

# Title IX Handbook

Southwestern Assemblies of God University

## Contents

What is Title IX?.....	4
How has Title IX Changed in Recent Years? .....	4
Southwestern Assemblies of God University Sexual Assault Policy .....	4
SAGU’s Basic Responsibilities to Address Sexual Violence .....	5
Definitions of Sexual Violence, Sexual Assault and Sexual Harassment.....	6
<i>Sexual violence</i> .....	6
<i>Sexual assault</i> .....	6
<i>Domestic Violence</i> .....	6
<i>Dating Violence</i> .....	6
<i>Stalking</i> .....	6
<i>Consent</i> .....	6
<i>Sexual harassment</i> .....	6
Preventing Sexual Harassment.....	7
If You Are A Victim of Sexual Violence or Sexual Assault.....	7
About Confidentiality .....	9
<i>Confidential Reporting</i> .....	9
Complainant (Victim) and Respondent (Accused) Rights, Reporting and Resources .....	10
<i>CRISIS COUNSELING ASSISTANCE</i> .....	10
Reporting Procedures for Sexual Assault and Sexual Harassment.....	11

Investigation Procedures for Sexual Assault and Sexual Harassment .....	11
Someone has filed a complaint against me, what do I do?.....	13
Formal Appeal of Complaint Findings .....	13
<i>General Instructions for Complaint Process .....</i>	<i>14</i>
Time Limits .....	14
Protective Measures .....	14
Possible Sanctions for Students Committing Sexual Violence and/or Sexual Assault.....	15
<i>Disciplinary Probation.....</i>	<i>15</i>
<i>Mandatory Counseling, Discipleship, and/or Education/Treatment Programs .....</i>	<i>15</i>
<i>Restrictions from Extracurricular Activities .....</i>	<i>15</i>
<i>Community Service .....</i>	<i>15</i>
<i>Parental Notification .....</i>	<i>16</i>
<i>Dismissal from the Residence Halls/Apartments.....</i>	<i>16</i>
<i>Move to Online Classes.....</i>	<i>16</i>
<i>Termination of Student Employment or Training Assignment.....</i>	<i>16</i>
<i>Removal or Reduction of Institutional Scholarship .....</i>	<i>16</i>
<i>Suspension.....</i>	<i>16</i>
<i>Expulsion.....</i>	<i>16</i>
Education and Training for Sexual Assault and Sexual Violence .....	16
Position Statement on Preventing Sexual Assault and Sexual Violence ...	19
Guiding Principles.....	20

Preventing Sexual Violence through Empowering Campus Bystanders....21  
*Bystander Intervention Key Components* ..... 21

Southwestern Assemblies of God University’s Response to Our Sexual Assault Policy .....21

Non Discrimination Policy .....22

## **What is Title IX?**

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private schools receiving any federal financial assistance must comply with Title IX. Although commonly associated with sex-based discrimination in athletics, the law is much broader. The act seeks to reduce or eliminate barriers to education opportunity caused by sex discrimination. The law states that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.*

Title IX prohibits sex discrimination in all University programs and activities, including, but not limited to, admissions, recruiting, financial aid, academic programs, student services, counseling and guidance, discipline, class assignment, grading, recreation, athletics, housing, and employment. Sexual violence and harassment are forms of sex discrimination prohibited by Title IX. This statute also prohibits retaliation against people for making or participating in complaints of sex discrimination.

## **How has Title IX Changed in Recent Years?**

In March of 2013 Campus Sexual Violence Elimination Act was signed into law which increased transparency regarding incidents of sexual violence on campus, guaranteed victims' rights, set standards for disciplinary proceedings, and required campus-wide prevention education programs. All employees are now required to complete Title IX training.

When Title IX was passed Congress added a small but powerful provision that states that an educational institution that is *controlled by a religious organization* does not have to comply if Title IX *would not be consistent with the religious tenets of such organization*.

These "right-to-discriminate" waivers were relatively rare until 2014 when the Obama administration issued guidance that the Title IX discrimination prohibition "extends to claims of discrimination based on gender identity," meaning that entities receiving federal funding could not discriminate against transgender and gender nonconforming people.

This created some dire challenges for faith-based, evangelical schools, who historically have been allowed to discriminate in this area in their admissions and hiring practices. SAGU applied for a waiver and in August 2016 received a letter from the US Department of Education granting an exemption from specific elements of Title IX.

