



# **GREEK LIFE HANDBOOK**

2024-2025

## Austin College Greek Life Handbook

This Policies and Procedures handbook for Greek Life contains the requirements for sustaining a Greek organization, as well as the policies and procedures governing Greek organizations. This handbook is to be used as a resource guide for social Greek organizations chartered by Austin College.

Austin College, along with its commitment to academic excellence, works to provide social activities for interested students. For this reason, the Board of Trustees has approved a Greek system of local fraternities and sororities. These organizations contribute to the social and service life of everyone, Greeks and independents alike. Greek organizations are chartered for the purpose of:

- Strengthening the educational program of Austin College;
- Furthering the concepts of service to others;
- Providing responsible leadership roles on the part of the members; and
- Promoting the social development of participating members.

Social Greek organizations have been a part of Austin College history for over 170 years. Greek organizations have come and gone, but the fact remains Austin College supports the concept of social Greek organizations and sees Greek Life as an integral part of student life at Austin College.

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## GREEK TIMELINE AT AUSTIN COLLEGE

|                          |                   |                           |
|--------------------------|-------------------|---------------------------|
| 1853– 1854               | Phi Delta Theta   | National Men's Fraternity |
| 1895– 1900               | Alpha Tau Omega   | National Men's Fraternity |
| 1919– 1940               | Kappa Gamma Chi*  | Literary Society          |
| 1932– 2014 / 2017 -      | Phi Sigma Alpha   | Local Fraternity          |
| 1933– 2014 / 2017 -      | Alpha Delta Chi   | Local Sorority            |
| 1940–                    | Kappa Gamma Chi*  | Local Sorority            |
| 1946– 2007 / 2011 –      | Drake             | Local Fraternity          |
| 1954– 1982               | Theta Phi Delta   | Local Sorority            |
| 1955– 1991               | Beta Chi Omega    | Local Fraternity          |
| 1957– 2005               | Sigma Tau Epsilon | Local Fraternity          |
| 1957–                    | Chi Delta Eta     | Local Fraternity          |
| 1958– 2008 / 2012 – 2015 | Delta Phi Nu      | Local Sorority            |
| 1963–                    | Gamma Gamma Gamma | Local Fraternity          |
| 1970– 1975               | Iota Lambda       | Local Fraternity          |
| 1976– 1992               | Omega Phi Omega   | Local Fraternity          |
| 1980– 1993 / 2015 –      | Zeta Chi Omega    | Local Sorority            |
| 1981– 2006 / 2009 –      | Rho Lambda Theta  | Local Fraternity          |
| 1982–                    | Lambda Chi        | Local Fraternity          |
| 1983– 1998               | Phi Beta Chi      | Local Fraternity          |
| 1985–                    | Theta Sigma Chi   | Local Sorority            |
| 1985–                    | Xi Epsilon        | Local Sorority            |
| 1972– 1990               | Pi Lambda Sigma   | Local Sorority            |
| 1989– 2008 / 2012 –      | Phi Kappa Omega   | Local Fraternity          |
| 1992– 1999               | Beta Gamma Psi    | Local Sorority            |
| 1995– 2006 / 2009 – 2018 | Pi Alpha Psi      | Local Fraternity          |
| 1998–                    | Chi Tau Chi       | Local Fraternity          |
| 2000–                    | Omega Zeta        | Local Sorority            |
| 2001– 2012 / 2017 -      | Sigma Phi Chi     | Local Sorority            |
| 2008–                    | Zeta Chi Beta     | Local Fraternity          |
| 2015-                    | Iota Eta          | Local Sorority            |

\*same organization

## GOVERNANCE

### Greek Council

Greek Council is the official governing board of Greek Life and is composed of the various Greek organization Presidents, as well as an elected President, Vice President, Secretary, Treasurer, and Public Relations Officer. The Council meets weekly to establish communication between Greek organizations, serve as a liaison between the organizations and faculty/administration, and establish a system of self-governance, which promotes the healthy state of the Greek system. Greek Council shall seek to establish better relations, further the spirit of unity, and increase the sense of responsibility among the fraternities and sororities of Austin College. The Greek Council provides service, educational, and leadership opportunities for the Greek community. The Greek Council also participates in the governance structure with initial/pending requests for establishment of new fraternities and sororities. In addition, the Greek Council shall work with the Student Life Office in the planning and implementation of recruitment activities each year.

Each Greek organization must have representation in the form of their President on Greek Council. The organization's President must be the primary designee/voting member for Greek Council. In the event that the President cannot be the primary designee, arrangements must be made with the Greek Council President prior to the commencement of the Greek Council meeting by appointing a member from the respective organization to attend as a voting member.

### Greek Organizational Presidents

The duty of Greek Organizational Presidents is to attend weekly Greek Council meetings and represent the interests of their respective Greek organization at the Council meetings. Greek organizational presidents must also promote the holistic development/growth of the Greek Community. Greek organization presidents are the only voting members of the Greek Council and may recommend to suspend prerequisite requirements for positions on Greek Council in the event of extenuating circumstances, with approval from Student Life Office. Greek organizational presidents are also required to have monthly meetings with the Director of Student Activities.

### Greek Executive Council

The duty of Greek Executive Council Officers (President, Vice-President, Secretary, Treasurer, and Public Relations) are to be Greek Community role models and to make decisions that are for the benefit and/or betterment of the Greek Community, as represented by the Greek Council, not based on the best interest of their respective Greek organizations. The Greek Executive Council Officers are required to attend all Greek Council meetings and major Greek Life functions. The Greek Executive Council Officers are required to have weekly Greek Executive Council meetings that include the Director of Student Activities.

### *President*

- Presides over Greek Council meetings
- Serves as the primary representative of Greek Life at major college functions and within the Greek Community
- Must have a minimum of one-year experience in Greek Council
- Plans agenda for Greek Council meetings
- Works with the Greek Executive Council members to coordinate Greek community functions and standards
- Chairs designated committees within Greek Council that are created if necessary
- Responsible for assisting the Treasurer in distributing Greek Council funds
- Required to meet with the Director of Student Activities on a weekly basis
- Allowed a vote in Greek Council Meetings in the event of a tie
- May not hold the office of president in their respective Greek organization

### *Vice-President*

- Serves as Greek Review Board Chair
- Oversees the Greek Executive Council Public Relations Chair's duties
- Serves the role of President in the event of the President's absence

### *Secretary*

- Records minutes for all Greek Council meetings
- Maintains and distributes rosters of Greek Executive Council Officers and Greek Organization Presidents to all Greek organizations and Student Life
- Maintains and distributes a calendar of Greek Council and Greek Life-coordinated events and to record attendance of Greek organizations at Greek Council meetings and functions

### *Treasurer*

- Creates and maintains the Greek Life budget
- Collects semester dues and, as ordered, fines from Greek organizations
- Presents a budget report at all Greek Council meetings

### *Public Relations Chair*

- Maintains and promptly updates all necessary Greek Life information and publications on the Austin College website and within the Greek Community

## **Greek Review Board**

The Greek Review Board was established in Spring 2003. It is chaired by the Greek Council Vice President and composed of nine Greek members elected by the Greek organizations. The Greek Review Board resolves minor violations and administers policies concerning the Greek Community by upholding the high ideals and standards set forth by the Greek community. The Greek Review Board works to improve the image of the Greek community by fostering a sense of accountability and responsibility within the Greek community, by ensuring fairness of conduct throughout the Greek community, and by educating individuals and organizations in making ethical decisions. The Greek Review Board is also responsible for the charter renewal process for all fraternities and sororities at Austin College.



## Greek Alumni Advisory Board (GAAB)

### *I. Mission Statement*

Provides a connection to the past and ensures better cooperation and communication between and among Austin College and the Austin College Greek community.

### *II. Purpose*

- Provide counsel to help strengthen individual organizations' contributions to Austin College and to each member.
- Maintain reference source to the history of individual organizations for current members.
- Foster improvement of Austin College Greek program.
- Recognition of individual Greek organization goals, governance, and philosophy.

### *III. Membership*

Each chartered fraternity and sorority at Austin College may be represented on the GAAB by up to three (3) members (hereinafter referred to as "Representatives"). A Representative shall be a graduate of Austin College or have been a student at Austin College for a period of at least one (1) year. The GAAB endeavors to have age diversity in the composition of the organization. To fulfill this goal, each organization shall strive to meet the following criteria with regard to its Representatives:

1. 1 Alumnus – 1 year to 4 years since graduation from Austin College;
2. 1 Alumnus – 5 to 9 years since graduation from Austin College; and
3. 1 Alumnus – 10 years+ since graduation from Austin College.

- A. A chartered fraternity or sorority that does not have alumni that fall into one or more of the criteria may petition in writing to the Director of Student Activities for a waiver to the tiered membership structure presented above.
- B. Membership term is for two (2) consecutive years.
- C. A board member may serve consecutive terms.
- D. When an alumni representative no longer meets the obligations or expectations of either the GAAB or the undergraduate Greek organization, it will be the responsibility of the undergraduate Greek organization to find a replacement for said alumnus.

## MEMBERSHIP

This section outlines the requirements for sustaining a Greek organization. If an organization fails to meet the minimum membership requirements, such as failing to meet the number of active members required (six), failing to have a sponsor, failing to have an all-campus event, failing to meet service requirements (at least five hours per member per semester), and/or failing to offer and participate in membership development programs (at least three per academic calendar year), the organization risks probation, suspension, and/or charter revocation.

### Active Membership

A student who has been formally initiated into membership of a Greek organization remains a member in good standing if:

1. They maintain a G.P.A. of 2.0 or higher, and
2. They are not on academic or disciplinary probation, and
3. They are listed on their organization's renewal form each semester.

\*Students who are active members of a group but are placed on disciplinary or academic probation may not hold a leadership position in the organization.

### Low Membership Policy

If, in September of any year, or following Spring Recruitment of the previous year, a group falls below six (6) members, the organization will be placed on probation with the following stipulations:

- I. The organization will participate in Fall Pick-up (See "Fall Pick-Up") and Spring Recruitment to bring their membership up to six (6) active members. If they fail to do so, the following policy will be implemented:
  - a. The group's charter will be suspended for one full semester of the following academic year and the group will lose all privileges of a chartered organization.
  - b. Any group wishing to reactivate their charter must submit a membership list to the Director of Student Activities. The list must include a minimum of six (6) full-time enrolled Austin College students. These students must be in good standing and have a minimum Cumulative Austin College G.P.A. of 2.25.
  - c. The group must provide the Student Life Office with a revised Constitution.
  - d. The group must provide the Student Life Office the names of two Austin College faculty or staff members who are willing to act as sponsors. A written statement from each sponsor explaining their goals for involvement with the organization must also be submitted.
  - e. The organization must submit a membership recruitment plan and membership involvement plan. These plans should outline how the organization plans on combating the problems that brought about their low membership status.
  - f. The organization will remain on provisional status for one year with reactivation of chartered status contingent on review by the Greek Council and Student Life Office.
- II. If no reapplication for a charter is made within two years from the time of suspension, the organization's charter will be revoked.

