

# UNDERSTANDING THE *SEXUAL MISCONDUCT* COMPLAINT PROCESS

**Sexual Misconduct is a priority concern for Texas Lutheran University. The Dean of Students office seeks to ensure the entire process is fair to all parties involved. This brochure is to provide an overview of how complaints of sexual offenses are handled by Student Life and Learning after a report has been filed.**

## KNOW YOUR RIGHTS

As a student going through the conduct process, whether the complainant or accused person, you have the right to:

- » A fair and equitable process
- » Provide a statement, witness names, and other information
- » Be informed about the progress of the case
- » Be informed of investigational meetings and/or hearings
- » Have an advisor (current member of TLU community or family member) present during any meetings
- » Appeal the decision and/or sanctions of the Judicial Council/Student Conduct Coordinator

## FREQUENTLY ASKED QUESTIONS...

**Does reporting the incident to your office mean that I have started the conduct process for the accused person?**

Yes. After an incident has been reported to our office, we will start the investigation phase of the process.

**May I choose not to participate in the investigation?**

Yes, but the investigation may proceed anyway depending on the circumstances outlined in the complaint.

**Do I have to participate in the hearing?**

No, but our ability to answer all of the board's questions may be limited.

**Do I have to sit in the same room with the accused person?**

No. You will not have to see the accused person. That is your choice.

**We have a no contact order; will the order be maintained during the conduct process?**

Yes. We will keep you separated during the entire conduct process.

**How does the Judicial Council/Student Conduct coordinator make a determination?**

The council weighs the information presented and the burden of proof is that it be "more likely than not" that sexual misconduct occurred.



TEXAS LUTHERAN UNIVERSITY

*Learn Boldly. Live to Inspire.*

# THE CONDUCT PROCESS FOR SEXUAL MISCONDUCT COMPLAINTS

## Initial Incident Report

Sexual misconduct violation reported to Dean of Students Office from an involved or concerned party.



## Investigation Phase

The Dean of Students office will investigate the complaint. Information will be gathered from anyone with knowledge of the incident, including but not limited to the complainant, accused person, and witnesses. Written statements, interviews, and police and investigative reports will be compiled, and in most cases, a hearing will be scheduled with Judicial Council or the Student Conduct Coordinator. Any criminal proceedings related to an incident will not impede the university moving forward in its investigation, disciplinary process, and imposition of sanctions. Delays are granted only in extraordinary circumstances. If a related criminal proceeding is disposed of in some fashion by the court, it will not impact TLU's own disciplinary process.

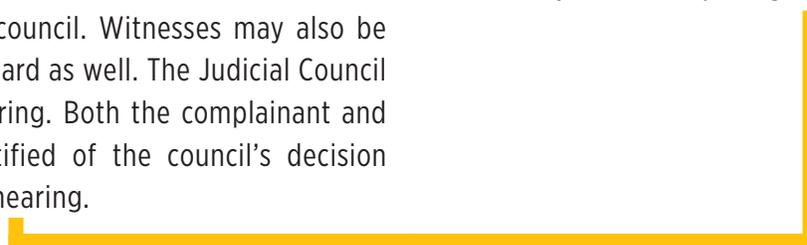


## Judicial Council Hearing

The Judicial Council consists of four faculty members and four students. During the hearing, the complainant (if participating) and accused person will be asked to describe the incident and answer questions from the council. Witnesses may also be asked to speak before the board as well. The Judicial Council will deliberate after the hearing. Both the complainant and accused person will be notified of the council's decision within five class days of the hearing.

## Other Appropriate Action

After the investigation phase, the Student Conduct Coordinator has the discretion to take appropriate actions, which may include imposing sanctions as necessary.



## Appeal

Both the complainant and the accused person have the right to file an appeal of the decision or the sanction. If neither one files an appeal within three school days of the date on the decision letter, the judicial council's decision will be final.

## RESOURCES

### TLU Counseling Services

830-372-8009

Provides confidential counseling services and crisis services at no charge to TLU students

### TLU Campus Ministry

830-372-8160

Provides confidential spiritual assistance for students

### TLU Health Center

830-372-8068

Provides confidential medical services to TLU students

### TLU Campus Police

830-372-8199

Law enforcement for on-campus incidents

### Dean of Students

830-372-8060

Offers support services, conducts investigations, and coordinates responses to specific concerns

### Campus Conduct Hotline

866-943-5787

Third-party reporting hotline for reporting violations

The U.S. Department of Education's Office for Civil Rights (OCR) is the division of the federal government charged with enforcing compliance with Title IX. Information regarding OCR can be found at: [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)