

3.5.1 Harassment and Sexual Misconduct Policy

Sponsor: Vice President of Student Affairs

Effective Date: June 25, 2018

Objective of Policy

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

Policy

Note: This policy will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy. Procedures in effect at the time of the resolution will apply even if the policy is changed subsequently but prior to resolution. If government regulations change in a way that impact this document, this document will be construed to comply with government regulations in their most current form.

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

In compliance with federal and state laws, it is the policy of LeTourneau University to prohibit unlawful harassment and sexual misconduct by any person and in any form. As a Christian institution of higher education, LeTourneau University reserves the right to take its religious tenets into consideration when making employment decisions. No student, faculty member, supervisor, employee, or other individual shall engage in sexual misconduct, threaten, or harass any other individual or insinuate harassment toward another individual through their conduct, or through any communication of any nature. LeTourneau University will investigate all complaints of harassment or sexual misconduct, formal or informal, verbal or written, and take appropriate action or discipline against any person who is found to have violated this policy.

LeTourneau University recognizes that it may be difficult to specifically define what constitutes harassment under the law. As a result, LeTourneau University will not tolerate any type of inappropriate behavior that may lead to forms of illegal harassment. Inappropriate behavior includes, but is not limited to, unwanted physical contact; foul language; sexually oriented explicit pictures, cartoons, or other materials such as graffiti that may be offensive to another employee or student. Because many of the above may be considered offensive to another individual, these activities are prohibited at LeTourneau University.

A. Statement of Compliance with Title IX

It is the policy of LeTourneau University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual misconduct or violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination, harassment, or misconduct. LeTourneau has designated the Dean of Students as the Title IX Coordinator and has appointed four individuals to serve as Deputy Coordinators who will collectively insure the University's compliance with Title IX. The University will also train faculty or staff to serve as investigators in potential Title IX violations. The Title IX Coordinator's responsibilities include the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation. At LeTourneau University, the Title IX Coordinator oversees monitoring of University policy, implementation of grievance procedures, including notification, investigation and disposition of complaints; distribution of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; and ensuring a fair and neutral process for all parties.

Title IX Deputies are appointed by the University's President to assist with the implementation of the Title IX policy and education. Investigators are also appointed by the President to coordinate all investigations regarding potential Title IX violations. In order to take appropriate corrective action, officials at LeTourneau University must be aware of harassment, sexual misconduct, or related retaliation. Therefore, any member of the LeTourneau University community who believes that he or she has been the subject of or has witnessed any form of harassment, sexual misconduct, or related retaliation should promptly report such behavior to a University official as outlined below. Additionally, anyone in a supervisory, advisory or evaluative role (e.g. supervisors, managers, department chairs or faculty members) who experiences, witnesses or receives a written or oral report or complaint of harassment, sexual misconduct, or related retaliation shall promptly report it to the appropriate University official as outlined in the "Reporting Harassment or Sexual Misconduct" section of this policy.

Title IX Coordinator

Dr. Kristy Morgan

Vice President of Student Affairs

Student Life Office, Second Floor Allen Family Student Center

Office Phone: 903-233-4410

Email: kristymorgan@letu.edu

B. Harassment & Sexual Misconduct

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

Students and employees are expected to comply with the University's policies on sexual harassment, sexual misconduct, sexual assault, and stalking whether on or off campus. Any

student or employee who violates these University's policies on or off campus is subject to disciplinary sanctions.

Sexual Harassment

Sexual harassment and gender-based harassment that create a hostile environment are forms of sex discrimination prohibited by Title IX of the Education Amendments of 1972, and may violate other federal and state law, including Title VII of the Civil Rights Act of 1964, and Texas state law. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment and gender-based harassment create a hostile environment if the conduct is sufficiently serious that it interferes with or limits a person's ability to participate in or benefit from the recipient's program or employment.

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

Sexual harassment also occurs when the working, learning, or living environment is made hostile or abusive. An abusive or hostile environment is one that is reasonably and actually perceived by the complaining party as abusive such that it makes it difficult to perform job duties or to pursue one's education.

Sexual harassment is defined by the perception of the person who feels harassed: that is, whether it involves sexual conduct unwelcome to that person. In other words, harassment is subjective and it is "in the eye of the beholder." Conduct can be sexual harassment whether or not any harassment or hostile feelings were intended.