## Greek Reinstatement Process (Reasons Other Than Low Membership)

- I. Any Greek Alumni Organization wishing to petition the College to reinstate their charter will need to follow the following process with the Student Life Office:
  - a. The Alumni Group Chair who will serve as the primary contact for Austin College and the Student Life Office during the reorganization process along with a minimum of two other alumni who will serve as support for the Alumni Chair during this reorganization process. Once these names are submitted to the Director of Student Activities, the reorganization process will begin between the College and the Greek alumni group.
  - b. Any alumni group wishing to reactivate their charter must submit a comprehensive plan that includes action-oriented planning for membership recruitment, campus involvement, community service, membership development, and academic success prior to consideration for reinstatement by the college. This plan should also outline how the organization will work to combat the problems that brought about their suspension from the college. The plan is due to the Director of Student Activities by September 15th of the semester they are eligible to return to the Austin College campus and prior to any approved recruitment activities on campus.
  - c. A Constitution is due by September 15th of the semester the group returns to campus.
  - d. The group must provide the Student Life Office with the names of two Austin College faculty or staff members who are willing to act as sponsors by September 15th of the semester they are eligible to return to the Austin College campus. A written statement from each sponsor explaining their goals for involvement with the organization must also be submitted prior to any recruitment activities being held by the organization.
  - e. Once the plans are received and approved by the Student Life Office, Alumni will be allowed to hold information sessions during the Fall Semester to recruit the minimum six (6) members (juniors & seniors) necessary to participate in Spring Recruitment activities. Alumni and any recruited members may participate in Round Robins to market the return of their Greek organization back to campus.
  - f. To be eligible to participate in Spring recruitment, there must be a minimum of six (6) full-time enrolled Austin College students who have passed and completed 17-unit credits. These students must be in good standing and have a minimum Cumulative Austin College G.P.A. of 2.25. They need to be recruited in the Fall semester prior to participating in the first formal recruitment period.
  - g. The organization will remain on provisional status for one year with reactivation of chartered status contingent on review by the Greek Council and Student Life Office. During this year of provisional status, the organization is to focus on recruitment, campus involvement, community service and academic success. No social functions will be approved during the first year of provisional status by the college.
  - h. If no reapplication for a charter is made within two years of eligibility to return to campus, the organization's charter may be revoked.

## Overview of the Timeline for Reactivation of Charter

An Alumni Group wishing to re-charter must first select an Alumni Chair and establish an advisory board. The names must be submitted to Director of Student Activities prior to the start of the reorganization process.

September 15:

1. Comprehensive Reorganization Plan submitted to Student Life Office.
2. Revised Constitution submitted to the Student Life Office.
3. Two sponsors (faculty/staff) identified and names submitted to the Student Life Office. The sponsor agreement forms will be sent by the Student Life Office to the sponsors once the names are received.

Same as All Groups:

1. Member Intake & Education Statement of Understanding due to Student Life Office.

December 1:

1. Minimum of six (6) Upperclassmen who have passed and completed 17-unit credits with a minimum Cumulative Austin College G.P.A. of 2.25 and in good standing with the college identified by the alumni organization and names given to the Director of Student Activities for verification.

## Disaffiliation

An active member may choose to disaffiliate from their organization. Disaffiliation is defined as ending one's membership in an organization. To officially disaffiliate from an organization, a member must submit to the Director of Student Activities a letter outlining the reason why they are choosing to disaffiliate. Once received, the student will be removed from the roster of that organization.

## Patrons

An organization may recognize outstanding alumni, faculty, staff and/or community members as patrons. Patrons are usually chosen for outstanding service to the organization and/or its philanthropies.

## SPONSORSHIP

Each student organization must have a sponsor approved by the Student Life Office. A sponsor serves to provide advice and assistance to the organization. An organization may have more than one sponsor. Each sponsor must be a member of the Austin College faculty and/or staff. If the organization is without a sponsor for one full semester, the organization's charter may be suspended and/or revoked.

## Role of a Sponsor

Sponsors serve as a liaison between the organization and the administration, faculty, and staff. The Student Life Office should be notified in the event that the organization and the sponsor have serious disagreements concerning the organization's activities. Each sponsor is responsible for rendering advice, suggestions, and help consistent with college standards and policies.

A chartered organization is responsible for keeping their sponsor aware of all of the organization's activities. The organization should also invite the sponsor to all of its forthcoming events including social activities. The faculty and staff sponsors are encouraged to attend all major events of the organization and should attempt to attend other events as time allows.

The organization is responsible for all of its activities and is expected to adhere to all policies. In carrying out its responsibilities for planning and executing functions according to policies of the college, it is expected that the organization leadership will consult with its sponsor.

## Changing Sponsors

To change sponsors, an organization needs to submit the name of the new sponsor to the Student Life Office for approval. In the regular academic year, no organization may be without an approved sponsor for more than one semester without revocation of selected privileges.

When changing sponsors, organizations must submit a Sponsorship Agreement Form and return it to Student Life.

## Lack of Sponsor Policy

When a Greek organization is without a sponsor:

During the first semester:

1. The organization must meet with the Director of Student Activities to develop a plan to select a new sponsor.
2. The organization may continue to participate in functions and activities as an organization in good standing is allowed.

After two months:

1. Social functions with alcohol will not be approved
2. Bulletin board space will be revoked
3. Participation in the recruitment and intake process will be terminated
4. Any potential members will not be initiated.

After one full semester:

1. The organization's charter may be suspended or revoked.

## RECRUITMENT

During the Recruitment Process, students interested in joining a Greek organization are invited to attend recruitment socials designed to introduce them to select organizations. Socials must be alcohol free. (For more information see the Recruitment and Alcohol section of this handbook).

Students who fail to, or are not eligible to, participate in the Recruitment Process will not be allowed to participate in initiation, or be taken as members of an organization. Students are eligible to participate in the Recruitment Process if they:

1. Are not on academic or disciplinary probation;
2. Have a minimum Cumulative Austin College G.P.A of 2.25 by the end of the fall semester prior to the recruitment process; Jan Term grades will not count toward the GPA eligibility requirement.
3. Are a regularly enrolled full-time undergraduate student of Austin College;
4. Have attended Austin College for at least one 14-week term;
5. Have registered for Recruitment as prescribed by the Student Life Office; and
6. Have completed the Student Success alcohol education program and the Student Success Sexual Misconduct online courses.

## GENERAL RECRUITMENT RULES

1. Fraternity and sorority members may not degrade another organization by written, spoken, or implied word or deed at any point in the presence of a non-affiliated student.
2. Fraternity and sorority members may not promise a bid for membership to any non-affiliated student.
3. Fraternity and sorority members shall not commit such acts which may impede a non-affiliated student's free choice of association such as, but not limited to, discouraging away from, or encouraging towards, any particular organization.
4. Fraternities and sororities may sponsor activities during the fall semester and January term where non-affiliated students are invited to meet current members, but alcohol may not be present during any part of the activity.
5. Active members may not entertain (dinners, athletic events, etc.) or socialize with prospective members of the same gender during the designated recruitment process "Formal Recruitment Week," except during their Formal Recruitment Party.
6. Alcohol may not be present during any Recruitment activity.

Criticism of an organization's method of recruitment or complaints filed about a recruitment rule (i.e. "Dirty Recruitment") should be submitted in writing to the Vice President of the Greek Council for review. All recommendations made by the Greek Council will be forwarded through the Greek Review Board process. Organizations in violation of the Recruitment and initiation process will risk sanctions, including Charter Revocation.

## BID DAY WORKSHOP

The Bid Day Workshop is designed by the Student Life Office in conjunction with the Greek Council to provide necessary information to those students seeking to join a fraternity or sorority. Topics usually include initiation process rules and regulations, Texas State Hazing Statute, Making Good Choices, Academic Success, and resources available during the intake process. Attendance at this workshop is required for all students planning to become a member of a Greek organization. A make-up Bid Day Workshop will be offered the Monday following the Bid Day Workshop for those potential members who were unable to attend due to emergency situations. However, no person is permitted to attend any organizational activities until they have attended the make-up workshop. Attendance at organization events prior to attending the make-up workshop. Failure to attend either the workshop or make-up workshop will result in the immediate removal of the individual student's affiliation with the organization.

## Seven Basic Expectations for Greek Membership

### *Statement of Greek Values and Ethics*

- I. I will know and understand the ideals expressed in the mission of my organization's charter and will strive to incorporate them in my daily life.
- II. I will strive for academic achievement and practice academic integrity.
- III. I will respect the dignity of all persons; therefore, I will not physically, mentally, psychologically, or sexually abuse, or haze any human being.
- IV. I will meet my financial obligations in a timely manner.
- V. I will neither use, nor support the use, of illegal (or un-prescribed) drugs;
- VI. I will neither misuse, nor support the misuse, of alcohol.
- VII. I will challenge my members to abide by these Greek membership expectations and confront those who violate them.

## INITIATION

Initiation takes place on Bid Day, with full membership status being bestowed upon each individual as they become an active member. Initiations must be planned and carried out in accordance to all Austin College policies, local, state, and federal laws.

## FALL PICK-UP

This procedure affords Greek organizations the ability to, during the fall semester, induct junior and senior members who are otherwise eligible for Recruitment. A Greek organization can participate in the Fall Pick-up procedure if they meet any of the following criteria:

1. Low membership—the organization has a membership of five (5) or less.
2. The student interested in joining the Greek organization is of junior or senior status and meets the requirements listed below to become a member.
  - a. Are not on academic or disciplinary probation;
  - b. Have a minimum Cumulative Austin College G.P.A of 2.25 by the end of the fall semester prior to the recruitment process (Jan Term grades will not count toward the GPA eligibility requirement);
  - c. Are a regularly enrolled full-time undergraduate student of Austin College;
  - d. Have attended Austin College for at least one 14-week term; and
  - e. Have registered for Recruitment as prescribed by the Student Life Office

- f. Have completed the My Student Body alcohol education program and the Campus Clarity Think about It Sexual Misconduct online courses.