## **Southwestern Assemblies of God University Sexual Assault Policy**

The SAGU policy strictly prohibits sexual harassment, sexual assault, stalking, domestic violence, dating violence, and discrimination within the University community. Harassment on the basis of sex is a violation of Title IX of the Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964.

This policy applies equally to all members of SAGU community: students, faculty, administrators, staff, contract employees and visitors.

The University is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. It strongly condemns sexual offenses, will not tolerate sexual offenders, and supports those who have been victimized.

Sexual assault is a single term covering a range of coercive behaviors that violate both State legal statutes and the SAGU Student Code of Conduct. The common element of these behaviors is use of coercion, force, or threat of force to obtain sexual contact against a person who, by virtue of mental incapacity or physical helplessness, is unable to give or withhold consent. The type of coercion may range from unwanted sexual touching to intercourse. This includes, but is not limited to, incapacity or helplessness caused by alcohol or other drugs. Intoxication of the assailant shall not diminish the assailant's responsibility for the sexual assault. The perpetrator of sexual assault may often be known to the victim. Even with no physical force used, the experience may severely traumatize the victim.

SAGU will respond promptly, fairly, and decisively to all reports of sexual assault. Members of the SAGU community accused of sexual assault will be subject to SAGU's disciplinary procedures when the alleged incident has occurred on campus or when the incident has occurred off campus and materially affects the learning environment or operations of SAGU.

Sexual assaults are serious violations of the University's student judicial code, faculty standards and University employee policies. They are crimes under state law and punishable by fines and/or imprisonment. In addition, these actions are subject to civil suit for damages.

Southwestern Assemblies of God University is compliant with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) as amended in 1998, which requires all post-secondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies and security programming to all current students, employees and to any applicant who so requests.

SAGU shall make 24-hour assistance available to those who have been affected by sexual assault.

## **SAGU's Basic Responsibilities to Address Sexual Violence**

When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that sexual violence created a hostile environment, the school

must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

## **Definitions of Sexual Violence, Sexual Assault and Sexual Harassment**

*Sexual violence* means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

*Sexual assault* is any unwanted, non-consensual sexual contact against any individual by another. It often includes acts involving manipulation, physical force, or coercion. Here are some other definitions relative to sexual assault:

For definitions specific to Texas Law, please see Texas Statutes at the following website: [http://www.womenslaw.org/statutes\\_detail.php?statute\\_id=5713#statute-top](http://www.womenslaw.org/statutes_detail.php?statute_id=5713#statute-top)

*Domestic Violence* includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

*Dating Violence* means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

*Stalking* means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

*Consent* is free and active agreement, given equally by both parties, to engage in a specific activity. Giving in is not the same as giving consent. Consensual sexual activity involves the presence of the word "yes" without influence or incapacitation of alcohol or other drugs, pressure, force, threat, or intimidation.

Other sexual misconduct offenses may also include, but are not limited to: indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, going beyond the boundaries of consent (e.g. recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity without the consent of all parties involved)

*Sexual harassment* is unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature. Examples of behavior that could be considered sexual harassment or sexual misconduct include, but are not limited to unwelcome:

- physical contact of a sexual nature including touching, patting, hugging, or brushing against a person's body;
- explicit or implicit propositions or offers to engage in sexual activity;
- comments of a sexual nature including sexually explicit statements, questions, jokes or anecdotes, remarks of sexual nature about a person's clothing or body, remarks about sexual activity, speculation about sexual experience;
- exposure to sexually-oriented graffiti, pictures, posters, or materials;
- physical interference with or restriction to an individual's movements.

## Preventing Sexual Harassment

Know your rights. Members of the University community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual's performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, or a peer.

## If You Are A Victim of Sexual Violence or Sexual Assault

For definitions specific to Texas Law, please see Texas Statutes at the following website:  
[http://www.womenslaw.org/statutes\\_detail.php?statute\\_id=5713#statute-top](http://www.womenslaw.org/statutes_detail.php?statute_id=5713#statute-top)

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Baylor Scott & White Medical Center provides sexual assault exams for victims.