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

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity
- Unnecessary references to parts of the body
- Remarks about a person's gender or sexual orientation
- Sexual innuendoes or humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Bullying (conduct that may be physically threatening, harmful, or humiliating)
- Stalking or cyber-bullying that is based on gender or sex
- E-mail, texting ("sexting") and Internet use that violates this policy
- Sexual misconduct (sexual violence, sexual assault, domestic violence, dating violence or stalking)

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

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

Sexual Misconduct

Members of the LeTourneau University community, including students, staff, faculty, and guests, have the right to be free from sexual misconduct. Sexual misconduct is non-consensual sexual activity and is a violation of Title IX. **Sexual misconduct includes, but is not limited to, sexual violence, sexual assault, stalking, and dating and domestic violence. LeTourneau University will not tolerate sexual misconduct of any form.** Such conduct violates the values and principles of our community and disrupts the living, learning, and working environment for students, faculty, staff and guests.

Definitions for the Policy

Consent is affirmative, conscious, and voluntary agreement to engage in sexual activity. Past consent does not imply future consent. Silence or absence of resistance does not imply consent. Consent must be clearly demonstrated through mutually understandable words and/or actions. Consent can be withdrawn at any time. Consent to one form of sexual activity cannot be assumed to be consent to any other form of sexual activity. Relying on non-verbal communications can lead to misunderstandings. Whether consent has been given will be determined contemporaneously with the activities in question.

If the victim is mentally or physically incapacitated or impaired so that the victim cannot understand the fact, nature or extent of the sexual situation, and the condition was or would be known to a reasonable person, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.

Sexual assault is any form of sexual contact directed against another person that occurs without the explicit consent of the recipient, including sexual acts committed against a person who is incapable of giving consent (e.g., due to the individual being under the influence of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give clear, unambiguous consent). Sexual assault may occur through the use of verbal, emotional, or physical force, intimidation, or coercion. Sexual assault includes sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, statutory rape, attempted rape, and non-consensual sexual contact. It also includes any intentional sexual touching, however slight, with any object or body part, by a man or a woman upon a man or a woman, without explicit consent of that individual. Sexual assault can be committed by students, university employees, or third parties visiting or working on the LeTourneau University campus.

Non-consensual sexual contact includes any form of sexual touching, however slight, with any object or body part, by a man or a woman upon a man or a woman, without the consent of that individual. It may include, but is not limited to, sexual assault or sexual violence as described above.

Domestic Violence is defined under state criminal law as “physical harm, bodily injury, assault or the threat of physical harm” directed toward “persons who have a child in common, and persons cohabiting or formerly cohabiting.” Domestic violence may also include a pattern of abusive or violent used by one partner in a domestic relationship to gain or maintain power and control over another partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating Violence occurs when one person intentionally hurts or scares someone they are dating and includes physical, emotional, and sexual violence.

- Physical abuse may include hitting, shoving, kicking, biting, or throwing objects.
- Emotional abuse may include yelling, name-calling, bullying, embarrassing, preventing interaction with friends, telling someone that they deserve the abuse, or providing gifts to "make up" for the abuse.
- Sexual abuse and violence is forcing someone to engage in a sexual activity or engaging in sexual activity when one of the persons is unable to consent due to use of alcohol or drugs.

Stalking is defined as a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear. Stalking behaviors may include persistent patterns of leaving or sending the victim unwanted items or presents that may range from seemingly romantic to bizarre, following or laying in wait for the victim, damaging or threatening to damage the victim's property, defaming the victim's character, or harassing the victim via the Internet by posting personal information or spreading rumors about the victim. Texas criminal law defines stalking as a course of conduct that is directed specifically at another person that 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 would cause a reasonable person to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

C. Sexual Misconduct Prevention and Response Policy

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

Reporting Sexual Harassment or Sexual Misconduct

Any member of the staff or faculty, or any guest, who believes he or she has been the victim of sexual misconduct or sexual harassment by a student, faculty member, member of the staff, or other university personnel, or who has knowledge of or has observed such behavior, should immediately report the alleged acts to an appropriate individual who, depending on the

circumstances, may be, the chief administrator in his/her division, the Title IX Coordinator or one of the deputy coordinators.

If any member of the LeTourneau University community believes that he or she has been subjected to sexual misconduct or harassed by the person to whom he or she would normally report the incident, then the report should be made to the Title IX Coordinator or one of the other Title IX Deputy Coordinators.