## RECRUITMENT ALCOHOL AND DRUG POLICY

- A. No alcohol or drugs may be served, possessed, or consumed at any location where these events are held.
- B. During recruitment, no organization or member of an organization can fraternize either formally or informally with any prospective member where alcohol or drugs are served, possessed, or consumed by any organization member or prospective member. Prospective members, Greek members, and the organization will be held accountable for violations of this policy.

## ORGANIZATION STANDARDS & PHILOSOPHY STATEMENT

(Taken from the Austin College Environment)

The emphasis of all programs and organizations with any members shall be on development of the spirit and understanding of the dignity and worth of each individual. In recognition of the historical abuses in this area and the potential for damage to the dignity of the individual, the College prohibits any activities by individuals or organizations that subjects individuals to physical pain, indignity, or humiliation. Prohibited activities and practices include, but are not limited to: physical exercises, deprivation of normal sleep or rest, any form of corporal punishment, the placing of anyone in actual or simulated peril or jeopardy of health, illegal activities, any indecent activity, the public wearing of degrading apparel, any humiliating activities or any promiscuous sexual activity or event designed to promote sexual activity.

## MEMBERSHIP DEVELOPMENT

All organizations and their members shall follow membership and initiation procedures. No organization is allowed to conduct an initiation program that will target newly added members to the organization. All organizations must be in compliance with Federal, State, and Local laws as well as Austin College policies regarding hazing, alcohol, sexual assault, etc. when conducting activities. Organizations must focus on a comprehensive, continual membership development program with the mission of unifying and growing the organization without creating an environment that could be considered harmful and/or degrading, or condone activities that could be considered “pledging.”

## HAZING

### Texas State Hazing Law

ALL AUSTIN COLLEGE COMMUNITY MEMBERS ARE EXPECTED TO BE AWARE OF THIS LAW AND WILL BE EXPECTED TO UNDERSTAND HOW THEY AS INDIVIDUALS AND AS MEMBERS OF A GROUP ARE ACCOUNTABLE TO THIS LAW. IT WAS ADDED BY ACTS 1995, DURING THE 74TH LEGISLATIVE SESSION, CH. 260, § 1, AND WENT INTO FULL EFFECT MAY 30, 1995. THE STATUTE CAN BE FOUND UNDER SUBTITLE G. SAFE SCHOOLS, CHAPTER 37. DISCIPLINE; LAW AND ORDER; SUBCHAPTER F. HAZING IN THE TEXAS EDUCATION CODE DEFINITIONS. THIS POLICY HAS BEEN UPDATED TO COMPLY WITH AMENDMENTS OF T.X. SB 38.



“Educational institution” includes a public or private high school, college, or university.

“Pledge” is defined as any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

“Pledging” is defined as any action or activity related to becoming a member of an organization, or where an individual perceives an action or activity to be necessary for membership although it may be in a context outside of the pledging process.

“Student” is any person who is registered in or in attendance at an educational institution, or who has been accepted for admission at the educational institution where the hazing incident occurs, or intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

"Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or service, social, or similar group, whose members are primarily students.

"Hazing" is defined as any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

- a. is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- b. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- c. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by paragraph (E) that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- d. is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.
- e. involves coercing, as defined by Section 1.07, Penal Code, the student to consume:
  - i. a drug; or
  - ii. an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by

## Section 49.01, Penal Code.

### Personal Hazing Offense

A person commits an offense if the person: engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing, recklessly permits hazing to occur or has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the Associate Vice President of Student Affairs & Dean of Students or other appropriate official of the institution.

- The offense of failing to report hazing is a Class B misdemeanor
- Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
- Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
- Any other offense under this section that causes the death of another is a state jail felony.

Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

### Organization Hazing Offense

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing

An offense under this section is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000; or if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

### Consent is NOT a Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

### Immunity from Prosecution or Civil Liability Available

- a. In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.
- b. Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

- i. reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident; and
  - ii. as determined by the Dean of Students or other appropriate official of the institution, designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.
- c. Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.
- d. A person is not immune under Subsection (b) if the person:
  - i. reports the person's own act of hazing; or
  - ii. reports an incident of hazing in bad faith or with malice

### Offenses in Addition to Other Penal Codes

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing

### Reporting by Medical Authorities

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities may report the suspected hazing activities to police or other law enforcement officials and is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

## POLICY ON DISCRIMINATION, HARASSMENT, AND RETALIATION

### Purpose

It is the policy of Austin College to create an educational and working environment that provides all members of the Austin College community equal access to College activities and programs. In accordance with federal and state law, Austin College prohibits unlawful discrimination, harassment, and retaliation on the basis of age, race, color, religion, sex, sexual orientation, gender, gender identity, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law.

This policy provides information regarding Austin College's prohibition on non-sexual misconduct: discrimination, harassment, and retaliation. This policy explains how the College will respond once it receives a report or formal complaint of prohibited conduct. The processes described herein are tailored to address unacceptable behavior in a manner consistent with the College's values and status as a private institution of higher education, while meeting the legal obligations of Title VI, Title VII, and other applicable Federal and State laws and regulations.

Basic fairness and reasonable expectations are strictly defined by the processes described in this policy. To make a request for a reasonable accommodation, students and employees must contact the Chief Human Resource Officer.

**This policy does not create a contract with students, employees, or any other party.**

## Jurisdiction

This policy applies to applicants for admission or employment and the following members of the Austin College community: currently enrolled students and current employees; trustees; third-party consultants, vendors, and contractors when they are doing business with Austin College; individuals who perform services for Austin College such as volunteers; and visitors, guests, and other third parties under circumstances within Austin College's control.

This policy applies to conduct that takes place:

- on the campus or Austin College premises;
- in the context of any Austin College sponsored program, activity, or event, regardless of location;
- through the use of Austin College owned or provided technology resources; or
- off-campus and/or online when the conduct, as determined by the College, is likely to have an adverse effect on Austin College and/or the pursuit of its objectives, members of the Austin College community, or is likely to create, continue, or contribute to a hostile environment as determined by Austin College.

In determining if the conduct is likely to have an adverse effect, Austin College may consider whether:

- the reported action constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- it appears that the respondent may present a danger or threat to the health or safety of self or others as determined by the College;
- the conduct significantly impinges upon, as determined by the College, the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- the conduct is detrimental to the educational interests of Austin College, as determined by the College;
- any other relevant factor(s) as determined by Austin College.

## Prohibited Conduct

### *Discrimination*

The unlawful differential and adverse treatment of an individual or group based on an individual's or group's age, race, color, religion, sex, sexual orientation, gender, gender identity, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law that is objectively offensive and unreasonably interferes with or limits an individual's or group's ability to participate in or to realize the intended benefits of an institutional activity, employment, receipt of reasonable accommodations, or other resources. Examples may be when the conduct interferes with:

- A student's or applicant for admission's ability to participate in, access, or benefit from, educational programs, services, or activities (e.g. admission, academic standing, assignment, campus housing);
- An employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment, training opportunities);
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from Austin College's programs.

### *Harassment*

Unwelcome conduct based on an individual's or group's age, race, color, religion, sex, sexual orientation, gender, gender identity, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law, that is objectively offensive and when:

- Submitting to or enduring such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any Austin College program, activity, or benefit;
- Submission to or rejection of such conduct is used, implicitly or explicitly, as the basis for decisions affecting an individual's education (e.g. admission, academic standing, grades, assignment); employment (e.g. hiring, advancement, assignment); or participation in an Austin College program, activity or benefit;
- In the employment context, such conduct is sufficiently severe or pervasive that it unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment, or;
- In the education context, such conduct is sufficiently severe, persistent, or pervasive that the conduct interferes with the student's ability to participate in or benefit from educational programs or activities at Austin College.

To determine whether an educational or work environment was objectively offensive, the person appointed by the College will consider the totality of the circumstances, including (1) the frequency of the discriminatory/harassing conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or merely an offensive utterance; and (4) whether it interferes with an employee's work performance or a student's ability to participate in or benefit from the educational programs or activities at Austin College. No single factor is determinative. The required level of severity or seriousness may vary inversely with the pervasiveness or frequency of the conduct. A single incident of harassment, if sufficiently severe, or a continuous pattern of less severe incidents of harassment, could give rise to a viable formal complaint. A regular pattern of frequent verbal ridicule or insults sustained over time can constitute severe or pervasive harassment sufficient to violate this policy.

**Austin College encourages individuals to report any incidents of discrimination and harassment to ensure they receive appropriate supportive measures, as determined by Austin College, and maintain access to their employment and/or education.**

### *Retaliation*

Austin College forbids retaliation against an individual as a result of filing a complaint of discrimination or harassment or participating in an investigation of a complaint of discrimination or harassment. No hardship, loss, benefit, or penalty may be imposed on an employee, student, or third party in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Any person who is found to have violated this aspect of the policy by the person appointed by the College may be subject to immediate emergency removal or administrative leave and disciplinary action up to and including suspension, expulsion, termination of employment, or any other action deemed appropriate by the person appointed by the College to resolve retaliation.

### *Reports and Formal Complaints*

*Reports* are communications to Austin College that behavior potentially violating a policy has occurred. A report is not a request for an investigation or adjudication into these behaviors. Investigations and adjudications are triggered by the filing of a Formal Complaint (see Formal Complaints below)

Reports of discrimination, harassment, or retaliation must be made to the Chief Human Resource Officer:

- Melanie Oelfke, 900 N. Grand Ave., Suite 6I Sherman, TX 75090.
- Phone: 903.813.2433 and Email: moelfke@austincollege.edu
- Reports may also be submitted to the Chief Human Resource Officer through the Campus Conduct Hotline (CCH) (866-943-5787), or the Online Campus Conduct Reporting tool, both of which are linked at the bottom of every Austin College webpage via "Campus Conduct Hotline."
- If a report is made to anyone else, the reporter risks the possibility that it will not come to the attention of the appropriate College authorities and may, therefore, not be acted upon officially by an Austin College employee with authority to redress the allegations (Chief of HR).

Any person may make a report of discrimination, harassment, or retaliation to the Chief Human Resource Officer. Austin College will likely be limited in its response when reports are made by, or against, individuals that are not under Austin College's control. All persons have the right to contact law enforcement or other resources outside of Austin College's process.