Baylor Scott & White Medical Center	469-843-4000	2400 North I-35E, Waxahachie, TX 75165
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3. Contact any of the following for immediate assistance:

<b>On Campus</b>		
Title IX Coordinator	972-825-4630	Regular business hours, M–F
Human Resources Director	972-825-4656	Regular business hours, M–F
Campus Safety & Security Office	972-923-8146 (x5555 from campus phone)	24 hours/7 days a week
Campus Nurse*	972-825-4746	Regular business hours, M–F
Campus Counseling Center*	972-825-4721	Regular business hours, M–F
Residential Life Office	972-825-4683	Regular business hours, M–F
<b>Off Campus</b>		



Healing Hearts Center*	800-828-7893	24 hours/7 days a week rape crisis line
Adapt Community Solutions*	866-260-800	24 hours/7 days a week hot line
Domestic Violence*	800-799-7233	24 hours/7 days a week hot line

*\*Denotes that this resource is confidential.*

Note that campus officials may contact on-call staff from these departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are experiencing an emergency situation, you can call local police by dialing 911.

- In rape cases the following steps need to be taken. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a local hospital, if possible. Baylor Scott & White Medical Center provides sexual assault exams for victims.

Baylor Scott & White Medical Center	469-843-4000	2400 North I-35E, Waxahachie, TX 75165
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Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

- Choose how to proceed. You have options: 1) Do nothing until you are ready; 2) Pursue resolution by the University; 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the University, students should contact the Residential Life Office. Employees should contact the Human Resources Office. University procedures will be explained. Those who wish incidents to be handled

criminally should contact the Campus Safety & Security Office or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Students should contact the Office of Student Development for more information and employees should contact the Human Resources Office for more information.

## **About Confidentiality**

**To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.**

### *Confidential Reporting*

If reporting students want details of an incident be kept confidential, they should speak with campus counseling center counselors or the campus nurse. Campus counselors are available to help on an emergency basis. Their service is free of charge. Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as Healing Hearts Center (800-828-7893), Adapt Community Solutions (866-260-800), and Domestic Violence Hot Line (800-799-7233) are also confidential and have no duty to report your information to the university.

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the University will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the University will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

## Complainant (Victim) and Respondent (Accused) Rights, Reporting and Resources

All members of the University community who have been involved in Title IX incidents are offered services provided by a counselor who does not provide counseling to any other person involved in a specific incident.

In addition, both the complainant and respondent have the following rights when a sexual violence or harassment complaint has been made:

- To be treated with respect and dignity.
- To assistance from the University in reporting the incident to law enforcement, if desired.
- To information about the process used in the investigation and appeal.
- To privacy to the extent possible consistent with applicable law and University policy.
- To an advisor to be present throughout the investigation.
- To choose whether or not to participate in the investigation process.
- To a prompt and thorough investigation of the allegations.
- To reasonable time to provide information to the investigator.
- To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or verdict.
- To appeal the decision and any sanctions made by the investigators.
- To written notification of the verdict and the outcome of any appeal.

If you are uncertain about your options and rights, contact one of the follow support persons:

SAGU Safety & Security	972-923-5400	Safety & Security Building
Dean of Students and Residential Life	972-825-4747	Residential Life Office, Teeter Hall first floor
Title IX Coordinator	972-825-4630	Farmer Administration Building, 4 <sup>th</sup> floor
Human Resources Director	972-825-4656	Davis Building, Room #204
SAGU Counseling Center	972-825-4721	Counseling Center, Bridges Hall first floor

### *CRISIS COUNSELING ASSISTANCE*

Campus Security, Dean of Students and or Residential Life, Staff and Faculty shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault or sexual violence.

<b>On Campus</b>	
SAGU Counseling Center	972-825-4721
<b>Off Campus</b>	
Healing Hearts Center	800-828-7893
Adapt Community Solutions	866-260-8000 (24/7 Hot line)
Domestic Violence Hot Line	800-799-7233

## Reporting Procedures for Sexual Assault and Sexual Harassment

Any member of the SAGU community (faculty, staff or student) may report an incident of sexual assault or sexual harassment to the University Title IX Coordinator or the Human Resources Director. Incidents of sexual violence or harassment may also be reported to any of the University managers or directors who will pass the information to the Title IX Coordinator or Director of Human Resources. SAGU employees who hear of or experience sexual violence or harassment are obligated to report the incident as soon as possible to one of the following individuals:

- David Willemsen, Title IX Coordinator at: 972.825.4630, 888.937.7248 ext. 4630, or [dwillemsen@sagu.edu](mailto:dwillemsen@sagu.edu). 1200 Sycamore Street, Waxahachie, TX 75165
- Ruth Roberts, Director of Human Resources at: 972.825.4656, 888.937.7248 ext. 4656, or [rroberts@sagu.edu](mailto:rroberts@sagu.edu). 1200 Sycamore Street, Waxahachie, TX 75165

Complaints of sexual violence or harassment can be reported to the above-mentioned individuals via email, phone call, private meeting, or private, written correspondence. Anonymous reporting is available through mail at: [titleix@sagu.edu](mailto:titleix@sagu.edu) or by clicking on *Services* in the *MENU* drop down box on the University's website at [www.sagu.edu](http://www.sagu.edu).

