

Prohibiting Discrimination, Harassment & Sexual Violence

Authority:	President / Chief Executive Officer
Responsible Official:	Elizabeth Medina, Vice President for Student Affairs and Chief Diversity Officer
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I. Notice of Non-Discrimination

The University prohibits harassment and discrimination on the basis of sex, gender, race, color, religion, age, national origin, disability, genetic information, military or veteran status, and any other basis protected by law, in its programs and activities, including employment and admissions. Further, it is the policy of the University to provide training, procedures, and resources to prevent discrimination, harassment, and sexual violence and to provide an equitable grievance process that provides for prompt, fair, and impartial investigation of grievances and the imposition of sanctions against individuals who are found in violation of this policy.

The following individuals have been designated to handle inquiries regarding the non-discrimination policies:

Kristi Kirk, Provost and Executive Vice President, 512.313.4601, Kristi.Kirk@concordia.edu, Main Campus Office – C108. Responsible for employee related inquiries.

Elizabeth Medina, Vice President for Student Affairs/Chief Diversity Officer, 512.313.4304, Elizabeth.Medina@concordia.edu, Main Campus Office – C107. Responsible for student related inquiries.

Additionally, complaints may also be filed with the U.S. Department of Education’s Office for Civil Rights:

Dallas Office for Civil Rights U.S. Department of Education 1999 Bryan Street, Suite 1620 Dallas, Texas 75201-6810, Telephone: 214.661.9600; FAX:

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214.661.9587; TDD: 800.877.8339; Email: ORC.Dallas@ed.gov; Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

II. Purpose

Concordia University Texas strives to maintain a living, working, and learning environment that is free from discrimination, harassment and sexual violence. Discrimination, harassment and sexual violence of or against any student, employee or visitor of Concordia University Texas or of any other person associated with the University are contrary to the religious and moral tenets and the mission of Concordia University Texas. Such conduct also may violate state and federal law.

The University prohibits harassment and discrimination on the basis of gender, race, color, religion, age, national origin, disability, genetic information, military or veteran status, and any other basis protected by law. Further, it is the policy of the University to provide training, procedures, and resources to prevent discrimination, harassment, and sexual violence and to provide an equitable grievance process that provides for prompt, fair, and impartial investigation of grievances and the imposition of sanctions against individuals who are found in violation of this policy.

The University, as a Christian educational institution of The Lutheran Church-Missouri Synod, reserves the right to give preference in employment based on religion as permitted by Title VII of the Civil Rights Act of 1964.

This policy details prohibited conduct, the reporting of prohibited conduct, and the components of the grievance process.

III. Scope

This policy applies to Concordia University Texas's Board of Regents, administrators, faculty, staff, students, and individuals conducting business with the University. This policy applies to behaviors that take place on campus, at University-sponsored events, and in University vehicles. Additionally, the University may investigate allegations involving off-campus misconduct, on-line misconduct, or misuse of social media when such conduct adversely impacts the educational operations of the University or creates a hostile environment on campus.

This policy prohibits a wide range of verbal and physical behaviors, ranging from offensive communications to unwelcome touching and sexual assault. The definitions within this policy are not intended to be mutually exclusive and, in some instances, the definitions may overlap. For example, an act of sexual assault may constitute sexual harassment, while an act of dating violence also may constitute a sexual assault.

"Sexual misconduct" as used in this policy collectively refers to all prohibited acts in which the victim's gender or intimate relationships is a factor, including but not limited to, sexual harassment, sexual violence, dating violence, stalking, domestic violence, and sexual assault. The phrase "sexual misconduct" also encompasses

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behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for an educational environment even if the conduct is otherwise consensual, such as engaging in sexual activity in a public place.

IV. Definitions

Definitions of Prohibited Conduct

This policy provides definitions based on state or federal statutes and regulations. In some instances, both state and federal law provide overlapping definitions of the same subject matter. This policy shall be construed to provide students and employees with the maximum protection required by law.