Once reported to the Chief Human Resource Officer, the College may take any appropriate immediate action, as determined by the College, including Administrative Leave, Emergency Removal, and Supportive Measures. Supportive measures are immediate non-disciplinary efforts that should prohibit any further discriminatory or harassing action and may redress the alleged actions without having to go through the Formal Complaint Process. Supportive Measures are available as appropriate with or without the filing of a Formal Complaint.

Supportive Measures may include: Counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; Campus escort services; mutual restrictions on contact between the parties; changes in work or housing locations; leaves of absence; honoring an order of protection or a no-contact order entered by a State civil or criminal court; increased security and monitoring of certain areas of the campus; taking corrective action; other measures determined by the College to be appropriate.

Individuals receiving a No Contact Order are not entitled to an explanation of the alleged conduct, unless and until there is a Formal Complaint allowed to proceed by the person appointed by the College to make that determination.

*Formal Complaints* of discrimination or harassment are official requests that Austin College investigate the alleged misconduct, make determinations regarding responsibility for an alleged policy violation, and implement appropriate sanctions against the respondent(s) if found responsible using a preponderance of the evidence standard. Formal Complaints must be filed with the Chief Human Resource Officer (contact information above). The Formal Complaint should contain all known details about the allegations of misconduct including: date and time, location, parties, what happened, witnesses, and any other information relevant to the complaint. The Chief Human Resource Officer or their designee may ask for additional details after receiving the initial Formal Complaint.

Formal Complaints of Faculty behavior will be forwarded to the Vice President for Academic Affairs and will proceed under the process articulated in JP4 Judicial Guidelines and Procedures for the Faculty. Formal Complaints of Student behavior will be forwarded to the Vice President for Student Affairs or their designee and will proceed under this policy. All other Formal Complaints will be handled by the Chief Human Resource Officer and will proceed under this policy. A Formal Complaint may be filed by the Chief Human Resource Officer on behalf of another, when determined appropriate by the College. A person who reports allegations of discrimination or harassment but declines to file a Formal Complaint will have limited participation in College initiated resolution process. In this instance, the reporter will not be entitled to knowledge of the outcome or ability to appeal the dismissal of a formal complaint or the determination regarding responsibility.

*Formal Complaint Process* - After the person appointed by the College determines that the Formal Complaint may proceed (explained below) all parties are entitled to: notice of the allegations, an opportunity to present evidence and witnesses to an investigator, and an opportunity to be heard by the decision maker before a final decision is made. After an investigator completes the investigative report, it will be forwarded to the Decision Maker. The Decision Maker may then schedule separate meetings with the parties or witnesses and ask follow-up questions of both parties and witnesses, including those that challenge credibility. The Decision Maker may schedule additional meetings with parties or witnesses as determined appropriate by the Decision Maker. There will be no cross examination conducted by parties or their advisors. Both parties are allowed to have a Party Advisor who may be an attorney. However, Party Advisors may not advocate on behalf of the person they are advising during meetings, investigations, or hearings, nor may they interfere with the

process, as determined by Austin College. The Decision Maker may be the Chief Human Resource Officer, the Vice President for Student Affairs, the Vice President for Academic Affairs, or their assigned designee(s). Individuals are assumed not responsible unless and until they are found responsible using the preponderance of the evidence standard (more likely than not) under this policy. Sanctions may only be implemented after a respondent is found responsible for a policy violation using the procedure listed above.

Sanctions may include: Expulsion, Suspension, Probation, Educational Sanctions, Revocation or withholding of admission or degree pending completion of other sanctions, No Contact Orders, time and place restrictions or bans, housing restrictions, extension of requirements used as supportive measures, community service, loss of privileges, notation in permanent record, sanctions withheld, such as additional sanctions if deadlines for sanctions are not met, restorative justice requirement, specific sanctions that must be met before resuming status at Austin College, referrals for assessment, such as counseling or medical assessment, written warning or reprimand, oral warning or reprimand, termination of employment, other sanctions deemed appropriate by the person(s) appointed by the College.

**Formal Complaint Requirements** - A Formal Complaint may only be submitted by: 1) the individual who is alleged to be the victim of conduct that could constitute discrimination or harassment, or 2) the Chief Human Resource Officer when they determine it is appropriate to do so. The Formal Complaint should contain all known details about the allegations of misconduct including: date and time, location, parties, what happened, witnesses, and any other information relevant to the complaint. At the time of filing a formal complaint, the complainant must be a current student or current employee. A formal complaint may not be filed by a student or employee on behalf of another person who is alleged to be a victim of discrimination or harassment, nor may a Formal Complaint be filed anonymously. The complainant cannot remain anonymous or prevent the complainant's identity from being disclosed to the respondent via the written notice of allegation. The Chief Human Resource Officer or their designee must dismiss the Formal Complaint if the conduct alleged in the Formal Complaint: 1) would not constitute Prohibited Conduct (as defined in this policy) even if proved, 2) did not occur under the jurisdiction requirements listed in this policy. The Formal Complaint must also be dismissed if the complaint: 3) was not filed by a named student or employee, or 4) the respondent is no longer enrolled at or employed by Austin College, or under the College's jurisdiction.

At any point during the process the Chief Human Resource Officer or their designee may dismiss the complaint if: a formal complaint contains allegations that are precisely the same as allegations the College is investigating, or has already investigated and adjudicated; the length of time elapsed between an incident of alleged discrimination or harassment and the filing of a formal complaint prevent Austin College from collecting enough evidence to reach a determination as determined by Austin College; and/or the complainant has stopped participating in the investigation.



**Determinations Regarding Responsibility** - After all relevant evidence has been collected, reviewed, and responded to by the parties, the Decision Maker will review the evidence and meet with the parties/witnesses individually as needed to ask relevant follow up questions, including those that question credibility as appropriate. The determination regarding responsibility will then be made using the preponderance of the evidence standard. The Decision Maker appointed by the College will issue a written determination regarding responsibility with the following sections:

- a. Identification of the allegations;
- b. Findings of fact supporting the determination;
- c. Conclusions regarding the application of Austin College's policy to the facts;
- d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and any disciplinary sanctions Austin College imposes on the respondent.

**Appeals** - Once written notification of the dismissal of a Formal Complaint or any allegations therein has been issued, both parties have the right to submit an appeal to the Chief Human Resource Officer.

Once written notification of the determination regarding responsibility has been issued, both parties have the right to submit an appeal to the Chief Human Resource Officer.

Appeals may only be submitted by a party to the action and solely upon the following four grounds:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New material evidence that was not reasonably available at the time the Investigative Report was published or dismissal of allegations was made, that could affect the outcome of the matter;
- 3) Conflict of interest/bias - The investigator(s) or Decision Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- 4) Sanction is disproportionate to the violation.

Appeals must be submitted in writing to the Chief Human Resource Officer within 72 hours of receiving the notice of dismissal or decision regarding responsibility. If the appeal is accepted, any information that is submitted will be made available to the other party for review. The other participant may submit a rebuttal of the appeal in writing to the Chief Human Resource Officer within 7 days of receiving the appeal information. Upon receiving an appeal and rebuttal, if submitted, the Chief Human Resource Officer will refer it to the appropriate appeal agent for review and final decision making.

- Appeals addressing procedural Irregularities in the investigation and resolution process in a way that substantially altered the outcomes of the case shall be referred to an alternate investigator(s) and or decision maker(s) for review and decision making.
- Appeals providing substantive new evidence, which is information that was not reasonably available before or during the investigation or dismissal was made and that could affect the outcome of the matter shall be referred to the investigator(s) and or

decision maker(s) for consideration and determination of a finding based on the new information.

- Appeals alleging a Conflict of Interest/Bias by the Decision Maker for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter shall be referred to an alternate investigator(s) and or Decision Maker(s) for review and decision making.
- Appeals alleging that the sanction is disproportionate to the violation shall be assigned to the following appellate agents for review and decision making:
  - The Vice President for Business Affairs or designee if the responding participant is a staff member,
  - The Vice President for Student Affairs or designee if the responding participant is a student.

Austin College will seek to complete the appeals process in a reasonable amount of time as determined by the College unless Austin College determines in its discretion that more time is required. Austin College will provide periodic updates as it deems appropriate. The appropriate appeals agent will issue a written decision describing the result of the appeal and the rationale for the result. The Chief Human Resource Officer or designee will notify the participants simultaneously, to the extent possible, in writing of the appeal agent's decision. Finding and sanction decisions made by the appeal agent are final.

**Informal Resolution** - When determined appropriate by the Chief Human Resource Officer, the informal resolution process may be used to resolve allegations by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without implementing a formal resolution process. An informal resolution process may also include a remedies-based process (mediation), which allows both participants to come to a mutual agreement regarding the resolution of the complaint. Informal resolutions may reach agreements between the parties, facilitated by the Chief Human Resource Officer or their designee, that include continued supportive measures but that also could include disciplinary measures, while providing finality for both parties in terms of resolving allegations raised in a formal complaint of discrimination, harassment, or retaliation.

The informal resolution process may include the range of supportive measures described above, as well as targeted or broad-based training and educational programming for relevant individuals and groups or any other remedy that will achieve the goals of the College's policy. For example, both participants may agree that the permanent application of supportive measures (e.g. no-contact order) may be sufficient to resolve the complaint. This option is available if the College determines that such a process would be appropriate, and all participants agree to participate.

To enter into the Informal Resolution Process, both parties must provide voluntary written consent to the College after receiving and reviewing the notice of allegation and the rules regarding the Informal Resolution Process. At any time prior to the final Informal Resolution Agreement, either party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

### *Additional Provisions*

*Academic Freedom* - Austin College is committed to upholding the tradition of academic freedom. This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. The proper exercise of academic freedom does not include harassment or discrimination as defined by this policy.

*Administrative Leave* - The Process by which Austin College places a non-student employee respondent on administrative leave during the pendency of a grievance process. This process may be used when determined appropriate by the Chief Human Resource Officer.

*Emergency Removal* - The Process by which Austin College may remove a respondent from the College's education program or activity on an emergency basis, provided that the Chief Human Resource Officer or their designee undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of discrimination, harassment, or retaliation justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Austin College retains discretion on a case-by-case basis in determining if and when it is appropriate to contact a student's parents when the emergency removal tool is used.

*Parental Notification* – Austin College retains discretion on a case-by-case basis in determining if, and when, it will be appropriate to contact a student's parent(s) or guardian(s). Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a disciplinary action and should refer them to the Chief Human Resource Officer or their designee and this policy for questions.