## Investigation Procedures for Sexual Assault and Sexual Harassment

Once a complaint has been reported, an official investigation will be launched with the intent to resolve the complaint within a reasonable period of time. This investigation would include opportunity for all parties to present witnesses and other evidence to prove or disprove the complaint. Once a resolution has been reached, all parties will be notified of the verdict and the appeal process. SAGU will take steps to prevent any recurrence and to correct its discriminatory effects on the complainant and others, if appropriate. It should be noted that once a complaint of sexual violence or harassment has been made, the University is obligated by Title IX to complete the investigation.

The student always retains control over whom to talk to and what level of information to share. SAGU will never force a survivor-victim to share the details of their experience, but when a report of sexual misconduct is shared with the Title IX Coordinator, SAGU has a legal duty to follow up on the report to determine the appropriate response under Title IX. The Title IX Investigator will conduct an initial assessment regarding, among other things, the nature of the report, the safety of the individual and of the broader campus community, and the complainant's expressed preference for resolution. Students are not pressured to pursue a specific action. In planning any response, the wishes of the reporting student are given full consideration. Nevertheless, the University may need to pursue a certain path despite the wishes of the student, but usually only if there is a broader safety risk for the community.

Reporting an incident to the police and/or pursuing criminal charges are always available to a claimant, and SAGU will help in accessing those resources, but it is separate and different from the University's Title IX process. A claimant can pursue both the criminal and SAGU's process at the same time.

University personnel trained annually in sexual assault and harassment investigation and complainant's rights will lead the investigation. The Title IX staff intentionally work to create a compassionate, sensitive environment to address the issues; offer an unbiased and transparent system for gathering facts; and connect all community members with appropriate support and resources.

Individuals experiencing sexual violence and/or sexual harassment will be notified by University personnel how to file a report with SAGU Safety & Security and other appropriate law enforcement agencies. The complainant will be allowed to decide if he/she wants to file a report with the University or local law enforcement agency. An investigation of "SAGU Code of Conduct" violations may continue even if the complainant decides not to move forward with a report to the University and/or local law enforcement agency.

Upon initial report, the complainant will be provided written information on options to change academic, living, transportation, and/or work environments if the circumstances are relevant to the complaint. SAGU personnel can take immediate action to protect a potential complainant through providing assistance with protective orders and no contact orders, temporarily removing the complainant and/or respondent from campus, moving the complainant and/or respondent to a new residence, and/or relocating or changing the complainant's and/or respondent's class and/or work schedule. SAGU personnel will discuss with complainants the importance of preserving evidence of the alleged offense. Methods of preserving evidence could be, but are not limited to: not showering or bathing, not discarding or washing clothing, not cleaning campus residence, and writing down all details of the incident and the name of the respondent.

Also, upon initial report by the complainant, he/she will be provided written information on counseling, mental health, physical health, victim advocacy, legal assistance, and other services available at SAGU and at off-campus agencies. The respondent will also be provided with the availability of these services.

SAGU personnel will conduct a prompt, fair, confidential, and impartial investigation and resolution. The complainant and the respondent may have an advisor of their choice at all hearings regarding the complaint. The advisor of choice may only speak privately to the person whom he or she accompanies (i.e., either the complainant or respondent), and may not ask questions, assert objections or otherwise speak or address the investigators or tribunal during meetings or hearings. SAGU personnel will utilize a preponderance of evidence standard through the investigation proceedings to determine the validity of the complaint.

All efforts will be made by SAGU personnel to protect the complainant's and respondent's confidentiality including but not limited to: holding meetings with the complainant and respondent in secure and private locations, redacting the complainant's and respondent's name from any publicly available records, including required timely warning notifications, and only involving University personnel essential to the investigation process.

The complainant and the respondent will receive simultaneous written notification of the outcome of the disciplinary hearing, the appeals process, any change to the results before the results are final, and when the results become final.

If an incident of sexual violence occurs off-campus and has sufficient ties to SAGU (if it occurs at a SAGU event, if it involves a SAGU student, staff member or faculty member, etc.) then SAGU can investigate and provide resolution.