A. Discrimination

Discrimination is the act of treating similarly situated persons differently based on their race, color, national origin, religion, sex, disability, age, veteran or military status, genetic information, or any other basis protected by law.

For employees, this prohibition applies to the terms and conditions of employment such as hiring, placement, promotion, termination, layoff, transfer, compensation, training, and leaves of absence.

For students, this prohibition applies to University operations and activities such as admission, housing, discipline, counseling, scholarship and loan programs, co-curricular experiences, and athletics.

B. Harassment Based on Protected Status

Harassment is physical, verbal, or nonverbal conduct directed at a person because of his or her race, color, national origin, religion, disability, age, veteran status, genetic information, or any other protected status and that is so severe, persistent, or pervasive that the conduct:

1. Affects a person's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance or an employee's work performance; or
3. Otherwise adversely affects a person's educational or employment opportunities.

Examples of prohibited harassment include offensive or derogatory comments, jokes, or slurs because of the individual's protected status or because of the individual's need for an accommodation based on disability; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property when motivated by the individual's protected status.

C. Sexual Harassment

Sexual harassment is unwelcome physical, verbal, or nonverbal conduct that is based on the individual's sex or gender and that is so severe, persistent, or pervasive that:

1. Submission to such conduct is explicitly or implicitly made a term or condition of instruction, participation in a university activity, or university employment;
2. Submission to or rejection of such conduct is used as a basis for personnel or academic decisions; and/or
3. Such conduct interferes with the individual's work or academic performance or creates an intimidating, hostile, or offensive work or learning environment.

Sexual harassment violates this policy whether it is perpetrated by a student, an employee, or third party. Additionally, sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex.

The definition of sexual harassment in this policy includes acts of sexual violence, sexual assault, dating violence, and stalking. The definition of sexual harassment also encompasses gender-based harassment, such as actions or comments that target a student's failure to conform to stereotypical notions of masculinity or femininity.

Examples of prohibited sexual harassment include sexually offensive comments and gestures; requests for sexual favors accompanied by implied or overt promises of preferential treatment; requests for sexual favors accompanied by implied or overt threats of adverse consequences if the recipient does not comply; unwanted flirtation or repeated requests for social/sexual encounters or favors the recipient deems unwelcome; slurs and name-calling; graffiti, pictures, or posters of sexual nature; suggestive or unwelcome physical contact, such as grabbing, touching, or patting; leering, simulating sexual activity, or pointing to a person's intimate body parts; and acts of sexual violence, including sexual assault, sexual coercion, and rape.

D. Sexual Assault and Aggravated Sexual Assault

Sexual assault is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent. "Sexual contact" includes any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person. Sexual assault is without consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent. (Source: Texas Penal Code § 22.011.)

Aggravated sexual assault is defined as sexual assault in which the actor causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode. Other factors may cause an assault to become an aggravated assault, including actions or words that place the victim in imminent fear that the victim or another person will be killed or subjected to serious bodily injury or kidnapping. Aggravated sexual assault also occurs when the

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actor uses or exhibits a deadly weapon in the course of the same criminal episode; when the actor acts in concert with another who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or when the actor assaults a victim who is younger than 14 years of age or who is an elderly or a disabled individual. (Source: Texas Penal Code § 22.021.)

E. Domestic Violence

The term “domestic violence” refers to a pattern of abusive behavior between two individuals formerly or currently in an intimate relationship, including through marriage, cohabitation, dating, or within a familial or household arrangement. Abuse may be in the form of physical assault, sexual assault, bodily injury, emotional distress, physical endangerment, or when the imminent threat of any of these instances puts the victim in fear of their occurrence.

Under Texas law, domestic violence or domestic assault occurs when the actor commits an assault against a family member, household member, or a current or past dating partner. The offense occurs when the actor intentionally, knowingly or recklessly causes bodily injury to another person or threatens another person with imminent bodily injury. It also occurs when the actor intentionally or knowingly causing physical contact with another that the actor knows or reasonably should know the victim will find provocative or offensive. A person commits aggravated domestic assault if he or she intentionally, knowingly, or recklessly causes serious bodily injury to a family member, household member, or a current or past dating partner, or uses or exhibits a deadly weapon in the course of committing the assault crime. Domestic violence does not include defensive measures to protect oneself. The term domestic violence also may encompass “dating violence” as defined in the Texas Family Code. (Source: Texas Penal Code § 22.01.)