*Relevant Evidence* - The Formal Resolution Complaint Process will provide an objective evaluation of all relevant evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Relevant Evidence is defined as evidence:

- Tending logically to prove or disprove a fact of consequence or to make the fact more or less probable and thereby aiding in making a decision.
- Having a significant and demonstrable bearing on the matter at hand.

*Extensions of Time* - Any party who wishes to request a temporary delay in the grievance procedure or the limited extension of time frames must submit a written request to the Chief Human Resource Officer or their designee that details why that party is requesting the delay/extension. The party filing the request must demonstrate good cause for the delay/extension to be granted. The Chief Human Resource Officer or their designee will make a determination regarding the request for delay/extension. If the request is denied, the requesting party will receive notice of the decision and the reasons why the request was denied. If the request is granted, both parties will receive written notice of the delay/extension and the reasons for it. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Delays caused solely by administrative needs would be insufficient to satisfy this standard.

Even where good cause exists, Austin College may only delay the grievance process on a temporary basis for a limited time. A respondent (or other party, advisor, or witness) would not be able to indefinitely delay a proceeding by refusing to cooperate. The grievance process can proceed to conclusion even in the absence of a party or witness.

*Responsibility to Cooperate* - Process Participants under Austin College's control must cooperate in good faith with Austin College investigations. Refusal to cooperate in good faith with an investigation may result in disciplinary action. An employee's or student's refusal to cooperate with processes described in this policy will be reported to the Chief Human Resource Officer or their designee who may implement disciplinary action against those unwilling to cooperate.

*Responsibility of Student Organizations* - Whenever an alleged violation of Title IX is brought to the attention of a student organization, student organization leadership and/or members should refer the affected member(s) to the Title IX Office on campus for reporting and/or resolution. Student Organizations should take no action on said member(s) during the Title IX process. If a no contact order is put in place by the College, the College will work with said member(s) about how to manage membership in the student organization. Student organizations should not interfere in the investigation by placing any member(s) on inactive status or asking said member(s) to refrain from being involved in the organization's activities. "No person or organization may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part." (Section Retaliation 1.23 Austin College Sex and Gender Based Misconduct Policy)

Student organizations are encouraged to speak to the Dean of Students and/or Director of Student Activities if they have questions regarding these expectations.

*Responsible Employees* – Defined as any college employee who has the authority to redress misconduct under this policy. Designated Responsible Employees under this policy are the Chief Human Resource Officer. A responsible employee is not a person who has, or appears to have, the obligation to report instances of discrimination, harassment, or retaliation.

\*Austin College employees are not designated mandatory reporters under this policy. While employees may forward learned of allegations of discrimination or harassment to the Chief Human Resource Officer under their own discretion, they are not under any legal or college mandated obligation to do so (unless required by any federal or state law or regulations). Individuals seeking supportive measures or an official response by the College must report to the Chief Human Resource Officer.\*

*Party Advisors* - Advisors who step outside their role, as determined by the College, may be dismissed from the process by the applicable Decision Maker. Advisors may be required to sign paperwork acknowledging their role and agreement to the policies of Austin College before they participate in a process.

Parties must give Austin College notice of their party advisor before any meeting, interview, hearing or other occasion where the party advisor will be present.

*Nature of Policy* - Austin College reserves the right to modify this policy at any time without notice.

# SEXUAL MISCONDUCT POLICY

## 0.1 – Introduction

Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, additional federal and Texas state laws and regulations have been adopted to offer further protection to those in higher education (i.e., students, employees, and third parties) from discrimination and harassment based on a person’s sex or gender. Austin College is committed to establishing an environment free of such discrimination and prohibits such acts. This policy has been updated to substantially comply with the Department of Education’s August 14, 2020 Title IX Regulations, & Texas laws H.B. 1735, S.B. 212, & H.B. 449.

Hence, Austin College (the College) will respond in a clearly reasonable way (as defined by Sections 106.44 & 106.45 of the New Title IX Regulations) to Reports & Formal Complaints containing information about actionable sex-and gender-based discrimination occurring in the College’s educational programs or activities in the United States, of which the Title IX Office is given Actual Notice of. These responses are intended to stop prohibited conduct, prevent its recurrence, and address any lingering impact on both participants and the campus community. Any retaliation against, or intimidation of those involved in a misconduct incident, be it those bringing a complaint, those accused, or those participating in the resolution process, is prohibited and will not be tolerated by the College.

Austin College supports persons involved in this process through available support services. The College encourages all parties in Austin College’s Community who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from the Title IX Coordinator, staff in counseling services or health services, the office of the College chaplain, the Grayson County Crisis Center, or to seek other medical attention. Additionally, employees needing support services may seek assistance from the Human Resource Department or the Employee Assistance Program. Nothing in this policy prohibits individuals from reporting crimes to Law Enforcement.

Questions regarding Title IX may also be referred to the United States Department of Education’s Office for Civil Rights, Dallas Office.

U.S. Department of Education 1999 Bryan Street, Suite 1620

Dallas, TX 75201

Telephone: 214-661-9600

FAX: 214-661-9687; TTD: 877-521-2172

Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

## 0.2 – Notice of Non-Discrimination

Austin College is committed to equal opportunity and does not discriminate on the basis of age, color, disability, national origin, race, religion, sex, gender, gender identity, sexual orientation, citizenship status, genetic information, status as a veteran, or any other characteristic that is protected by applicable state or federal law in its operations, employment opportunities, educational programs, and related activities. Austin College is committed to providing individuals with disabilities equal access to the process outlined in this policy. If you need an accommodation in the process, please consult with the Title IX Coordinator.

The Chief Human Resource Officer has been designated by the College as the appropriate person with authority to redress allegations of non-sexual misconduct: discrimination, harassment, & retaliation. All reports or formal complaints must be made to the Chief Human Resource Officer in order for Austin College to have actual notice of the issue and respond in a clearly reasonable way.

Reports of discrimination, harassment, or retaliation must be made to the Chief Human Resource Officer:

**Melanie Oelfke, 900 N. Grand Ave., Suite 6I Sherman, TX 75090.**

**Phone: 903.813.2433 and Email: [moelfke@austincollege.edu](mailto:moelfke@austincollege.edu)**

Reports may also be submitted to the Chief Human Resource Officer through the Campus Conduct Hotline (CCH) (866-943-5787), or the Online Campus Conduct Reporting tool, both of which are linked at the bottom of every Austin College webpage via “Campus Conduct Hotline.”

If a report is made to anyone else, the reporter risks the possibility that it will not come to the attention of the appropriate College authorities and may, therefore, not be acted upon officially by an Austin College employee with authority to redress the allegations.

Any person may make a report of discrimination, harassment, or retaliation to the Chief Human Resource Officer. Austin College will likely be limited in its response when reports are made by, or against, individuals that are not under Austin College’s control. All persons have the right to contact law enforcement or other resources outside of Austin College’s process.

Once reported to the Chief Human Resource Officer, the College may take any appropriate immediate action, as determined by the College, including Administrative Leave, Emergency Removal, and Supportive Measures.

### 0.3 – Title IX (Federal) & Non-Title IX (Texas) Compliance

In May of 2020 the United States Department of Education issued new regulations that substantially updated how schools receiving federal funds must respond to allegations of Sexual Misconduct. These rules mandate specific definitions & formalize investigatory & adjudicatory processes which Austin College is required to implement by August 14, 2020. Several of the new Federal provisions either conflict with or go beyond the requirements imposed on Austin College by the Texas legislature.

The New Regulations address this conflict: Section 106.45(b)(3)(i) (“The Recipient must investigate the allegations in a formal complaint. If the conduct alleged by the complainant would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the Recipient’s education program or activity, or did not occur against a person in the United States, then the Recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; **such a dismissal does not preclude action under another provision of the Recipient code of conduct.**”)

Given this discretion, Austin College remains committed to responding to all allegations of sexual misconduct made by members of Austin College’s community & has incorporated a Non-Title IX procedure into this Sexual Misconduct policy to address allegations that fall outside of Title IX.

If an allegation in a Formal Complaint of Sexual Misconduct is dismissed under the Title IX Process because it occurred outside of either the United States or Austin College’s Educational Program or Activities, or it does not meet the Title IX Harassment definition, then the complainant may submit the Formal Complaint to the Non-Title IX process. All Formal Complaints alleging sexual misconduct must first go through the Title IX Process, before it goes through the Non-Title IX Process.

The State of Texas requires that Austin College’s governing board approve its Sexual Misconduct policy. (H.B. 1735 Section 51.282(a)(2)) As compliance with both the Federal Regulations & the Texas Laws are non-negotiable, this sexual misconduct policy, which incorporates both Federal & State mandates, has been approved by Austin College’s Governing Board for responding to Sexual Misconduct.

Date of Board Approval: Nov. 7, 2020



## 0.4 – Record Keeping

- 1) *Austin College* must maintain for a period of seven years records of—
  - (A) Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to *Austin College's* education program or activity;
  - (B) Any appeal and the result therefrom;
  - (C) Any informal resolution and the result therefrom; and
  - (D) All materials used to train Title IX Coordinators, investigators, decision- makers, and any person who facilitates an informal resolution process. *Austin College* must make these training materials publicly available on its website.
- 2) For each response required under Title IX, *Austin College* must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, *Austin College* must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to *Austin College's* education program or activity. If *Austin College* does not provide a complainant with supportive measures, then *Austin College* must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit *Austin College* in the future from providing additional explanations or detailing additional measures taken.

## 0.5 – Mandatory Training

- 1) All individuals designated by *Austin College* as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

- 2) Austin College ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in this policy, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 3) Austin College ensures that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in this policy.
- 4) Austin College ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 5) Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes and promote impartial investigations and adjudications of formal complaints of sexual harassment.

The Training materials are available on the Austin College Title IX webpage under the heading, "Title IX Training."

- 6) The identity of Austin College centers on a transformative learning experience for ALL students. This community is made up of diverse students, faculty, and staff who are aware and respectful of our differences, and who intentionally pursue a culture of inclusive excellence.

As such, we at Austin College commit to the cultivation of minds, the pursuit of social justice, and respect for common humanity. Austin College ensures that all individuals involved in Greek Life receive training on diversity, equity, and inclusion.

## 0.6 – Requesting an Accommodation

Requests for accommodation (ADA, Section 504) should be made to the Title IX Coordinator. The Coordinator will work with the appropriate college authority to determine what reasonable accommodations may be provided.

Individuals that believe they need a translator or Language Assistance throughout the Title IX or Non-Title IX process may contact the Title IX Coordinator

## 0.7- Reasonably Prompt Time Frames

*0.7(a) Investigation* - The investigation of a Formal Complaint will be concluded within 90 business days of the filing of a Formal Complaint.