### **Someone has filed a complaint against me, what do I do?**

If the behavior is brought to your attention, apologize; ask for a description of what was offensive and who found it offensive. Consider the following actions:

- If you realize that you have been inappropriate, apologize as soon as possible.
- Change your behavior.
- Recognize that other steps may need to be taken.
- Be careful of inappropriate advice that would lead you to minimize or ignore this issue.
- Seek the advice of appropriate University resources.
- Attend sexual harassment training.
- Know the policy on sexual harassment.

### **Formal Appeal of Complaint Findings**

If the complainant or respondent is not satisfied with the findings, he or she must send a formal written letter of appeal requesting a hearing to the Vice President Business and Finance within ten business days after receiving a final determination letter. The letter of appeal must fully describe the reasons for the appeal. Within ten business days after the

Vice President of Business and Finance receives the letter of appeal, a hearing will be conducted before a grievance appeals committee.

The grievance appeals committee will consist of the members of the President's Cabinet. No committee member will have been directly involved with the incident serving as the basis for the initial complaint.

A copy of the letter of appeal will be furnished to the committee when it convenes, along with any written information that may be provided by the complainant and/or respondent. Other individuals may be asked by the committee, in its discretion, to provide information. Upon a final decision by the appeals committee, the Vice President for Business and Finance will submit a response to letter of appeal to the complainant and respondent within ten business days.

### *General Instructions for Complaint Process*

- All meetings related to sexual assault and/or sexual harassment complaints are closed to the public except for the allowed advisor for the complainant and respondent.
- The University Title IX Coordinator is the staff person responsible for coordinating this policy and for making sure all complaints are handled correctly.
- SAGU prohibits its officers, employees, and/or agents from retaliating against a person for bringing a complaint in good faith. Retaliation for bringing a complaint will not be tolerated by the University. Students should report retaliation immediately to the Dean of Students and Residential Life. Institutional employees should report retaliation immediately to the Director of Human Resources.

### **Time Limits**

There is no time limit for making a report of sexual assault or sexual harassment. SAGU encourages reporting an incident as soon as possible in order to maximize a prompt and effective response. The University does not, however, limit the time frame for reporting. If the respondent is no longer a student or employee, SAGU may not be able to take action against the respondent, but it will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects, when appropriate.

### **Protective Measures**

- the complainant will be informed of the option to obtain protective orders, no contact orders, restraining orders, or similar orders issued by criminal or civil court
- the university may temporarily remove the complainant and/or respondent from campus

- the university may move the complainant and/or respondent to a new residence
- the university may relocate or change the complainant's and/or respondent's class and/or work schedule
- the university may provide a clear description of SAGU's disciplinary process
- the university will provide contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community

## **Possible Sanctions for Students Committing Sexual Violence and/or Sexual Assault**

A student who is found to have violated the SAGU Sexual Assault and Violence Policy may be subject to one or more of the following sanctions.

### *Disciplinary Probation*

An official notification from the Residential Life Office explaining the serious nature of the violation and outlining the terms of the disciplinary probation status. This condition serves to notify the student that he/she is not in good standing with the University for a stated period of time. Additional sanctions may be placed on the student during the time of probation. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status.

### *Mandatory Counseling, Discipleship, and/or Education/Treatment Programs*

University personnel may require a person who has committed sexual assault or sexual violence to participate in mandatory counseling sessions through the SAGU Counseling Center or designated off-campus treatment facility. Participation in intentional Christian discipleship may also be required of students who violate the sexual assault and violence policy. Participation in on-campus or off-campus education and treatment programs may also be required.

### *Restrictions from Extracurricular Activities*

A person who is found to have committed sexual assault or sexual violence may be restricted from participating in and attending any University sponsored event, program, activity, service assignment, and/or ministry occurring on-campus or off-campus.

### *Community Service*

An individual who has committed sexual assault or sexual violence may be sanctioned to participate in a determined amount of community service or ministry hours at a location to be determined by SAGU personnel.



### *Parental Notification*

When appropriate and in accordance with the Family Educational Rights and Privacy Act, SAGU personnel may notify a student's parents as a sanction in the disciplinary proceedings regarding a violation of the Sexual Assault and Violence Policy.

### *Dismissal from the Residence Halls/Apartments*

An official notification will be sent from the Office of Student Development and or Residential Life informing the student that his/her housing agreement has been terminated for a specified period of time. The student may also be restricted from visiting the residence halls or apartments.