Any student or employee who believes that he or she has been the victim of sexual misconduct or harassment by another student, faculty member, member of the staff, guest, or any other University personnel, or who has knowledge of or has observed such behavior, should immediately report the alleged acts to an appropriate individual who, depending on the circumstances, may be a faculty member, their Resident Director, a Student Life staff member, the Title IX Coordinator, or one of the Deputy Coordinators.

A report can also be made to any one of the other officials listed below:

Title IX Coordinator

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

Deputy Coordinators

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

Terri Deike
Director of Athletics
Office Phone: 903-233-3769
Email: terrideike@letu.edu

Mark Moland
Assistant Professor of Political Science and Criminal Justice
Office Phone: 903-233-3393
Email: markmoland@letu.edu

A complaint may be made by telephone, email, regular mail, or in person. A student has the right to make an anonymous complaint; however, it may be more difficult to prove the alleged misconduct that is the subject of the complaint and to take action against the respondent without the evidence and information, which the reporter may have or be able to provide. Complaints may also be made to the Department of Education, Office of Civil Rights.

Office for Civil Rights, Dallas Office

U.S. Department of Education
1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810
Telephone: (214) 661-9600
Facsimile: (214) 661-9587
[Email: OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

This complaint procedure applies to complaints alleging sexual harassment or misconduct by University employees, other students, or third parties.

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

Rights of the Complainant and Respondent

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

- To be treated with respect and dignity.
- To receive assistance from the University in reporting the incident to law enforcement at any stage of the process.
- To receive information about the process the University will employ for conducting the investigation, hearing, determination, and appeal.
- To receive information about support available from University or community resources.
- To privacy to the extent possible consistent with applicable law and University policy.
- To have an advisor present throughout the process.
- To choose whether or not to participate in the investigation process.
- To a prompt and thorough investigation of the allegations.
- To have a reasonable time to provide information, including any oral or written statement, to the investigator.
- To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or determination.
- To appeal the decision and any sanctions made by the investigators.
- To notification, in writing, of the case resolution, including the outcome of any appeal.

Investigating Sexual Misconduct or Sexual Harassment

The University will thoroughly investigate and review the facts and circumstances of each allegation of harassment or sexual misconduct involving a student, faculty member, staff member or campus guest. The University may impose a sanction against the accused individual that is appropriate for the act committed. In accordance with Title IX of the education amendments of 1972, LeTourneau University will make every effort to conduct investigations that are prompt and equitable and intended to eliminate sexual misconduct on our campus.

Confidentiality and Reporting

The University strongly supports a Complainant's interest in confidentiality in cases involving sexual violence. However, there are situations in which the University must override a request for confidentiality in order to meet its obligations under federal law to provide an educational environment that is safe and free from sexual harassment or sexual violence. To the extent possible, information regarding alleged incidents of sexual violence will be shared only with individuals who are responsible for handling the University's response.

Honoring a request that the Complainant's name not be revealed to the accused person or that the University not investigate or seek action against the accused person may limit the University's ability to respond fully to the incident and pursue appropriate disciplinary action.

If a Complainant requests that his or her name not be disclosed to the accused person or that the University not investigate or seek action against the accused person, the University will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment. If the University determines that it can respect a Complainant's request not to disclose his or her identity to the accused person, it will take all reasonable steps to respond to the complaint consistent with the request.

The University will consider a range of factors when weighing a request for confidentiality that could interfere with a meaningful investigation or potential discipline of the accused person. If the factors indicate an increased risk of the accused person committing additional acts of sexual violence or other violence, the University may be unable to honor the request for confidentiality. A Complainant may later withdraw a request for confidentiality, in which case a full investigation will be conducted to the extent possible. The Title IX Coordinator is responsible for evaluating requests for confidentiality.

Making a Confidential Report

Individuals may be assured of confidentiality by reporting a sexual assault only to a therapist, doctor, attorney, or other person who is legally obligated to maintain patient or client confidentiality. If you choose this option, please consider asking your doctor, therapist, or counselor to make a confidential report of the assault without including facts that would reveal your identity. While the University will probably not be able to take any disciplinary action against the person who assaulted you, university officials will have a better picture of crime on the campus and may be able to warn the campus community about methods or patterns of attacks. The following are campus or community resources that can provide counseling, advocacy, and support and may be able to accommodate confidential reports of sexual assault.