*0.7(b) Grievance Process, including Appeal* – The entire grievance process outlined in this policy, including any appeal, will generally be completed in no more than 165 business days. This time frame is subject to change.

*0.7(c) Appeal* – 21 Business days

## 0.8 - Requesting an Extension of Time

Any party who wishes to request a temporary delay in the grievance procedure or the limited extension of time frames must submit a written request to the Title IX Coordinator that details why that party is requesting the delay/extension. The party filing the request must demonstrate good cause for the delay/extension to be granted.

The Title IX Coordinator will make a determination regarding the request for delay/extension. If the request is denied, the requesting party will receive notice of the decision and the reasons why the request was rejected. If the request is granted, both parties will receive written notice of the delay/extension and the reasons for it.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. **Delays caused solely by administrative needs, for example, would be insufficient to satisfy this standard.**

Even where good cause exists, Austin College may only delay the grievance process on a temporary basis for a limited time. A respondent (or other party, advisor, or witness) would not be able to indefinitely delay a Title IX proceeding by refusing to cooperate. The grievance process can proceed to conclusion even in the absence of a party or witness.

## Policy Statement – Sexual Misconduct

The Federal mandates established by Title IX and the Campus SaVE Act reaffirm that students, employees, and third parties have the right to be free from discrimination based on their gender, sex, sexual orientation, and gender appearance/expression. All procedures regarding such incidences can be found herein.

### 1.1(a) – Scope of Title IX Policy

This policy applies to Austin College students, employees, and third-parties participating in Austin College's education program or activity as defined in 34 C.F.R. § 106.44(a):

**Locations, events, or circumstances over which the college exercised substantial**

**control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.**

### 1.1(b) – Scope of Non-Title IX Policy

This policy applies to Austin College students, employees, and third parties both on and off campus, as well as in cyberspace. Off-campus coverage of this policy includes incidents that occur within the College’s operations including incidents that occur outside the United States such as employee-led trips, study-abroad sites, internship sites, service- learning sites, college-owned properties & when the conduct substantially affects a person’s education or employment with the College or poses a risk of harm to members of the Austin College community.

### 1.2 - Prohibited Misconduct Defined

Conduct that is prohibited and encompassed by this policy includes sexual harassment, sex and gender discrimination, sexual assault, rape, stalking, and relationship abuse (including domestic and dating violence). These acts are also a violation of federal and state law (including Title IX, Title VII, the Campus SaVE Act, and the Violence Against Women Act). These acts are prohibited in any sex or gender configuration (i.e., between the same or differing genders), regardless of sex and gender identity, or in any power configuration. Individuals found responsible for violating these policies will face sanctions that are commensurate with the severity of the policy violation, ranging from warning to expulsion or termination of employment.

Many of the behaviors outlined in this policy may be felony or misdemeanor crimes in addition to violations of this policy. Victims are encouraged to explore legal options for prosecution if they desire. Austin College will conduct its own investigation and resolution process for a Formal Complaint, regardless of whether the alleged misconduct is also being pursued through the criminal justice system. Acts of harassment or sex- and gender-based discrimination may vary in severity and include the following categories listed in sections 1.21 – 1.29.

#### Title IX Sexual Misconduct Policy Violation

### 1.21 Title IX Sexual Harassment

All allegations of prohibited misconduct defined under section 1.21 are subject to the resolutions processes articulated by the 2020 Title IX Regulations codified in this policy in sections 1.7 or 1.8(a).

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

### 1.21.1 – *Quid Pro Quo, Sexual Harassment*

Quid Pro Quo Harassment means an employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

### 1.21.2 – *Davis Standard, Sexual Harassment*

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

### 1.21.3 - *Cleary/VAWA Offenses, Sexual Harassment:*

#### 1.21.3(a) - *Sexual Assault*

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program:

- (A) "Rape" means 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.
- (B) "Fondling" means the touching of the private body parts 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 or because of his/her temporary or permanent mental incapacity.
- (C) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (D) "Statutory Rape" means sexual intercourse with a person who is under the statutory age of consent.

(Citation: 20 U.S.C. 1092(f)(6)(A)(v), Defined at 34 CFR 668.46)

Sexual assault can be committed by persons of the same sex as well as those of different sex.

Students, employees, and third parties should understand that forced or unwanted sexual intercourse or sexual contact (as defined above), whether it involves a stranger or an acquaintance, is sexual assault. The severity of the violation is the same whether the responding participant is a stranger or known to the reporting participant.

### 1.21.3(b) - Dating Violence

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of: 1) length of the relationship, 2) the type of relationship, and 3) the frequency of interaction between the persons involved in the relationship.

### 1.21.3(c) - Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against the an adult or youth victim who is protected from that person's act under the domestic or family violence laws of Texas. (Citation: 34 U.S.C. 12291(a)(8))

### 1.21.3(d) - Stalking

"Stalking" means 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. (Citation: 42 U.S.C. 12291(a)(30)) For guidance purposes regarding this definition:

- (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, 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.
- (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (Citation: 34 CFR 668.46)

Stalking can occur between strangers, individuals who know each other, or individuals who are or were previously in a relationship. Stalking behaviors may include unwanted following or watching, unwelcome gifts, or communications in person, in writing, or through the use of technology. It also includes accessing personal information to monitor a person's activity.

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### Non-Title IX Sexual Misconduct Policy Violations

Sections 1.22 – 1.29 define misconduct involving non-Title IX Sexual Harassment and violations of college policy that do not fall under the 2020 Title IX Regulations definition of Sexual Harassment. Allegations of these violations will be handled through the non-Title IX resolution process articulated in sections 1.7 or 1.8(b).

## 1.22 – Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment means 1) unwelcome, sex based verbal or physical conduct that:

- (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities of Austin College

For Employees of Austin College, Sexual Harassment may also mean an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- (A) submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
- (B) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment;
- (C) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (D) the advance, request, or conduct has the purpose or effect of creating an offensive working environment.

Examples of sexual harassment under Title IX or otherwise for all community members may be: repeated unwelcomed sexual conduct or advances that may take the form of inappropriate sexual or suggestive comments, sounds or jokes; unsolicited touching that falls outside of the Sexual Assault definition.

## 1.23 - Retaliation

- 1) No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.

- 2) Austin College will keep private the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.
- 3) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited.
- 4) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance under this part does not constitute retaliation prohibited, provided however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## 1.24 - Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. This behavior may fall under either the Title IX Non-Sexual Assault Sexual Harassment standard or the Non-Title IX Sexual Harassment standard. There are many degrees and types of sexual exploitation. Examples of sexual exploitation are described below.

- Photographing or taping someone (via audio or video) involved in sexual activity, or in a state of undress without their consent or knowledge constitutes prohibited sexual exploitation (even if a person consented to the sexual activity or the state of undress, photographing or taping someone without their knowledge goes beyond the boundaries of that consent).
- Disseminating photographs or video/audio of someone involved in sexual activity or in a state of undress without their knowledge or consent constitutes a separate and additional act prohibited by this policy.
- Voyeurism, which is the act of observing a person involved in sexual contact/activity or in a state of undress without their knowledge or consent, is prohibited by this policy.
- Inducing intoxication/incapacitation for the purpose of sexual activity (i.e., offering drugs, alcohol, or other substances to a person with or without their knowledge with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity) is a violation of this policy. This type of conduct constitutes sexual exploitation regardless of whether any sexual activity takes place.



### 1.25 - Intentional Presentation of False Information

Participants in both the Title IX & Non-Title IX process must present, in good faith, truthful and accurate information to those involved in ensuring a fair process. Knowingly making false statements or presenting inaccurate information is unacceptable and may result in a separate disciplinary action regarding that conduct. Please note that filing a report or providing information which a participant or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute the intentional presentation of false information.

### 1.26 - Violation of Supportive Measures

An employee or student's failure to comply with the terms of Supportive Measures directives is a violation of Austin College policy.

### 1.27 - Employee Failure to Report or False Report

It is a violation of Texas Law & Austin College policy for an employee who is required to make a report to not make a report to the Title IX Office. The State of Texas has determined that an employee commits an offense if: 1) they are required to make a report & knowingly fails to make a report; or 2) with the intent to harm or deceive, knowingly makes a report that is false. These offenses are classified as Class B Misdemeanors, which can be upgraded to a Class A Misdemeanor at trial. As is required by Texas Law, Austin College shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed the offense of not making a report they knew of or making a false report.

### 1.28 - Interference with Processes under this Policy

Any person who interferes with the Grievance Processes under this Policy is subject to disciplinary action up to and including dismissal or separation from the College. Interference with a Grievance Process may include, but is not limited to:

- (1) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (2) Removing, destroying, withholding, or altering documentation relevant to the Grievance Process; or

## 1.29 - Employee – Student Relationships

Sexual, romantic, or dating relationships between employees and students are inconsistent with the mission of the College and inappropriate because they carry a risk of damaging the student's educational experience and the faculty or staff member's career. The College thus prohibits sexual, romantic, or dating relationships, even of a consensual nature, between employees and currently enrolled students. Enrolled students who are employed by College are considered students for consensual relationships.

There are exceptional circumstances in which the spouse or partner of a faculty or staff member is a student at the College. This policy does not apply in such circumstances. The Dean of the Faculty or the appropriate vice president is the administrative officer who determines whether a circumstance is exceptional.

## 1.3 - Process Definitions & Provisions

### 1.31 - Academic Freedom

Austin College is committed to principles of free speech and upholding the tradition of academic freedom. This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. The proper exercise of academic freedom does not include harassment or discrimination as defined by this policy.

### 1.32 - Administrative Leave

The Process by which Austin College places a non-student employee respondent on administrative leave during the pendency of a grievance process.

### 1.33 – Confidentiality

Because breaches of confidentiality compromise the ability of Austin College to investigate and resolve claims of harassment and discrimination, the Title IX Coordinator will attempt to protect the confidentiality of harassment and discrimination proceedings to the extent reasonably possible. On campus, complete confidentiality cannot be guaranteed. Limited Confidentiality may be available when a concern is shared with a College-designated limited reporter employee (defined in Section 1.42.3) and when the concern does not involve a continuing threat of serious harm to self or others as determined by the Title IX Coordinator.