Under Texas law, domestic violence also may constitute family violence, which is defined as 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. The term also encompasses (i) child abuse by a member of a family or household toward a child in the family as defined in Section 261.001 of the Texas Family Code and (ii) dating violence as defined by Section 71.004 of the Texas Family Code. (Source: Texas Family Code § 71.004.)

Under federal law, “domestic violence” encompasses a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (v) by any other person against an adult or youth victim who is protected from that person’s acts under the laws of the jurisdiction where the crime occurred. “Domestic violence” encompasses acts that one might not characterize as violent in a nondomestic context. Additionally,

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domestic violence requires more than just two people living together; the individuals must be spouses or have an intimate relationship.

F. Dating Violence

Under federal law, the term dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. The University will consider the reporting party's characterization of the relationship when making a determination that an act of violence is "dating" violence.

Under Texas law, dating violence means an act, other than a defensive measure to protect oneself, by an actor that 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**

that 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.

A "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. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship." (Source: Texas Family Code § 71.0021.)

G. Stalking

Under federal law, stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. "Course of conduct" means two more acts, including, but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person; or interferes with a person's property.

Under Texas law, stalking occurs when a person, 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:

- (1) constitutes an offense under Section 42.07 (harassment as defined by the

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- Penal Code), or that the actor knows or reasonably should know the other person will regard as threatening:
- (A) bodily injury or death for the other person;
 - (B) 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
 - (C) that an offense will be committed against the other person's property;
- (2) 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
- (3) would cause a reasonable person to:
- (A) fear bodily injury or death for himself or herself;
 - (B) 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;
 - (C) fear that an offense will be committed against the person's property; or
 - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(Source: Texas Penal Code §42.072)

H. Retaliation

Every student and employee at the University has right to seek relief under this policy or to participate in an investigation or covered proceeding without being subjected to retaliation. Retaliation is an adverse action taken by an employee or student against an individual who makes a complaint of discrimination or harassment, witnesses an incident of discrimination or harassment, reports an incident of discrimination or harassment, or participates in an investigation pertaining to a grievance of discrimination or harassment. For an action or decision to be considered adverse, it must be materially adverse and be of the type that would dissuade a reasonable person from exercising his or her rights to file a grievance or to participate in an investigation. Unlawful retaliation does not include petty slights or annoyances. It is a violation of this policy to discipline or otherwise discriminate against a student or employee who, in good faith, makes a mandatory report or cooperates with an investigation, disciplinary process, or judicial proceeding relating to a mandatory report.

Additional Policy Definitions

For purposes of this policy, the following definitions are assigned:

Complainant: an individual who has been subjected to discrimination, harassment, or sexual misconduct or who makes a complaint of discrimination, harassment, or sexual misconduct. The complainant also may be referred to as the accuser or the

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victim.

Consent: A critical factor that distinguishes acceptable sexual behavior from unacceptable sexual behavior is the consent of the parties involved. Consent is a clear, knowing and voluntary permission by words or action to engage in mutually agreed upon sexual activity. Consent is communicated through mutually understandable words or actions that indicate willingness by all of the involved parties to engage in the same sexual activity, at the same time, and in the same way. Clear and open communication is an essential element to conveying and understanding consent. Ideally, consent is given verbally; however, consent (or lack of consent) also may be expressed through gestures and body language. Consent cannot be freely given if the person's ability to understand and give consent is impaired. Examples of those who are impaired and therefore cannot give consent include but are not limited to:

- Any person who is incapacitated due to the use of alcohol and/or other drugs.
- Any person who is asleep or unconscious or for any reason is physically incapacitated.
- Any person who is mentally impaired or has a mental disability.
- Any person younger than 17 years old.
- Any person who has been subjected to the explicit or implicit use of force, coercion, threats and/or intimidation.

