Policies and Procedures Concerning Violence, Harassment and Stalking

I. Introductory Statement

LCU affirms that all members of our community are created in the image of God and therefore should be treated with dignity and respect. The university does not unlawfully discriminate on the basis of any status or condition protected by applicable federal or state law, including race, color, religion, sex, age, national origin, or disability. LCU respects the inherent worth of each member of the community and does not tolerate any form of harassment. The university follows the profound truth that is found in the Golden Rule, "In everything do to others as you would have them do to you" (Matthew 7:12). Because of the university's commitment to honoring the dignity and respect of every individual, unlawful discrimination and harassment (and any related retaliation) is prohibited and will result in disciplinary action, up to and including dismissal or separation from the University. LCU affirms its commitment to protecting the right of each person to raise concerns about alleged discrimination free of fear of retaliation.

Therefore, because the university stands against harassing and violent behaviors, the university will take prompt, decisive action to: investigate allegations of violence, harassment, and stalking; initiate the disciplinary process if appropriate; issue appropriate sanctions against any student found responsible for acts of violence whether the behavior occurred on campus or off campus; take steps designed to prevent recurrence; and protect against retaliation.

Students are encouraged to report any incidents related to this policy and pursue the matter through the state's civil and/or criminal systems as well as through the university. A student who in good faith reports being the victim of, or a witness to an incident of sexual harassment, sexual assault, dating violence, or stalking may not be subject to disciplinary action for violation(s) of the Code of Community Standards occurring at or near the time of the incident.

Pursuant to Title IX, LCU does not discriminate on the basis of sex in its educational programs and activities. Reports of sexual misconduct may be made to the Title IX Coordinator, Yvonne Harwood at 806.720.7497, yvonne.harwood@lcu.edu, or any of the other campus resources listed in paragraph III of this policy.

II. Definitions

A. Sexual Misconduct: A broad, non-legal term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. This term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex. Using this term serves to differentiate campus processes, which are administrative and educational, from the criminal justice system, in which people are charged with crimes that carry criminal penalty.
B. Sexual Harassment: Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when an individual's academic status, employment, or participation in university activities is explicitly or implicitly made a term or condition of submission to such conduct, and/or such conduct is severe or pervasive to the extent that it interferes with an individual's education, employment, or participation in university activities, or creates intimidating, hostile, or offensive work environment.

C. Sexual Violence: Physical sexual acts perpetuated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated assault.

D. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.
   1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
   2. Fondling: The touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age of his/her temporary or permanent mental incapacity.
   3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault in Texas is jurisdictionally defined in Section 22.011 of the Texas Penal Code.

E. Sexual Exploitation: Occurs when an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the one being exploited. Examples of exploitation include, but are not limited to: engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, allowing others to watch activity or situations of sexual nature without the other person's consent, or engaging in sexual activity while knowingly infected with an STI of HIV without informing the other person of the infection.

F. Consent: An informed, voluntary, and mutually understandable agreement that indicates a clear willingness to engage in each instance of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. A current or previous dating relationship or sexual relationship by itself is not sufficient to constitute consent. Consent may not implied by silence or mere passivity can be withdrawn at any time. Consent is not valid if acquired through means of physical force, threat of physical force, intimidation, coercion, intoxication, incapacitation, or any other fact that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to participate in a sexual activity.
G. Domestic Violence: A felony or misdemeanor crime of violence committed by
   1. A current or former spouse or intimate partner of the victim
   2. A person with whom the victim shares a child in common
   3. A person who is cohabitating with or has cohabitated with the victim as a spouse or
      intimate partner
   4. Any other person against a victim who is protected from that person's acts under the
      domestic or family violence laws of the State of Texas

   Domestic violence in Texas is termed "Family Violence."

H. Dating Violence: Violence committed by a person
   1. Who is or has been in a social relationship of a romantic or intimate nature with the
      victim
   2. Where the existence of such a relationship shall be determined based on a
      consideration of the following factors:
         a. The length of the relationship
         b. The type of relationship
         c. The frequency of interaction between the persons involved in the relationship

I. Stalking: Engaging in a course of conduct, constituted by two or more acts directed at a
   specific person that would cause a reasonable person to
   1. Fear for his or her safety or the safety of others
   2. Suffer substantial emotional stress
   3. Feel harassed, alarmed, abused, or tormented

J. Hostile Environment: When sex-based harassment or violence is directed toward an
   individual and/or has the purpose or effect of
   1. Creating an intimidating, hostile, or offensive academic environment
   2. Unreasonably interferes with another's work or academic performance

   To determine whether a hostile environment exists for an individual or individuals, the
   University will consider a variety of factors related to the severity, persistence, or
   pervasiveness of the sex-based harassment, including:
   1. The type, frequency, and duration of the conduct
   2. The identity and relationships of the persons involved
   3. The number of individuals involved
   4. The locations of the conduct and the context in which it occurred
   5. The degree to which the conduct affected an individual's education or employment

   The more severe the sex-based harassment, the less need there is to show a repetitive series
   of incidents to create a hostile environment. A single instance of violence may be sufficient
   to create a hostile environment.