## 1.34 – Consent

Consent is clear, active, and affirmative permission to act, either by words or actions. The person who initiates sexual activity is responsible for obtaining the other person's consent for that activity each and every time. The existence of a dating relationship, or prior intimate relationships, does not imply consent, and once consent has been given, it can be withdrawn at any time. Consent can never be unreasonably assumed or implied. The absence of "no" or silence does not mean that consent has been given. Additionally, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

### 1.34.1 - When Consent cannot be Obtained

Consent cannot be obtained when any of the following circumstances are used:

- a) Physical violence, meaning that a person is exerting control over another person through the use of physical force. Examples of physical force include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- b) Threats, meaning words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- c) Intimidation, meaning an implied threat that menaces or causes reasonable fear in another person. A person's size alone does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g. blocking access to an exit).
- d) Coercion, meaning the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes a clear decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider: (a) the frequency of the application of the pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure. Coercion includes continued pressure after an individual has made it clear that they do not want to engage in the behavior.

- e) Consent is not present when an individual is incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because that person lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from a disability, sleep or lack thereof, involuntary physical restraint, unconsciousness, or use of alcohol or other drugs. Every individual may manifest signs of incapacitation differently; typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional distress, vomiting, or incontinence. The impact of alcohol and other drugs varies from person to person, and if there is any doubt as to the level or extent of the other person’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being impaired by alcohol or other drugs is not a defense to any violation of this policy, including failure to obtain consent. In evaluating consent in cases of alleged incapacitation, the College seeks to determine 1) if the person initiating sexual activity knew that the other participant was incapacitated and 2) if not, would a reasonable person have known that the other participant was incapacitated. If the College determines that either of these statements are true, consent was absent.
- f) Consent is never present if an individual is under the legal age of consent (17 in the State of Texas).

### *1.35 - Emergency Removal*

The Process by which Austin College may remove a respondent from the College’s education program or activity on an emergency basis, provided that the Title IX Office undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### *1.36 - Parental Notification*

Austin College retains discretion on a case-by-case basis in determining if, and when, it will be appropriate to contact a student’s parent(s) or guardian(s). Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a Title IX action and should refer them to the Title IX Coordinator or their designee and this policy for questions.

## *1.37 - Process Participants*

### *1.37.1 - Title IX Coordinator*

This individual is responsible for the oversight of this policy and the Enforcement of Supportive Measures & Sanctions.

### *1.37.2 - Reporting Participant*

An individual who provides notice to the College that they have experienced one or more acts of sexual misconduct. If necessary, the College can assume the role of reporting participant.

### *1.37.3 - Complainant*

An individual who is alleged to be the victim of conduct that could constitute sexual harassment or any of the violations defined in this policy.

### *1.37.4 - Respondent*

Any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or any of the violations defined in this policy.

### *1.37.5 - Witness*

The reporting and responding participants have the right to identify any individuals who may be witnesses to the conduct alleged in a formal complaint. Participants may provide an explanation the witness's relevance to this investigation at the time the witnesses are identified to the investigator(s). Participants should be aware that it is possible for both reporting and responding participants to list the same people as witnesses on their behalf. Witnesses are expected to cooperate and speak the truth. Witnesses should not be intimidated, threatened or improperly influenced in any way by either participant or through other individuals (e.g. friends, family members, attorneys, social media, etc..).

The investigator(s) will attempt to interview any witnesses identified by the participants that the investigator(s) deems to be relevant to the resolution of the complaint. As members of Austin College's community, students and employees are expected to cooperate with and participate in the investigation process. Witnesses may also be a Party Advisor.

### *1.37.6 - Party Advisor*

Each Complainant & Respondent in a sexual misconduct investigation is entitled to one Party Advisor of their choosing to perform cross examination at the Live Hearing & accompany and assist them throughout the campus resolution process. The Party Advisor can be a friend, family member, attorney, faculty member, witness, or any other individual a participant selects who is willing, eligible, and available. Other than serving as a witness & conducting Cross Examination at the Live Hearing (in the Title IX Formal

Resolution Process), a Party Advisor may not be otherwise involved in the process.

Participants are entitled to be accompanied by their party advisor in all meetings and interviews at which participants are requested to be present. The party advisor may help their participant prepare for each meeting. At a Title IX Formal Resolution Live Hearing the Party Advisor is permitted to ask the other party & any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a party does not have an advisor present at the live hearing, Austin College will provide without fee or charge to that party, an advisor (not required to be an attorney) to conduct cross-examination on behalf of that party. Party Advisors may not answer questions for the party they are advising during an Investigation, Live Hearing, or other meeting. Party Advisors may not give the opening or closing for the party they are advising during the Live Hearing (Title IX Formal Resolution Process).

All party advisors are subject to the same campus rules, whether or not they are attorneys. Party advisors who step out of their role or otherwise violate this policy during the campus resolution process will be subject to removal as a party advisor.

The College expects the party advisors to adjust their schedules to allow them to attend College meetings, interviews, or other necessary events when scheduled.

Accommodations for participation may be considered (e.g. phone, Skype).

Participants must inform the Title IX Coordinator of the identity of their party advisor. Participants and the party advisor must provide timely notice of a change in party advisors to the Title IX Coordinator. Prior to attending any interviews, the party advisor will be required to agree to confidentiality/non-retaliation, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. A party's advisor may choose to withdraw from their role during the process for any reason. A party advisor must provide notice to the Title IX Coordinator when they withdraw from their role.

#### *1.37.7 - Process Advisor*

The College maintains a list of limited reporter employees who are trained to assist participants understand this policy and the resolution processes. These individuals are appointed by the College. They will report the incident to the Title IX Coordinator; however, they are not required to report personally identifiable information about the reporting or responding participants.

#### *1.37.8 - Investigator*

The Individual assigned by the Title IX Coordinator to investigate a Formal Complaint of Sexual Misconduct. These individuals will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Office will ensure that all investigators receive training on the definition of sexual harassment in § 106.30, the scope of Austin College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve

impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Investigators have received training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train these individuals do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

#### *1.37.9 - Decision Maker*

The individual assigned by the Title IX Coordinator to ask relevant questions at the hearing & decide if cross examination questions are relevant at the live hearing, & to make determinations regarding responsibility. These individuals will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Office will ensure that all decision makers receive training on the definition of sexual harassment in § 106.30, the scope of Austin College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Title IX Office will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Materials used to train these individuals do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

#### *1.37.10 - Clerk*

The individual assigned by the Title IX Coordinator to assist all participants in the Formal Resolution process with scheduling. This person may also enforce the decorum rule at the live hearing in a Formal Resolution, and may be the investigator.

#### *1.37.11 – Support Person*

All parties may have a support person accompany them to all interviews & meetings. Support Persons may also be a party's advisor. Support Persons are never allowed to answer for, or speak on behalf of the party they are supporting. Support Persons may confer quietly and briefly with the person they are supporting as needed in a meeting. The Support Person can be a friend, family member, attorney, faculty member, or any other individual a participant selects who is willing, eligible, and available. Support Persons may not otherwise be involved in the process.

All Support Persons are subject to the same campus rules, whether or not they are attorneys. Support Persons who step out of their role or otherwise violate this policy during the campus resolution process will be subject to removal as a Support Persons. The College expects the Support Persons to adjust their schedules to allow them to attend College meetings, interviews, or other necessary events when scheduled. The College does not typically change such scheduled meetings to accommodate a support person's ability to attend. Other accommodations for participation may be considered

(e.g. phone, Skype).

Participants must inform the Title IX Coordinator of the identity of their Support Person. Participants and the support person must provide timely notice of a change in support person to the Title IX Coordinator. Prior to attending any interviews, the support person will be required to agree to confidentiality/non-retaliation, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. A support person may choose to withdraw from their role during the process for any reason. A support person must provide notice to the Title IX Coordinator when they withdraw from their role. Support Persons that are not also serving as a Party Advisor will not receive evidence or the Investigative report for review.

### 1.38 - *Relevant Evidence*

The Formal Resolution Process will provide an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. All credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

1) Relevant Evidence is defined as evidence:

- Tending logically to prove or disprove a fact of consequence or to make the fact more or less probable and thereby aiding the trier of fact in making a decision.
- Having a significant and demonstrable bearing on the matter at hand.
- Affording evidence tending to prove or disprove the matter at issue or under discussion.

“Relevant.” *Merriam-Webster.com Dictionary*, Merriam-Webster.

2) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

3) Legally Privileged information (Attorney/client, Dr./Patient) & legal/medical records are not relevant & may not be used or asked about unless voluntarily released by the party and relevant.

### 1.39 – *Student Amnesty*

Students may be concerned about reporting sexual misconduct believing that their own behavior might subject them to disciplinary action (e.g., if a reporting participant or witness is underage and was using alcohol or drugs at the time of the incident).

Witnesses and reporting participants should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether the witness or



reporting participant was using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Austin College will seek to make the sexual misconduct allegation the primary focus of any investigation or disciplinary action. The College may not pursue disciplinary action against reporting participants, witnesses or a third party for disclosure of their own personal consumption of alcohol or drugs at or near the time of the incident provided that any such violation did not harm or place the health and safety of any other person at risk. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol or drugs (or by any other means) cannot give consent to sexual activity.

#### *1.40 – Reporting Sexual Misconduct*

Individuals may choose to seek action or assistance both on campus as well as through surrounding community resources. The following are examples of reasons that one might choose to report an incident of alleged misconduct to:

- To receive support in coping with an incident.
- To make Austin College aware of behavior in case it is part of a larger pattern.
- To help prevent similar incidents from happening in the future.
- To seek information about taking formal action against someone.
- To seek information about educating someone about their behavior through use of the College's Title IX process and procedures.

Reports should be filed with the Title IX Coordinator:

Title IX Coordinator  
Melanie Oelfke  
Director of Wellbeing and Human Resources  
Administration Building, Room 211  
900 N. Grand Ave., STE 6I  
Sherman, TX 75090  
Telephone: 903.813.2433  
Email: [moelfke@austincollege.edu](mailto:moelfke@austincollege.edu)

After a report of Sexual Misconduct has been filed with the Title IX Office, the Title IX Coordinator &/or Deputy Coordinator will:

- 1) Discuss the availability of supportive measures to the Reporting Participant,
- 2) Explain the process for filing of a Formal Complaint
- 3) Explain the Formal Resolution & Informal Resolution process.
- 4) Assess the nature and circumstances of the allegation;
- 5) Address any immediate concerns about the physical safety and emotional well-being of the participants;
- 6) Notify the reporting participant of the option to notify law enforcement;
- 7) Provide the reporting participant with information about the range of available on- and off-campus resources;
- 8) Describe the range of interim measures and remedies for security and support.