### *Move to Online Classes*

A student who is found to have committed sexual assault or sexual violence may be required to move to online classes to complete a semester or be restricted to taking only online classes for a specific period of time. The student may also have their campus access restricted or prohibited. A student who is required to transfer to online classes may be issued a criminal trespass order by the SAGU Security Department.

### *Termination of Student Employment or Training Assignment*

A student who is found to have committed sexual assault or sexual violence may be terminated from University student employment, or may be separated from their internship, student teaching assignment, or field-based training assignment.

### *Removal or Reduction of Institutional Scholarship*

A student who is found to have committed sexual assault or sexual violence may have their institutional scholarship reduced or removed for a specified term or semester or for the duration of their University enrollment.

### *Suspension*

An official notice will be sent from the Office of Residential Life terminating the student's status from the University for a specified or indefinite period of time during which the student may or may not be permitted on campus. During the time of suspension, the student may be issued a criminal trespass order by the SAGU Safety & Security Department prohibiting their access to the SAGU campus.

### *Expulsion*

An official notice will be sent from the Residential Life office permanently terminating an individual's student status from the University, including a possible restriction that the student will not be permitted on campus. An expelled student can be issued a criminal trespass order by the SAGU Security Department prohibiting their campus access.

## **Education and Training for Sexual Assault and Sexual Violence**

SAGU provides education and prevention programs related to sexual assault, sexual violence and sexual harassment. Title IX and VAWA Training for Students is distributed to all students annually. The *Title IX for Faculty* training video is distributed to all faculty and staff annually. This training video serves to assist SAGU administrators, faculty, and staff in developing educational programming, prevention strategies, and protective measures to prevent and reduce sexual assault and other acts of violence on the SAGU campus and among the University community. This training also provides information regarding the problems that result from sexual assault and violence and practical measures and suggestions on how the SAGU campus community should work in collaboration with other University employees, law enforcement, and internal/external support services in addressing these issues and in supporting complainants and restoring survivors of sexual assault and interpersonal violence.

Prevention programs are provided for new, incoming students and new employees of SAGU and ongoing prevention programs for students, faculty, and staff. Primary prevention programs for new students are completed during the S3 class for new students and other training classes are led by the Dean of Students and Residential Life personnel. Prevention strategies are also discussed at mandatory housing meetings that occur annually. These mandatory housing meetings include new and returning students. Each of these education programs include the reading of the official SAGU statement prohibiting sexual assault, sexual violence and sexual harassment. The definitions of consent, domestic violence, dating violence, stalking, and sexual assault are provided to all students during each of these prevention sessions. At each of these primary prevention discussions, students are also informed of how they are able to report domestic violence, dating violence, stalking, and sexual assault to University officials and local law enforcement. The primary prevention sessions also provide students with possible warning signs of abuse in a relationship.

The appropriate definitions of sexual assault, sexual violence and sexual harassment are also provided to all students annually in writing along with the official University statement prohibiting these offenses and the safe and confidential ways to report possible offenses.

Prevention programs for new employees occur during new faculty and staff orientation annually and are led by the University Title IX Coordinator. Special faculty and staff meetings are held each year to discuss prevention of sexual assault and the role of faculty and staff in reporting these offenses in a safe and confidential manner. Each of these employee meetings include the reading of the official SAGU statement prohibiting sexual assault, sexual violence and sexual harassment. The definitions of these offenses are also provided to all faculty and staff during each of these prevention sessions. Faculty and staff are provided with possible warning signs of abuse in a relationship in order to quickly recognize potential issues among students.

Each year, the Title IX Coordinator sends a letter to all faculty and staff with the appropriate definitions of sexual assault, sexual violence and sexual harassment along with the official University statement prohibiting these offenses and the safe and confidential ways to report possible offenses.

*Are women the only victims of sexual harassment or sexual violence?*

No, both females and males can be victims of sexual harassment and/or sexual violence.

*Is it possible to be sexually harassed/assaulted by someone of the same gender?*

Yes. If you have been subjected to unwanted sexual contact or sexual harassment, your gender and the gender of the alleged perpetrator are irrelevant.

*Can the University retaliate against one who reports the sexual misconduct?*

No member of the University community shall retaliate against another member of the University community who engages in good faith conduct as set forth below. Members of the University community who in good faith report Title IX incidents are granted amnesty which is final and cannot be revoked. Alleged victims and alleged perpetrators are allowed to drop courses in which both parties are enrolled and without penalty. Acts of retaliation violate University policy and may be unlawful, and as such, will not be tolerated. Any individual found to have retaliated shall be subject to disciplinary action, up to and including dismissal.