III. Reporting Harassment/ Violence/Stalking

   The university encourages the reporting of all incidents involving sexual misconduct, dating
   violence, domestic violence, and stalking. If the university knows or reasonably should know
about an incident of harassment or sexual violence that creates a hostile environment, the university will take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. To be proactive, the university publishes a notice of nondiscrimination and has adopted and published grievance procedures. In cases involving potential criminal conduct, the Title IX Coordinator or designee will determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. Reports may be made in person or confidentially online through the LCU Title IX webpage and at the bottom of the LCU homepage.

Reporting Definitions

Complainant: An individual who reports or is the victim of a violation of this policy.

Respondent: An individual responding to a complaint of a violation of this policy.

Responsible Employees: Pursuant to Title IX, a "Responsible Employee" includes those University employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

Responsible Employees will receive the report, notify appropriate campus officials, and assist in providing guidance and resources if needed.

The University's Responsible Employees include, but are not limited to:

1. All instructors, including full-time professors, adjuncts, lecturers, Adjunct Instructors, and any others who offer classroom instruction or office hours to students;
2. All advisors;
3. All coaches, trainers, and other athletic staff who interact directly with students;
4. All Student Affairs staff;
5. All Residential Life staff;
6. All employees who interact directly with students; and
7. All supervisors and University officials.

When an individual tells a Responsible Employee about an incident of sexual misconduct, that individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably, and assist in reporting to law enforcement if the Complainant so chooses.

Confidential Employee: In their professional capacity, LCU Counseling Center and Medical Clinic staff are considered confidential reporting resources and are not required to report according to university policy. Information disclosed in the clinical setting will be considered confidential. However, Confidential Employees may encourage clients to report to local and/or campus authorities.

Note: faculty, staff and other employees who are otherwise involved in pastoral or ministry work, are licensed mental health workers or are licensed medical workers, but who are not working in that capacity for LCU, are not Confidential Employees.
If LCU officials determine that a serious incident may pose an on-going threat to members of the university community, a Timely Warning Notice will be issued to all students and employees. The intent of the Timely Warning is to prevent additional crimes and allow students and employees to take protective and precautionary measures.

LCU faculty and staff members are able to help students report issues of harassment, violence or stalking, however students may report directly to any of the following areas for immediate access to resources:

- **Title IX Coordinator**
  - Yvonne Harwood
    - Center for Academic Achievement CAA 103
    - 806.720.7497

- **Student Affairs**
  - Dean of Students
    - Student Life Building SUB 212 (B)
    - 806.720.7501
  - Associate Dean of Students
    - Student Life Building SUB 212 (C)
    - 806.720.7501

- **Residential Life**
  - Director of Residential Life
    - Student Life Building SUB 212 (A)
    - 806.720.7507
  - Johnson Hall Residence Director
    - Johnson Hall Office JH 108
    - 806.720.8695
  - Katie Rogers/Courtyard Hall Residence Director
    - Katie Rogers Office KR 151
    - 806.720.8879
  - Mabee Hall Residence Director
    - Mabee Hall Office MH 118

- **Public Safety**
  - Public Safety Office
    - Student Life Building SUB 206
    - 806.796.8800
  - Public Safety Patrol
    - Student Life Building SUB 206
    - 806.928.6803

- **Athletics**
  - Athletics Associate Director
    - Rip Griffin Center RGC 108
    - 806.720.7278

**IV. Procedures**

A. Initial Response:
1. Safety: The first priority of a victim of sexual assault or domestic violence is to get to a place of safety.

**Call 911 for medical or safety emergency.**

2. Medical Assistance: Obtain necessary medical attention as soon as possible. Local emergency rooms have procedures to provide medical assistance and establish ongoing support.

- Covenant Medical Center
  3615 19th Street
  806.725.0000
- University Medical Center
  602 Indiana Avenue
  806.775.8200

3. Reporting: Lubbock Christian University strongly advocates that a victim of sexual assault, domestic violence, dating violence, or stalking report the incident to one of the following law enforcement agencies.

