.1 On Campus Assistance

SFA Counseling Services
(936) 468-2401 | counseling@sfasu.edu

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

Family Crisis Center of East Texas – Campus Office (936) 468-7233
(800) 828-7233 (24 hour crisis line)

SFA University Police
(936) 468-2608 | updemail@sfasu.edu

A. Healthcare

An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving forensic and DNA evidence can be key to identifying the perpetrator in a sexual assault/violence case. A person who has experienced sexual assault/violence is strongly encouraged to seek medical and psychological care even if the person does not plan to report the assault to the police. Individuals can undergo a Sexual Assault Nurse Exam (SANE) forensic medical exam to preserve evidence crucial to investigating a case by contacting law enforcement. A person may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted. A complainant can also request a SANE without police involvement by contacting the Family Crisis Center of East Texas 24-hour hotline. If

possible, a SANE should be done immediately after the incident or recommended within 96 hours. Extensions to this time frame may be possible by a SANE nurse depending on circumstances since the assault.

B. Police Assistance

The university strongly encourages individuals who have experienced sexual assault/violence, dating/domestic violence, or any other criminal violation to make a report to law enforcement. While it is important to note that a police department's geographic jurisdiction depends on where the criminal violation occurred, any law enforcement office can take your report and assist you in connecting to the correct law enforcement agency. No matter the location of the incident, SFA university police can assist the complainant in filing a report with the appropriate law enforcement agency. If the incident occurred on the university campus, or if a person needs assistance in knowing the correct jurisdiction, a report may be filed with the SFA University Police Department by calling 936-468-2608 or in person at the police headquarters at 232 East College Street, even if time has passed since the assault occurred. SFA university police can also inform the complainant on how to obtain an emergency protective order.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a separate process for a university disciplinary hearing. If the university police are called, an officer will be sent to the scene to take a detailed statement. A report may be filed with the university police even if the alleged assailant has no relation to the university.

C. Counseling and Other Support Services

In accordance with this policy, students involved in a case alleging any prohibited behavior related to this policy, including any complainant, reporting party, or respondent, will be offered counseling. When Counseling Services is made aware, counseling will be provided to students by a counselor who does not provide counseling to any other person involved in the incident, to the greatest extent practicable based on the number of counselors employed by the institution. Complainants and respondents can make this request directly to Counseling Services or a referral can be made by the Title IX coordinator or designee to the director of Counseling Services when there is a request made for counseling to inform Counseling Services of the need for separate appointment times and providers for those involved.

Medical care for students can be provided at the Student Health Clinic, at a local emergency room, or by a private physician. Psychological support for students can be provided by SFA Counseling Services. Individuals seeking to have a Sexual Assault Nurse Exam performed may contact law enforcement or the Family Crisis Center of East Texas.

Students desiring counseling can contact:

SFA Counseling Services
(936) 468-2401

Faculty, staff, students, and third parties desiring counseling can contact:

The Department of Human Services Counseling Clinic

(936) 468-1041

Victims of sexual violence can contact:
Family Crisis Center of East Texas (936) 468-7233
(800) 828-7233 (24 hour crisis line)

6.2 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. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake 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 options are available to the respondent.

7. Complaint Resolution Procedures and Protocol

7.1 Key Officials in an Investigation

A. Title IX Coordinator

The Title IX coordinator is the senior university administrator who oversees the university's compliance with Title IX and this policy. The Title IX coordinator is responsible for leading the administrative investigation of reports of sex based discrimination and is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues. The Title IX coordinator may designate one or more deputy Title IX coordinators.

Any member of the university community may contact the Title IX Coordinator, deputy Title IX coordinators, or Title IX compliance specialist with questions.

B. Investigators

The Title IX coordinator will ensure that reported policy violations are properly investigated under this policy by assigning the investigation to the appropriate investigating authority. All investigators shall have appropriate and ongoing training regarding issues related to sex- and gender-based discrimination, domestic violence, dating

violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the civil rights of both complainants and respondents.

7.2 Assessment of Reported Policy Violation

The Title IX coordinator or designee will conduct a preliminary assessment of the reported policy violation, determine if a policy violation has occurred, and whether a formal resolution or an informal resolution should occur.

7.3 Notification to Complainant of University Offices Offering Assistance

After receiving a reported policy violation, the Title IX coordinator or designated Title IX official shall inform the complainant of available resources and assistance including counseling and advocacy agencies. Complainants are informed of their access to confidential resources and right to an advisor during this process and given contact information for reporting to law enforcement should they choose to do so.

7.4 Informal Resolution of Certain Policy Violation Reports. (OPTIONAL)

Informal resolution may be appropriate:

- (a) With a report that does not involve sexual assault/violence as defined in this policy; and
- (b) When both parties are categorically similar (i.e. employee/employee or student/student).

If informal resolution is deemed appropriate by the Title IX coordinator or designee, then the individual will be provided assistance with informally resolving the alleged policy violation. 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 offending party to stop the unwelcomed conduct, a mutual no-contact order, or other informal resolutions designed to stop the violation, remedy its effects, and prevent future incidents. However, the university may take more formal action, including disciplinary action, to ensure an environment free of sex and gender-based discrimination. 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 a specific 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 and the Title IX coordinator will retain the documentation according to the university's record retention standards and Federal

regulations. 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 desire for privacy and confidentiality and its responsibility and obligation to provide an environment free of sex and gender-based discrimination.

