

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

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.

Who are SAGU's Title IX Officers?

Vice-president Fred Gore serves as the Title IX Coordinator and can be reached at 972.825.4630, 888.937.7248 ext. 4630, or fgore@sagu.edu.

Director of Human Resources Ruth Roberts serves as the Title IX Deputy Coordinator and can be reached at 972.825.4656, 888.937.7248 ext. 4656, or rroberts@sagu.edu.

What is sexual violence?

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.

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

What are 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.

An employee who witnesses or receives information regarding an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, 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 must promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator. Failure to make a required report or making a false report to a Title IX coordinator is a Class B misdemeanor. If intent to conceal an incident is found in trail it is a Class A misdemeanor. Either may include jail time and/or fines. Termination of employment is mandatory.

What is considered sexual assault?

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:

- *Domestic Violence*- 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*- 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*- 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).

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

What is considered sexual harassment?

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.

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.

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

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.

Who is responsible to report sexual violence or sexual harassment?

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:

- Fred Gore, Title IX Coordinator at: 972.825.4630, 888.937.7248 ext. 4630, or fgore@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. 1200 Sycamore Street, Waxahachie, TX 75165

Some employees, such as licensed counselors, have legally-recognized confidentiality protections and will not share information without the consent of the claimant.

How do I report sexual harassment or sexual violence?

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 email at: titleix@sagu.edu or by clicking on *Services* in the *MENU* drop down box on the University's website at www.sagu.edu.

If an incident of sexual violence occurs off-campus, can SAGU investigate?

Yes, if the incident 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.

Will the Title IX staff be sensitive to the needs of victims/survivors?

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.

Is there a time limit for filing a sexual violence or harassment report?

There is no time limit for making a report. 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.

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

Will my complaint remain confidential?

The University will make all reasonable efforts to keep and protect the confidentiality of all parties involved, provided that it does not interfere with the University's ability to investigate and take corrective action.

Does Title IX force victims/survivors to share their experience with the Institute or pressure a student to pursue disciplinary action?

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.

If I file a sexual violence or harassment complaint, am I obligated to file a report with law enforcement authorities?

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.

What will happen when a Title IX complaint has been made?

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.

What are my rights as a complainant (victim) or respondent (accused)?

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 information about counseling support available.
- To privacy to the extent possible consistent with applicable law and University policy.
- To an advisor to be present throughout the investigation.
- If both parties are enrolled in the same class, the options to drop class without academic penalties.
- To protect from retaliation and harassment while the disciplinary process is pending.
- To have reasonable and equitable access to all evidence.
- To choose whether or not to participate in the investigation process.
- To a prompt and thorough investigation of the allegations.

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

- 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.

What is SAGU's 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) – 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).

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.

What is the best way to prevent 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.

Southwestern Assemblies of God University

Title IX Frequently Asked Questions

If I have been the victim of, a witness to, or accused of sexual violence or sexual harassment what resources are available to me?

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. Additional local counseling services are listed below:

Elledge Counseling Associates

103 W. Red Oak Rd.
Red Oak, TX 75154
Elledgecounseling.com
972.268.3096

Donaldson Wellness Center

508 Grace Street
Waxahachie, TX 75165
Donaldsonwellnesscenter.com
972.923.0730

Domestic Violence Hotline

800.799.7233
Thehotline.org

Southwestern Assemblies of God University
Title IX Frequently Asked Questions