- Lubbock Police Department
  806.775.2865
- Lubbock County Sheriff's Department
  806.767.1441
- Lubbock Christian University Public Safety
  806.928.6803

Although Lubbock Christian University encourages timely law enforcement reporting, it is the victim's choice to make such a report or to decline involvement with law enforcement. LCU will assist Complainants in reporting to local law enforcement if desired.

The Complainant may choose for the investigation to be pursued through the criminal justice system and the LCU Title IX process or only the latter. The Title IX Coordinator will guide the Complainant through the reporting process.

LCU encourages contact with the LCU Medical Clinic or LCU Counseling Center for confidential resources and support. At the very minimum, reports may be made anonymously online through the LCU Title IX webpage or through the bottom of the LCU homepage.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of
protection related to the incident more difficult. If a victim chooses not to make a complaint regarding and incident, he or she nevertheless should consider speaking with LPD or other law enforcement agency to preserve evidence in the event that the victim changes his or her mind at a later date.

A Complainant may choose to report at any time, as long as the Complainant or the Respondent remain enrolled or employed by the university.

Certain forms of sexual misconduct, domestic violence (family violence), dating violence, and stalking may be a violation of the statutes of the State of Texas. Complainants, therefore, may have certain legal rights with regard to criminal and civil action.

B. Evidence Preservation

Evidence of a sexual assault, dating violence, domestic violence, or stalking should be preserved as soon as possible, even if you are unsure about reporting to the University or filing criminal charges. Preservation of evidence is essential for both law enforcement and campus disciplinary investigations.

Write down, or have a friend write down everything you can remember about the incident, including a physical description of the assailant. You should attempt to do this even if you are unsure about reporting the incident in the future.

1. Forensic Evidence

If you choose to report the assault and pursue legal options, a prompt forensic examination can be crucial.

Steps to preserve Forensic Evidence
a. Avoid drinking, bathing, showering, brushing your teeth, using mouthwash, or combing your hair.
b. Do not change clothes. If you have already changed your clothes, place your clothing and other items (sheets, blankets) in a brown paper bag (a plastic bag may destroy evidence).
c. Go to a hospital emergency department listed above, which has the capability to provide a Sexual Assault Forensic Exam (SAFE or "rape kit") and medical care for victims of sexual assault, dating violence, and family violence. A Sexual Assault Nurse Examiner (SANE), a healthcare provider trained to provide comprehensive care for a victim, can collect forensic evidence.
d. A SAFE (rape kit) can only be completed within 5 days of the assault. You have the right to refuse the entire exam or any part of it at any time.
e. You may also decide to complete a forensic exam anonymously.
f. If you suspect that you are the victim of a drug-facilitated sexual assault, ask the hospital or clinic where you receive medical care to take a urine sample. Drugs, such as Rohypnol and GHB, are more likely to be detected in urine than in
blood. Rohypnol stays in the body for several hours, and can be detected in the urine up to 72 hours after taking it. GHB leaves the body in 12 hours.
g. Consider bringing someone to the hospital with you for support.
h. The hospital automatically calls an advocate to be available any time someone comes in for a SAFE. You can decide whether or not you want to speak with the advocate. The advocate is a confidential resource who is not affiliated with LCU. They can provide you with confidential support and talk with you about your options.

2. Physical Evidence

Physical evidence should be preserved even if you choose not to go to the hospital for a forensic exam. Save all of the clothing you were wearing at the time of the assault. Put each item in a separate paper bag (do not use plastic bags). Save all bedding (blankets, sheets) and put each in a separate paper bag. Take photographs of any visible physical injuries (bruising, scratches) for use as evidence. If you report to law enforcement, they may want to take their own photos as evidence.

3. Electronic Evidence

Evidence such as texts, emails, social media posts, chats, pictures, videos or other forms of electronic communication can be helpful in a university or criminal investigation. Download, save to a .pdf, take screen shots, or use other methods to preserve electronic evidence.

4. Follow-up Procedures

1. Medical Assistance: It may be necessary for subsequent medical services through LCU Medical Clinic, and emergency room, and/or private physician.
2. Counseling Services: The Counseling Center is equipped to assist with on-going counseling needs. Contact information for off-campus counseling resources will be provided.

C. Investigative Process

The Title IX Coordinator or designee will inform the Complainant of the LCU Title IX process before beginning an investigation. Title IX investigations should be completed within 60 days from the date of the original complaint. The Title IX investigation should not be significantly delayed by any law enforcement investigation.