Silence does not equal consent. Additionally, consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. Similarly, a prior sexual history or dating history between the participants does not constitute consent. Consent may be given for specific activities and not for others. Further, any party has the right to change his or her mind and withdraw consent at any time through words or actions. Once consent is withdrawn, the sexual activity occurring must cease.

“Clery” report: Under the University's Policy on Mandatory Crime Reporting, certain offenses must be reported to the campus police for statistical collection purposes. These offenses include sexual assault, stalking, dating violence, and domestic violence. The obligation to make a “Clery” report is in addition to the reporting obligations required by the Policy on Discrimination, Harassment, and Sexual Violence.

Respondent: an individual who has been accused of engaging in discrimination, harassment, or sexual misconduct. The respondent also may be referred to as the accused or alleged perpetrator or offender.

Responsible Employee: Officers, Faculty and Staff that have been designated by the University as mandatory reporters for the purposes of Title IX. These individuals have the authority to take corrective action regarding a violation of Title IX. They are required to report any information they receive regarding sexual harassment, sexual misconduct or assault to the Title IX coordinator.

Title IX: Title IX is a federal statute that prohibits discrimination on the basis of gender in education programs. (See Title IX of the Education Amendments of 1972, 20 U.S.C.

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§ 1681 et seq. and 34 C.F.R. Part 106.)

Title IX Coordinators: These University employees are appointed to facilitate the University's compliance with Title IX. These employees assist students and employees in understanding and enforcing this policy, in facilitating investigations, and facilitating on-campus training opportunities. The University's Title IX coordinators (consisting of the Title IX Coordinator and all Deputy Title IX Coordinators, are listed in Section V of this policy.

*The words *Grievance* and *Complaint* are synonymous with one another and are used interchangeably. For purposes of this policy, grievance and complaint refer to reports of acts of discrimination, harassment, and sexual misconduct and the formal requests to correct prohibited conduct.

V. Policy Statement

1. Lodging a Complaint

A. Complaints – In General

An individual who believes that he or she has been subjected to conduct that violates this policy may report the complaint to a Title IX Coordinator, dean of students, director of human resources or any other Responsible Employee listed in this policy. No victim shall be required to report prohibited conduct to the person who allegedly committed the conduct.

An individual may simultaneously file a criminal complaint with law enforcement and a campus grievance with the University. An individual also may choose to file a campus grievance without filing a law enforcement complaint or to file a law enforcement complaint without filing a campus grievance. Additionally, an individual may choose not to file any complaint.

Victims are encouraged to report their concerns as soon as possible after the alleged violation. A failure to immediately report may impair the University's ability to investigate and address the violation.

Grievances shall be in writing unless the circumstances are such that it would be impractical or unreasonable to require a written complaint, e.g., the complainant is physically unable to prepare a written complaint. The written complaint shall describe all incident(s) or action(s) considered by the complainant to be harassing or discriminatory. Written complaints shall identify the relevant dates and all witnesses and shall specify a requested remedy. The written complaint shall be signed and dated by the person raising the grievance.

B. Confidential and Non-Confidential Complaints

In response to an act of harassment or sexual misconduct, a victim may be unsure whom to contact for information about options and resources both on and

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off campus. Some victims may prefer a confidential consultation before deciding a course of action. Most University personnel will have a duty to report complaints that come to their attention. Below, this policy addresses the circumstances in which confidentiality may be honored.

Non-Confidential Communications: The University is required by law to investigate and respond to reports of sexual harassment and sexual misconduct.

Non-confidential communications consist of those communications that will be disseminated to Title IX Coordinators and others on a need-to-know basis in order to ensure that necessary steps are taken to protect the community as a whole and appropriate disciplinary measures are considered and taken. **With exception of communications to a counselor in the University's Counseling Center or the University Campus Pastor, discussed below, all communications, complaints and/or reports of possible violations of this policy are considered non-confidential.**

Requests for Confidentiality: To the greatest extent possible, the University shall maintain the confidentiality of information and records related to investigations of grievances based on discrimination, harassment, and sexual misconduct. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. The University's Title IX Coordinators will evaluate a student's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for the entire university community.