- LeTourneau University Center for Counseling
- LeTourneau University Health Services
- LeTourneau University Campus Pastor

All other LeTourneau University staff and faculty members are required by University policy to report observations or actual knowledge of incidents of sexual harassment or sexual misconduct. In addition, reports made to other employees may have to be disclosed in criminal or civil court proceedings. Whether or not a student or employee requests confidentiality, LeTourneau University is committed to maintaining confidentiality throughout the entire investigatory process to the extent that is practical and appropriate. When a formal report is made, persons have the right and can expect to have incidents of sexual misconduct or harassment impartially investigated and properly resolved through administrative procedures.

Confidentiality implies that only people who need to know will be informed, and that information will be shared only as necessary with investigators, witnesses, and the accused individual.

Amnesty for Victims

LeTourneau University encourages the reporting of sexual misconduct and Student Life policy violations. Sometimes, victims are hesitant to report to college officials because they fear that they themselves may be charged with policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to college officials. To encourage reporting, the university pursues a policy of offering victims of sexual harassment and sexual misconduct limited amnesty from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the university will provide educational options rather than discipline, in such cases.

Investigation Procedure and Follow Up

Upon receipt of a complaint of sexual harassment or sexual misconduct, the Title IX Coordinator or a Deputy Coordinator will designate one or more Title IX investigators who will conduct an adequate, reliable, and impartial investigation of all complaints of sexual harassment or sexual misconduct, and all complaints will be resolved promptly and fairly. After a thorough investigation, the Investigators will deliver a report and recommendation to the Title IX Coordinator or Deputy Coordinator. The Title IX Coordinator or Deputy Coordinator will normally render a finding to the complainant and respondent within 60 days after the complaint was received. An investigation may occasionally take longer because of unusual circumstances or the availability of necessary parties critical to the investigation process.

Investigation of complaints will be as confidential as possible to acquire the information needed and will respect the rights of both the complainant and the respondent. Both parties will have the opportunity to present witnesses and other evidence to the Title IX investigators. The complaint will be decided using a preponderance of evidence standard. A preponderance of evidence means deciding whether the respondent is more likely than not to have committed the behavior for which they have been accused.

In the course of the investigation, the University may seek to use voluntary informal discussions or mediation for resolving some types of sexual harassment complaints. However, the complainant has the right to end the informal process at any time, in which case the investigation will continue to its conclusion. In cases involving allegations of sexual assault, mediation is not appropriate and will not be used. Any agreed resolution of a complaint should fully and effectively address safety, fairness, and other appropriate concerns of the complainant, the respondent, and the University as a whole.

Advisors

Both the Complainant and the Respondent will have the same opportunities to have others present during any part of the proceedings, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The role of the advisor is limited to providing support, guidance, or advice to the Complainant or Respondent throughout investigation and disciplinary process.

During meetings and hearings, the Complainant or Respondent and Advisor may talk quietly with each other. Advisors do not have the right to question or cross-examine witnesses, present arguments, answer questions posed to a student, or otherwise take an active role in the disciplinary proceedings. Advisors cannot disclose to other persons any confidential student information, which is disclosed to the advisor in the course of the proceedings. The University will remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation.

Notice of Outcome

Both parties will be promptly notified in writing of the outcome of the complaint process. With respect to complaints of sexual harassment or sexual violence, the University will disclose to the complainant information about any sanctions imposed on the respondent. In order to comply with the Clery Act, both parties will also be informed of all sanction information if the offense involved is a sex offense.

Individuals who are accused of sexual misconduct will be subject to disciplinary action in accordance with LeTourneau University's Christian Life and Community Standards (see the LeTourneau University Student Handbook or Faculty/Staff Handbook). At the discretion of the Title IX Coordinator or Deputy Coordinator overseeing the case, an individual accused of sexual misconduct or harassment may be immediately suspended or restricted from campus pending final disposition of any disciplinary proceedings. Individuals found to have committed harassment or sexual misconduct will be subject to disciplinary sanctions, up to and including suspension or expulsion from the University for students or termination of employment for employees.

Sanctions

If the Respondent is found responsible for sexual misconduct, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. LeTourneau University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect student and employee rights and personal safety. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the respondent of sexual misconduct. In appropriate circumstances, a warning may be issued to the campus community, though any such notification would not jeopardize the confidentiality of the victim.