If the complainant requests confidentiality or asks that the complaint not be pursued, the university will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. If the complainant insists that his or her name or other identifiable information not be disclosed to the alleged respondent, the complainant would be informed that the University's ability to respond may be limited. The complainant will be advised Title IX may require the university to take specific actions based on their knowledge of sexual violence or assault. The complainant will also be reminded that Title IX prohibits retaliation and that university officials will not only take steps to prevent retaliation but also take strong
responsive action if it occurs.

After all such advice if the complainant continues to ask that his or her name or other identifiable information not be revealed, the university will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. This includes considering such factors as the seriousness of the alleged harassment; the complainant's age, whether there have been other harassment complaints against the same individual, and the alleged offender's rights to receive information about the allegations if the information is maintained as an "educational record" under FERPA.

If the complainant is a student but the alleged respondent is not an LCU student or employee, the Dean/Assistant Dean of Students will provide the complainant support and guidance through the civil or criminal complaint process. University resources are available to complainants regardless of the status of the alleged respondent, including assistance in pursuing an internal complaint process where the alleged respondent is not a student but is employed by LCU.

1. Interim Measures

At any time during the investigation, the university may impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment, prevent its reoccurrence, and remedy its effects.

These interim measures may include, but are not limited to the following:
   a. Change in class schedule
      Change in on campus housing arrangements
   b. Change in on campus job
   c. Opportunity to make up exams or assignments
   d. Withdrawal from or re-taking courses without penalty
   e. Directing no-contact orders between Complainant and Respondent
   f. Education, training, and counseling to other students

2. Interview Process

The Title IX Coordinator and/or designees trained in conducting Title IX Investigations will conduct a prompt, reliable, and impartial investigative process. Title IX Investigations will include the following provisions:
   a. Both parties will be able to present witnesses and evidence.
   b. Attorneys and other personal representatives will not be permitted for either party.
   c. Neither party will be allowed to question or cross examine the other.
   d. The past sexual history of the Complainant and alleged Respondent will be deemed irrelevant to the proceeding process except as that history may be related directly to the incident being heard.
   e. Mediation is not an option to resolve a complaint of violence or assault under
3. Outcome

Based on the findings of the Title IX investigation, a determination will be made as to whether the reported violation is more likely than not to have occurred. This standard of evidence may also be referred to as preponderance of the evidence.

If it is determined that the reported violation occurred, appropriate sanction(s) will be issued to end the conduct and prevent its recurrence. Sanction(s) will be determined by the investigator(s) upon the conclusion of the investigation and may include the entire range available under LCU policy. An outcome letter will be provided to both the respondent and complainant at the same time which outlines the investigation findings, sanction(s), and appeal process.

Both parties will have the opportunity to appeal.

4. Retaliation

Retaliation against persons who report or provide information about sexual misconduct is strictly prohibited. Any acts of reprisal, including internal interference, coercion, or restraint by a student, a university employee, or one acting on behalf of the university, violates this policy and will result in appropriate disciplinary action.

This sexual misconduct policy shall not be used to bring frivolous or malicious complaints against students, faculty and employees. If a complainant has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action may be taken against the person bringing the complaint.

5. Appeals

Either the Complainant or the Respondent may appeal the university's decision by notifying the Vice President for Student Affairs in writing within five (5) business days of the date of the decision. The only grounds for appeal are as follows:

A. Significant procedural irregularity that adversely impacted the outcome of the investigation

B. The consideration of significant new evidence that was not available during the investigation. A summary of the new evidence must be included in the appeal.

All appeals will be reviewed by the Vice President for Student Affairs, the Title IX Officer (or his or her designee), and another administrator appointed by the Vice President for Student Affairs, and shall be based solely on the records provided from the investigation unless new evidence is grounds for the appeal. The decision of a majority of these individuals will be final.

6. Prevention and Awareness Programs

As a community we share the responsibility to prevent sexual misconduct through
education, bystander intervention, and mutual respect for one another. As part of our commitment to the prevention of sexual misconduct, Lubbock Christian University offers education and awareness programs. Incoming students and employees will have access to prevention and awareness education, including training on recognizing and reporting sexual misconduct. All students, faculty and staff have access to ongoing training and related programs.

Students will be provided with information regarding sexual misconduct prevention and reporting during new student orientation, the university's "UNI 1170" class, and other LCU Student Affairs programming through the Involvement Office, Residential Life, the LCU Counseling Center, and LCU Public Safety.