The Title IX Coordinators will make every effort to respect a student's request for confidentiality; however, there are situations in which the University must override a student's request for confidentiality in order to meet its Title IX obligations. When weighing a student's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, the University will consider a range of factors. These factors include, but are not limited to:

- circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., existence of other sexual violence reports about the alleged perpetrator, a history of arrests, etc.),
- whether the sexual violence was perpetrated with a weapon,
- the age of the student subjected to the sexual violence, and
- whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

If the University determines that it must disclose a complainant's identity to an alleged perpetrator, it will inform the complainant prior to making this disclosure and take whatever interim measures are necessary to protect the complainant and ensure the safety of others.

Confidential Communications: Confidential communications are those

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communications that cannot be disclosed to another person without the reporter's consent, except under very limited circumstances such as an imminent threat or danger to self or others.

Victims may speak confidentially with a counselor in the University's Counseling Center or the University Campus Pastor. The University's counselors and Campus Pastor may assist victims in deciding whether to report, what options exist, and what resources are available.

The University's counselors and/or University Campus Pastor, when acting in those respective roles on behalf of the University, are not required to report incidents of sexual harassment, sexual violence, or sexual misconduct to the University's Title IX coordinators.

Communications to faculty and/or staff members who are by education and practice a licensed professional counselor or a pastor are not confidential and should be reported to a Title IX Coordinator or Responsible Employee unless the individual is either the Campus Pastor or a counselor in the University Counseling Center.

2. Employee Obligations to Report

All employees, including administrators, faculty, and staff, are required to promptly report instances of sexual harassment, sexual assault, dating violence, and/or stalking to a Title IX Coordinator as defined in Section V of this policy.

The employee's obligation to report is triggered when, in the course and scope of their employment, the employee witnesses or receives information regarding an incident of sexual harassment, sexual assault, dating violence, and/or stalking which was allegedly committed by or against a student enrolled at or an employee of the institution at the time of the incident. The employee is still required to report the incident even if they are aware that another employee has reported the same alleged misconduct.

When an employee learns of an alleged violation of this policy, he/she shall report to a Title IX Coordinator all relevant details that he/she knows, including names of those involved and relevant facts including date, time, and location. Employees are required to report sexual harassment, sexual misconduct, or sexual assault, even if when they have been requested by the person confiding in them to keep the discussion confidential.

When an employee receives a sexual misconduct report from a potential victim, the victim will be notified that:

- **the employee must report the complaint to a Title IX Coordinator,**
- **confidentiality can be requested and such requests will be evaluated by**

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- **the Title IX Coordinators, and**
- **confidential communications can be made with the University's Campus Pastor or counselors in the University's Counseling Center and that those communications will not be reported to the Title IX Coordinator without the victim's consent.**

As noted above, all administrators, faculty, staff and affiliated persons are expected promptly report an incident of discrimination, harassment, violence, or threatening behavior to a Title IX Coordinator.

When in doubt about whether to report a potential incident, all administrators, faculty, staff, and affiliated parties should err on the side of reporting to a Title IX Coordinator. Confirmed failure of an employee to make a required report will result in termination of that individual's employment.

Once a report is made, the identity of the alleged complainant and/or respondent must remain confidential and may only be disclosed to:

- employees of the university who are charged with receipt of the report and/or those who are necessary to investigate the report and/or conduct any related hearings;
- a law enforcement officer as necessary to conduct a criminal investigation of the report;
- the person or persons alleged to have perpetrated the incident (to the extent required by law); and/or
- potential witnesses to the incident as necessary to conduct an investigation of the report.

In short, when an employee receives information regarding an incident requiring a report under this policy, they should report that information to a Title IX coordinator as soon as possible and should not re-disclose that report or the names of parties involved to anyone other than those listed above. Additionally, due to the confidential nature of the report and investigation process, the reporting employee will not receive any further information about the outcome of the report.