*Retaliation* occurs when a person experiences an adverse action because he or she: reported misconduct under the SAGU's conduct policy; participated in a SAGU investigatory, grievance, or appeals procedure; filed a complaint alleging prohibited discrimination (including harassment); or otherwise objected to or reported a practice that he or she reasonably believed was unlawful, unethical, or in violation of SAGU policy.

Types of adverse action include, but are not limited to: dismissal from employment; demotion; loss of salary or benefits; transfer or reassignment; or denial of promotion that otherwise would have been received. Anyone reporting retaliation must act in good faith and have reasonable grounds for believing that retaliation has occurred. Individuals who make false retaliation reports will be disciplined in accordance with existing University policies and procedures.

Nothing in this Policy is intended to interfere with legitimate employment decisions.

*Does Title IX cover employee complaints against a student?*

Yes, if an employee reports sexual violence or harassment against a student, SAGU must act on the report and notify the employee of options and resources for support. SAGU will notify the student, conduct an investigation, and ensure that the conduct ceases.

*Does Title IX cover student complaints of sexual misconduct against employees?*

Yes, if a student reports sexual misconduct/harassment by an employee, SAGU must take action. Based on the report (to an obligated reporter), SAGU will notify the student

of options and resources available for support. SAGU will notify the employee and in most instances will conduct an investigation, and if it is found that the employee has engaged in sexual misconduct/harassment, SAGU will take steps to ensure the conduct stops. If the investigation reveals inappropriate behavior by the student, charges may be filed against the student with the Office of Student Development.

*Does Title IX cover employee complaints against another employee?*

The primary federal law addressing sexual misconduct/harassment claims by one employee against another is Title VII rather than Title IX. While both statutes prohibit sexual misconduct/harassment at an educational institution, the statutes have different administrative requirements and are overseen by different federal agencies. Any employee that has a complaint of sexual misconduct/harassment against another employee should report it to his/her supervisor or the Director of Human Resources.

## **Position Statement on Preventing Sexual Assault and Sexual Violence**

Sexual violence is a serious problem that can have lasting, harmful effects on victims and their family, friends, and communities. The purpose and end objective of sexual violence prevention is simple—to stop it from happening before it ever begins.

Prevention efforts should ultimately decrease the number of individuals who perpetrate sexual violence and the number of individuals who are sexual violence victims. Many prevention approaches aim to reduce risk factors and promote protective factors for sexual violence. At SAGU, comprehensive prevention strategies are designed to address factors at each of the levels that influence sexual violence—the individual, relationship, community, and society.

The most common prevention strategies currently focus on the victim, the perpetrator, witnesses, or bystanders. Strategies that aim to equip the victim with knowledge, awareness, or self-defense skills are referred to as risk reduction techniques. Strategies targeting the perpetrator attempt to change risk and protective factors for sexual violence in order to reduce the likelihood that an individual will engage in sexually violent behavior. All levels of prevention are necessary to stop the occurrence of sexual violence and to significantly improve the health status of our SAGU campus community. True primary prevention is population-based using environmental and system-level strategies, policies, and actions that prevent sexual violence from initially occurring.

Sexual violence prevention activities include those that are aimed at addressing the domains of influence of potential victims, perpetrators, and bystanders. The creation of a living and learning environment free of sexual violence is the ultimate goal. This vision requires a cultural shift that moves beyond the mere prevention of violence towards a community that adopts healthy and caring sexual attitudes and practices. Faculty, staff, administrators, and students must play key roles in the creation of a campus culture that reflects civility, honor, respect, and nonviolence.

The goal of bystander prevention strategies is to change social norms supporting sexual violence and empower men and women to intervene with peers to prevent an assault from occurring. Bystander techniques are skills that allow students, faculty, and staff to recognize the continuum of violence and empower them to intervene, prevent, or stop inappropriate comments and actions. SAGU's bystander prevention measures foster a culture shift from bystander apathy to bystander intervention, thus creating a culture in which violence cannot occur.

Successful primary prevention of sexual violence requires recognition of the problem at the highest levels of campus leadership. Efforts to prevent sexual violence are multifaceted and include but not be limited to such strategies as classroom discussions, health promotion programs, publicity, peer education, and discussions during student health, mentoring, and counseling services visits.

A critical component of SAGU's successful primary prevention of sexual violence is its recognition as a public health issue that involves both men and women. We encourage the commitment of men to serve as positive role models for other men to be intolerant of sexual violence. SAGU promotes a campus culture with programs that provide continuous opportunities that empower women to develop self-respect, self-esteem, and assertiveness.