Sanctions for students can include, but not be limited to:

- Written admonition – a letter may be sent to the student, and copied to his/her discipline record
- Parental notification – parents may be notified of disciplinary outcomes
- Educational/accountability sanctions – a student may be required to attend an educational class, mandatory drug or alcohol assessments, or other educational sanctions at the student's expense
- Fines – established and published fines may be imposed by Residence Life, the Dean of Students or University Police Department

- Restitution – a student may be required to pay restitution for damages or loss of property
- Loss of privilege – a student may lose a privilege afforded to them as a LeTourneau University student
- Removal/Suspension from Campus Housing – a student may be required to leave campus housing for a determined amount of time; conditions may be placed on his/her return
- Interim Suspension - In cases where a student is thought to pose a threat to the safety or well-being of the campus community, any individual, or normal operations of the college, the University may impose an interim suspension
- Disciplinary Probation – a student may be placed on probation for a limited amount of time, during which he or she may be held to immediate suspension or expulsion upon an additional violation
- Disciplinary Suspension – a student may be separated from the University for a determined period of time, with certain conditions to be met for re-entry
- Disciplinary Dismissal – a student may be separated from the college permanently

Disciplinary sanctions will be part of a student’s confidential disciplinary record in Student Life. They will not appear on a student’s academic record. Any disciplinary outcome resulting in suspension or expulsion may be reported to the student’s professors, other college officials, and the registrar.

Sanctions for Faculty & Staff can include, but not be limited to:

- Warning – verbal or written
- Performance improvement/management process
- Required counseling
- Required training or education
- Probation
- Loss of pay increase
- Loss of oversight or supervisory responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination

Disciplinary sanctions will be a part of an employee’s confidential employment file in Human Resources.

Request for Reconsideration

Either party may make a request for reconsideration of the initial decision by providing a written request for reconsideration to the Title IX Coordinator within three (3) days after written notice of the decision has been given. Both the complainant and the respondent will be given notice of the request and an opportunity to respond. A request for reconsideration may be made exclusively on one of the following grounds:

1. There is new and significant evidence that has not yet been considered.
2. The published investigation process was not followed.
3. The sanctions imposed are not appropriate to the investigation finding.

A three member appeals board made up of Title IX Coordinators and Investigators that were not involved in the investigation of the case under consideration will consider the request and issue a final written decision within twenty (20) days after receiving the written request. A decision may occasionally take slightly longer because of unusual circumstances or the absence of necessary parties during school breaks.

Interim sanctions, including sanctions previously imposed and any additional appropriate sanctions, may be imposed or continued during the time the request is under consideration. The University shall respect and protect the rights of both parties until the request for reconsideration is resolved.

Both parties will be promptly notified in writing of the outcome of the request for reconsideration, which shall be final. The respondent will be notified of any changes to the sanctions, and the complainant will be given any notice of sanctions or changes in sanctions to which he or she is entitled, as described above.

Right to File a Criminal Complaint

Many forms of sexual misconduct are also prohibited by Texas and federal law and could result in civil liability or criminal prosecution. The university encourages individuals to contact the University Police Department at 903-233-4444 or Longview Police Department at 903-237-1199 (in an emergency call 911) for more information about how to report a crime and the criminal process. If a student would like assistance in contacting local authorities, the Office of Student Life can assist him/her in doing so. A criminal investigation does not relieve the University of its obligation to respond under Title IX, and both a criminal and University investigations may proceed simultaneously.

Protection from Retaliation

LeTourneau University will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in a sexual misconduct investigation will not be subjected to retaliation by the Respondent or by others with knowledge of the underlying report. Anyone who believes they are experiencing retaliation is encouraged to report the retaliation using the same procedure for reporting possible sexual misconduct under this policy. A retaliation complaint will be reviewed as a separate offense under this policy. A person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

False Reports

A complainant, whose allegations are found to be false and brought with willful intent, will be subject to disciplinary action under the Community Values and Expectations code found in the LeTourneau University Student Handbook or Faculty/Staff Handbook, which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, termination, or expulsion.

Certification Statement

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

President and Cabinet

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

Vice President of Student Affairs

Policy History

Approved Policy, April 20, 2016
Approved Policy Revision, June 25, 2018