Additional reporting requirements for sexual offenses: Reporting a sexual offense under this policy is not the same as making a "Clery" report under the University's Policy on Mandatory Crime Reporting. Under the University's crime reporting policy, employees will have a duty to report an offense directly to the campus police for statistical reporting purposes. These reporting requirements are outlined in the Policy on Mandatory Crime Reporting.

3. Interim Protective Measures

Concordia, under the direction of Title IX Coordinators, will consider interim measures to eliminate the environment where harassment allegedly occurred, to prevent recurrence, and to reduce the impact of the conduct. These measures may include,

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but are not limited to, notifying the complainant of his or her options to avoid contact with the alleged perpetrator and allowing the complainant to change academic and extracurricular activities or his or her on-campus working situation as appropriate. These interim actions also include ensuring that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to local law enforcement.

A victim may seek administrative protective measures, such as changing a class schedule, without pursuing a formal grievance. The Title IX Coordinator, dean of students (in the case of students), and associate vice president of human resources (in the case of employees) can assist the complainant in evaluating interim protective measures.

In some instances, the victim may wish to seek a protective order from a court. The University counseling center and police department can facilitate the victim's access to legal services and law enforcement services to explore this option.

4. Complaint and Investigation Process

Grievance procedures for students and employees, respectively, are published and utilized to provide an equitable and prompt resolution to complaints of discrimination, harassment, and violence.

If the grievance is within the scope of this policy, the University shall commence an investigation regardless of whether a law enforcement agency or other agency is investigating the same allegation.

The University aims to complete the investigation as promptly as possible, typically within 15 to 60 calendar days. While every effort will be made to adhere to this timeline, in some circumstances, a delay in the process may be necessary in order to appropriately address the unique circumstances involved in each investigation. In instances where a delay becomes necessary, the parties will be notified. Additionally, the parties can request an update on the status of their matter at any point.

Barring such a delay, the university will typically follow up with the complainant within two business days of a report being received by a Title IX Coordinator. Additionally, once a formal grievance has been filed, a notice of investigation will be sent to both parties within three business days. Once a matter is resolved, a written notice of outcome will be sent within three business days.

All deadlines in this policy may be extended by mutual agreement or for good cause, as described above.

As part of the investigation process, the investigator will gather and review evidence

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and information. In addition to the evidence and information that the investigator gathers from witnesses and the involved parties, the parties themselves will have the opportunity to submit evidence and information for review by the investigator.

5. Resolution and Sanctions

Concordia University Texas shall take such action as it deems appropriate, depending upon the circumstances and degree of authority it has over the offender and in accordance with the disciplinary policies and procedures applicable to the person who committed the prohibited conduct.

Effective remedial or corrective actions may include disciplinary action against the accused, providing counseling for the parties, administrative remedies for the complainant and others, as well as changes to the University's overall services or policies.

Employees who violate this policy may be reprimanded, suspended, or terminated.

Students who violate this policy may be expelled, counseled, denied privileges, or removed from extracurricular activities. These remedies are separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of the University's investigation.

6. Reporting to the President and the Board

The Title IX Coordinator shall submit a written report to the President on a quarterly basis. That report shall contain:

- the number of reports of sexual harassment, sexual assault, dating violence, and stalking;
- the investigation of those reports;
- the disposition, if any, of any disciplinary processes arising from those reports; and
- the reports for which the institution determined not to initiate a disciplinary process, if any.

In addition to this quarterly written report, the Title IX Coordinator or Deputy Title IX Coordinator must immediately report to the President any reported instance of sexual harassment, sexual assault, dating violence, or stalking that causes the coordinator to believe that the safety of any person is in imminent danger as a result of the incident.

Annually, the President will submit to the institution's governing body and post on the website a report concerning employee mandatory reports. The report cannot identify any person and must include:

- the number of mandatory reports received;
- the number of investigations conducted as a result of those reports;
- the disposition, if any, of any disciplinary processes arising from those reports;
- the reports for which the institution determined not to initiate a disciplinary process, if any; and
- any disciplinary actions taken against an employee for failing to make a

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mandatory report.