Alcohol and drug use and abuse are associated with the majority of incidents of campus sexual assaults. The University promotes awareness initiatives related to alcohol and drug use/abuse and their relationship to sexual violence.

This position statement on sexual assault and interpersonal violence prevention was adapted from the American College Health Association's Toolkit, Shifting the Paradigm: Primary Prevention of Sexual Violence.

## **Guiding Principles**

Prevention is the cornerstone of SAGU's sexual assault and interpersonal violence prevention and education program. Program activities are guided by a set of prevention principles that include:

- Preventing first-time perpetration and victimization
- Reducing modifiable risk factors while enhancing protective factors associated with sexual violence perpetration and victimization
- Using the best available evidence when planning, implementing, and evaluating prevention programs
- Incorporating behavior and social change theories into prevention programs
- Using population-based surveillance to inform program decisions and monitor trends;
- Evaluating prevention efforts and using the results to improve future program plans

## **Preventing Sexual Violence through Empowering Campus Bystanders**

A promising approach to preventing interpersonal violence is to teach and encourage bystanders to intervene with peers and support potential or actual victims. A “bystander” is a friend, classmate, teammate, coworker, teacher, family member, or stranger who is aware of or observes situations and interactions that could lead to sexual harassment, intimidation, coercion, or assault.

The purpose of bystander intervention education is to increase awareness and understanding of the problem, increase feelings of responsibility to solve this problem, increase commitment to act, and to empower people to act both individually and collectively. By fostering a sense of caring and community, campus cultures can be transformed and become safer.

Everyone in the campus community has a role to play, including professors, administrators, healthcare professionals, student leaders, graduate assistants, clerical staff, etc. Student behavior is greatly determined by prevailing cultural and social norms governing sexual attitudes and behaviors in society.

### *Bystander Intervention Key Components*

- Role modeling is crucial
- Entire campus community has a stake
- Support bystander intervention on campus
- Teach skills to intervene
- Obtain commitment to intervene
- Teach how to interrupt a possible sexual assault
- Reduce defensiveness to the message

Bystander interventions includes a full range of options and levels of action, from speaking to a resident assistant about an encounter in a residence hall to calling the police. Interventions can occur with friends, acquaintances, strangers, professors, crisis hotline staff, counselors, roommates, and others. Some interventions are best done by a group of friends and others are more effective in private, side conversations. Staying safe is always emphasized and balanced with keeping others safe. When people feel seriously threatened, authorities such as campus Security should be called.

## **Southwestern Assemblies of God University’s Response to Our Sexual Assault Policy**

In SAGU’s **Institutional Policy Manual and the Annual Student Handbook** that is given to every student and employee when they arrive on campus is in hardbound version and on the SAGU website. We address Sexual Assault, Sexual Harassment, Abuse, Rape, Stalking and other Sex offenses. We go into detail on our policy and procedure in reporting, how we assist the victims and our role as a University insuring that everyone

involved and needs to be involved have been made aware of the assistance that we give and provide services that are required.

## **Non Discrimination Policy**

SAGU does not discriminate based on race, color, national origin, gender, disability, age, veteran status, or any other protected legal status in matters of admissions, employment, housing, educational programs or activities, except as granted by waiver from the US Department of Education. The University operates in compliance with federal non-discrimination laws, including:

- Title IX of the Education Amendments of 1972.
- Title VI and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973.
- The Age Discrimination Act of 1975.

As a religious institution, the University is exempt from certain provisions and retains the right to make legitimate employment, admission, and educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX statute, 1st Amendment, and Religious Freedom Restoration Act). Because of its affiliation with the General Council of the Assemblies of God and the North Texas District Council of the Assemblies of God, SAGU qualifies for the religious exemption under 20 U.S.C § 1681(a)(3) and 34 C.F.R. § 106.12.

For a more detailed review of some doctrinal matters and societal issues reflecting the university's viewpoint, refer to various denominational position papers located on the AG website ([www.ag.org](http://www.ag.org)) – click on “Beliefs” and then “Position Papers”.

SAGU is bound to AG doctrinal teachings and also guided by Assemblies of God Position Papers and other teachings on pastoral and moral issues such as homosexuality and gender identity (see AG Position Paper – Homosexuality, Marriage, and Sexual Identity and AG Position Paper – Transgenderism, Transsexuality, And Gender Identity).