7.5 Formal Complaint and Investigation

To begin the investigation process, the complainant or reporting party should provide a signed, written statement to the investigator setting out the details of the conduct that is the subject of the reported policy violation, including the complainant'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 process. If the complaint is not in writing, the investigator shall 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 Finding(s)

- A. An investigator will be assigned to investigate the reported policy violation by the Title IX coordinator.
- 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 (5) 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 and the Title IX coordinator or investigator assigned to the investigation, such individual should describe and provide the evidence of the conflict of interest or bias in their response. Substantiated conflicts of interest or other bias will be handled in accordance with Section 8.3 of this policy.
- C. As part of their response and throughout the investigation, the complainant and the respondent may present any witness, document, or information that is believed to be relevant to the reported policy violation.
- D. Persons 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 report⁸ 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, 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 shall 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, including any evidence or other materials used by the investigator in preparation of the report, 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 and evidence or other materials used by the investigator in preparation of 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, and after the optional appeal process in Section 7.6 has concluded, 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, or employee).

7.6 Appeal

Each party will have five (5) business days from the date the report/letter is issued via e-mail to each party to submit a written appeal of the finding(s) using the "Sexual Misconduct Appeal of Investigation Findings" online form to the Title IX coordinator. An appeal is not intended to re-hear 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 five (5) business days to file a response to the appeal.

⁸ Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.

Appeals will be reviewed within seven (7) business days after being received. The Title IX coordinator will submit all appeal materials to an appeal panel consisting of three (3) members from a pool of trained individuals, typically Deputy Title IX coordinators, other Title IX officials, or investigators not affiliated with the initial investigation. The appeal panel may:

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

The complainant and the respondent shall be informed concurrently in writing of the decision.

7.7 Standard of Proof

All findings under this policy will use the preponderance of the evidence standard to determine violations of this policy. This standard is met if the allegation is deemed more likely to have occurred than not.

7.8 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 sixty (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 time frame 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 their 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 will also 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 concurrent criminal or civil justice proceeding to take action. The university has an independent duty to investigate reported policy violations of sex and gender-based discrimination.

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.

7.9 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 below to resolve reported violations of this policy, 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 re-take 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 incidents and to any individual who 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 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.

7.10 Sanctions and Discipline

Disciplinary action against faculty and employees will be handled under the university's policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and termination. 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.

8. Provisions Applicable to the Investigation

8.1 Assistance

During the investigation process, a complainant or respondent may be assisted by an advisor of their 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.

8.2 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.

8.3 Conflicts of Interest

In the event a conflict of interest (or related bias) exists between a complainant or 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.

9. Additional Conduct Violations

9.1 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.

9.2 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, provides false or misleading information to the investigator, or encourages others to do so under this policy. An individual found responsible for making a false report with the intent to harm or deceive, is subject to criminal and disciplinary action up to and including termination of employment for employees or expulsion from the university for students. A finding of non-responsibility does not indicate a report was false.

9.3 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.

9.4 No Effect on Pending Personnel or Academic Actions Unrelated to the Reported Policy 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.

10. Dissemination of Policy and Educational Programs

10.1 Policy Availability and Access

This policy is available to the public online at <http://www.sfasu.edu/policies/>; additionally, a direct link to the policy can be found on the Lumberjacks Care website (www.sfasu.edu/lumberjacks-care) to provide additional related information and resources identified in the policy. References to this policy and related resources will also appear in other university publications. Periodic notices will be sent to university administrators, faculty, staff, and students about the university's sex and gender-based discrimination, violence, harassment, and misconduct policy. All currently enrolled students will be sent email notices with information on Title IX at the start of each academic term before the official reporting date. The notice will include information about this policy, including the reporting procedure, and about university disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

10.2 Ongoing Discrimination Prevention Training and Awareness Campaign

The university's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained university personnel. The university will regularly educate and train employees and supervisors regarding the policy and conduct that could

constitute a violation of the policy. Preventive education and training programs will be provided to university administrators, faculty, staff, and students and will include information about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise university administrators, faculty, staff, and students of their rights to file a complaint under this policy and their right to file a criminal complaint. More information about training and our Lumberjacks Care public awareness campaign can found at <http://www.sfasu.edu/Lumberjacks-Care/>

10.3 Training of Coordinators and Investigators

All Title IX coordinators, deputy Title IX coordinators, investigators, and those with authority over the administration of this policy shall receive training each academic year on the elements of this policy.

11. Annual Reporting and Notice

The university's non-discrimination statement will be made available to all students, faculty, and employees online, in required publications, and in specified departments. On a regular basis, and upon any updates to this policy, the university will send notice of its compliance with Title IX as required by law. The notice shall designate the Title IX coordinator and deputy Title IX coordinators, explain which offenses are prohibited, where to report violations of this policy, provide information regarding available resources, and provide a link to this policy and other related university websites.

Cross Reference: Faculty Code of Conduct (7.11); Faculty Disagreements (7.25); Tenure and Continued Employment (7.29); Discipline and Discharge (11.4); Grievance and Appeals (11.15); Student Code of Conduct (10.4); 42 U.S.C. § 2000e, e-2, e-3; 42 U.S.C. § 1981; 20 U.S.C. §§ 1681, 1684; 42 U.S.C. § 12101; 29 U.S.C. § 623; 29 U.S.C. § 794; 29 U.S.C. § 206(d); 8 U.S.C. § 1101; Pub. L. 88-352; Pub. L. 102-166; Pub. L. 110-233; Tex. Lab. Code Ch. 21; Tex. Penal Code § 39.03; Tex. Educ. Code §§ 51.251-.260, 281-.284, .9365-.9366

Responsible for Implementation: President

Contact for Revision: Title IX Coordinator

Forms: [Sexual Misconduct Reporting Form](#), [Sexual Misconduct Appeal of Investigation Findings Form](#), [Responsible Employee - Title IX Reporting Form](#)

Board Committee Assignment: Academic and Student Affairs