Also on an annual basis, the President will certify in writing to the Texas Higher Education Coordinating Board that the instruction is in substantial compliance with SB 212.

VI. Additional References

CAMPUS RESOURCES:

Concordia University Texas has appointed a Title IX Coordinator and Deputy Coordinators to ensure its compliance with Title IX. While the primary responsibility for each coordinator is described below, if you have a Title IX question, concern, report or complaint, do not hesitate to contact any of the persons listed below.

Title IX Coordinator: The Title IX Coordinator is responsible for overseeing the University's compliance with Title IX. This oversight includes:

- The University's response to reports and/or complaints of discrimination, harassment, sexual violence, or retaliation,
- Ensuring prompt and equitable resolutions of reports and/or complaints,
- Identifying and addressing any patterns or systemic Title IX problems,
- Coordination of all training, education and prevention efforts, and
- Accepting complaints and/or reports of discrimination, harassment, sexual violence and/or retaliation from students, faculty and staff, and third parties.

Elizabeth Medina, Vice President for Student Affairs/Chief Diversity Officer
512.313.4304, Elizabeth.Medina@concordia.edu, Main Campus C107
Responsible for accepting reports and/or complaints against students.

Deputy Title IX Coordinators: The Deputy Title IX Coordinators are responsible for accepting reports and/or complaints of discrimination, harassment, sexual violence or retaliation from students, faculty and staff, assisting with the investigation of Title IX complaints and assisting with the University's training, education and prevention efforts.

Martha Compton, Dean of Students
512.313.4310, Martha.Compton@concordia.edu, Main Campus F220
Responsible for accepting reports and/or complaints against students.

Ronda Seagraves, Vice President and Athletic Director
512.313.4501, Ronda.Seagraves@concordia.edu, Main Campus G207
Responsible for accepting reports and/or complaints against students, faculty and staff regarding the University's athletic programs.

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Contact information for the Concordia University Texas Police Department:

Chief of Police

Shane Sexton, 512.313.4040, Shane.Sexton@concordia.edu,
Main Campus D125

Contact information for other University resources:

Counselor

Scott Davis, 512.313.5032, Scott.Davis@concordia.edu, Main Campus F112

Campus Pastor

Steven Fick, 512.313.4308, Steven.Fick@concordia.edu, Main Campus F211

Students and employees may also contact the U.S. Department of Education, Office for Civil Rights to complain of sex discrimination or sexual harassment including sexual violence.

Dallas Office
Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 800-877-8339
Email: OCR.Dallas@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

COMMUNITY RESOURCES

Safe Place (Sexual & Domestic Violence) PO Box 19454 Austin 78760
HOTLINE: 512 -267-SAFE (7233)
Provides hospital & legal advocacy, free counseling & emergency shelter.

Austin Police Department
Victim Services Unit
512-974-5950 or 512-974-5037
APD victim services can assist with protective orders and making a report & crime victim's compensation.

Travis County Sherriff's
Dept. Victim Services Unit
512-854-9709
TCSD can assist with obtaining protective orders, making a report, & crime victims' compensation.

Concordia University Texas Policy

VICARS (Legal service)
815 Brazos Ste. 1100, Austin 78701
888-343-4414
Provide free legal services for crime victims

Austin Travis County Sexual Assault Nurse
Examiners St David's Medical Center Emergency
Room 919 East 32nd, Austin, TX 78705
*Call Safe Place to have a SANE nurse meet you at the medical center for an
examination if you have been sexually assaulted. Examinations can be performed up
to 72 hours after an assault. SANE nurses gather forensic evidence in a gentle, caring
manner supporting the survivor.*

Texas Association Against Sexual
Assault www.taasa.org
Offers training and information regarding sexual violence.

RAINN (Rape, Abuse, & Incest National Network) (Sexual
Assault) 1-800-656-4673 (HOPE)
www.rainn.org
*National 24 hr. helpline for sexual assault survivors. Assist in directing people to local
services and will speak with persons in crisis.*