Once reported to the Title IX office, Supportive Measures are available as appropriate to the reporting party with or without the additional step of going through an Informal or Formal resolution.

[A report is not a request for an investigation or adjudication, these are triggered by the filing of a Formal Complaint.](#)

Reports to anyone other than the Title IX Coordinator & the Deputy Title IX Coordinator does not qualify Austin College as having Actual Knowledge of Sexual Misconduct. Submitting a Report of Sexual Misconduct does not guarantee any particular result.

### *1.41 - Student & Alumni / Third-Party Reports*

All Students & Third Parties wanting to make a report of sexual misconduct may do so in the following ways:

- 1) In person or through mail to the Title IX Coordinator, Melanie Oelfke, 900 N. Grand Ave., STE 6I Sherman, TX 75090.
- 2) Through email to the Title IX Coordinator, Moelfke@austincollege.edu
- 3) Over the phone to the Title IX Coordinator, 903-813-2433
- 4) Online non-anonymously through the Sexual Misconduct Communication Form, available on Austin College's Title IX webpage.
- 5) Online anonymously through the Campus Conduct Hotline link at the bottom of every Austin College webpage.
- 6) To a Limited Reporter Employee (Section 1.42.43), with the individual understanding that the employee must report at the minimum the type of harassment disclosed (the employee may give more information if students give permission to employee).
- 7) To a non-Limited Reporter Employee (Section 1.42.1), with the student understanding that the employee must report all information non-anonymously to the Title IX Coordinator.
- 8) To a Student Employee Resident Assistant &/or FSL with the student understanding that the Student Employee has the obligation to report all information non-anonymously to the Title IX Coordinator.

### *1.42 - Employee Reports (All Faculty & Staff)*

#### *1.42.1 Non-Confidential Employees*

Under Texas SB 212 all employees of Austin College who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX Coordinator, or Deputy Title IX Coordinator. That report must include all the information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

#### *1.42.2 Exceptions to the Employee Reporting Requirement*

- 1) When the person is a victim of sexual harassment, sexual assault, dating violence, or stalking. (Employees are not required to report their own experiences)
- 2) When the disclosure was made at a public awareness event on sexual harassment, sexual assault, dating violence, or stalking, and the event was sponsored by Austin College, or by a student organization affiliated with Austin College.
- 3) Employees that are currently enrolled as students are not considered mandatory reporters under TX SB 212. However, Resident Assistants, First Year Seminar

Leaders, and Jordan Family Language House Teaching Assistants are all required to report sexual discrimination, learned of within the course and scope of their employment, to the Title IX Office.

- 4) Employees that are designated as Limited-Reporter Confidential Employees.

### 1.42.3 - Limited Reporter Confidential Employees

These are Employees of Austin College who have been designated by the college as a person with whom students may speak confidentially concerning sexual misconduct covered under this policy, or who receives information regarding such an incident under the circumstances that renders an employee’s communications confidential or privileged under other law shall. While required to make a report to the Title IX Coordinator, they must state only the type of incident reported and may not include information that would violate a student’s expectation of privacy. The following employees & Process Advisors are designated as Limited Reporters:

|                            |                         |                                    |
|----------------------------|-------------------------|------------------------------------|
| Austin College Counselors  | John Williams           | Melissa Bressler                   |
| <b>Counseling Services</b> | <b>College Chaplain</b> | <b>Director of Health Services</b> |
| Adams Center               | Wynne Chapel            |                                    |
| 903.813.2247               | 903.813.2220            | Adams Center<br>903.813.2247       |

### 1.42.4 – Confidential Reports to Campus Police Officers

A Campus police officer who receives information regarding an incident described in Section 1.21 of this policy from an alleged victim who chooses to complete a pseudonym form, shall, in making a report to the Austin College Title IX Coordinator, state only the type of incident reported and may not include the victim's personally identifiable information.

### 1.43 - Timing of Reports

There is no time limit for the submission of a report alleging sexual misconduct.

### 1.44 – Reporting Sexual Abuse Regarding Minors

Employees of Austin College are required to report known sexual child abuse or neglect, and suspected sexual child abuse or neglect. To report to DFPS, call the 24-hour, toll-free abuse hotline at 1-800-252-5400 from anywhere in the United States to report abuse or neglect that happened in Texas.

### *1.45 - Request to Not Investigate*

If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reports to the Title IX Office and requests to not investigate the alleged incident, the Title IX Coordinator or College designated appropriate person will determine whether or not to conduct an investigation by considering the following:

- The seriousness of the alleged incident;
- Whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
- Whether the alleged incident poses a risk of harm to others; and
- Any other factors the institution determines relevant.

The Title IX Office will inform the alleged victim of the office's determination as to whether to investigate or not.

The Title IX Office will implement reasonable support measures or other actions to protect the health and safety of the college's community in relation to the alleged incident even when it decides not to investigate the alleged incident.

### *1.46 Importance of Going to a Hospital and Preserving Evidence After Incident*

It is important for a victim of sexual assault, sexual harassment, stalking or dating/domestic violence to, as applicable, go to a hospital for treatment and to preserve evidence as soon as practicable after an incident. Most Hospitals have the capability to conduct a SANE (Sexual Assault Nurse Examination) examination in order to preserve evidence.

### *1.47 Right of a Victim to report to Law Enforcement*

The victim of a crime has the right to choose whether to report the crime to law enforcement, and may be assisted by the Title IX Office in reporting the crime to law enforcement. The Victim also has the right to choose to decline to report the crime to law enforcement.

## 1.5 - Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Austin College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Academic Supportive measures will be coordinated with and communicated to the faculty member(s) of record and the Academic (divisional) Dean or the Vice President for Academic Affairs. Supportive measures will be confirmed in writing.

Supportive measures may include:

- Counseling,
- Extensions of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Campus escort services,
- Mutual restrictions on contact between the parties,
- Changes in work or housing locations,
- Leaves of absence,
- Honoring an order of protection or a no-contact order entered by a State civil or criminal court. Increased security and monitoring of certain areas of the campus,
- Other similar measures.

The Title IX Office will maintain as private any supportive measures provided to the complainant or respondent, to the extent that maintaining such privacy would not impair the ability of the College to provide the supportive measures.

An employee or student's failure to comply with the terms of interim measure directives is a separate violation of Austin College policy.

The availability of Supportive Measures &/or action taken by Austin College may be limited in instances where reports are made by individuals that are not participating in or attempting to participate Austin College's educational program or activity.

## 1.6 - Formal Complaint

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator (in a Coordinator Initiated Complaint) alleging sexual misconduct against a respondent and requesting that Austin College investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Section 1.41 of this policy.

### 1.6(a) – Formal Complaint Requirements

- 1) A Formal Complaint may only be submitted by the individual who is alleged to be the victim of conduct that could constitute sexual harassment or any of the violations defined in this policy
- 2) At the time of filing a Title IX or Non-Title IX formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of Austin College.
- 3) A Formal Complaint may not be filed anonymously. The Complainant cannot remain anonymous or prevent the complainant's identity from being disclosed to the respondent via the written notice of allegation.
- 4) The Formal Complaint should contain all known details about the allegations of misconduct including: date & time, location, parties, what happened, witnesses, & any other information relevant to the complaint.

Following the submission to the Title IX Coordinator or their designee of a signed Formal Complaint:

- 1) The Title IX Coordinator or their designee will review the formal complaint and determine what allegations, if any, must be dismissed or may be dismissed under section 1.62 of this policy. Any dismissal may be appealed by either party using the appeal process outlined in section 1.9 of this policy.
- 2) Any surviving allegations may then be resolved through either the Formal or Informal resolution process, as appropriate.
- 3) The Title IX Office will send out a Notice of Allegations of surviving allegations to all known parties.

### 1.61 - Notice of Allegations

Upon receipt of a Title IX or Non-Title IX formal complaint and approval by the Title IX Coordinator as described below in 1.62, the Title IX Office will provide the following written notice to the parties who are known:

- A) Notice of the College's Sexual Misconduct grievance process;
- B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time. Sufficient details

- include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- C) The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - D) The written notice will inform the parties that they may have a Party Advisor (1.37.6) of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
  - E) The Written notice will inform the parties that they may have a Support Person (1.37.11) of their choice.
  - F) The written notice will inform the parties of any provision in Austin College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
  - G) If, in the course of an investigation, the assigned Investigator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Investigator will provide notice of the additional allegations to the parties whose identities are known;
  - H) The respondent will have a minimum of three calendar days to review the allegations and prepare a response before any initial interview.

## *1.62 – Mandatory/Discretionary Dismissal & Consolidation of Formal Complaints*

### *1.62.1(a) - Mandatory Dismissal of Title IX Formal Complaints*

Upon receipt of a Title IX formal complaint, the Title IX Coordinator will review the listed information and make a determination regarding whether the Formal Complaint must be dismissed or may continue through the Title IX process. If the conduct alleged in the Title IX formal complaint: 1) would not constitute Prohibited Misconduct (as defined in this policy under section 1.2, excluding section 1.22) even if proved, 2) did not occur in Austin College's education program or activity (section 1.1(a)), 3) did not occur against a person in the United States, or 4) if the complaint was not filed by a named Complainant (or the Title IX Coordinator) participating in or attempting to participate in the college's education program or activity, then the Title IX Coordinator must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of Austin College's code of conduct if applicable. If there is more than one allegation of misconduct, the trained college designee will make a determination as to each allegation. If any or all allegations in a Formal Complaint are dismissed, all parties will receive notice of the decision and an explanation for the decision. The dismissal of a Formal Complaint may be appealed by either party.

### *1.62.1(b) – Mandatory Dismissal of Non-Title IX Formal Complaints*

Upon the receipt of a Non-Title IX formal complaint, the Title IX Coordinator will review the listed information and make a determination regarding whether the Formal Complaint must be dismissed or may continue through the Non-Title IX process. If the



conduct alleged in the Non-Title IX formal complaint: 1) would not constitute Prohibited Misconduct (as defined in this policy under section 1.2, excluding section 1.21.2) even if proved, 2) did not occur in Austin College's operations (section 1.1(b)), or 3) if the complaint was not filed by a named Complainant (or the Title IX Coordinator) participating in or attempting to participate in the college's education program or activity, then the Title IX Coordinator will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Texas Law & college policy; such a dismissal does not preclude action under another provision of Austin College's code of conduct if applicable. If there is more than one allegation of misconduct, the trained college designee will make a determination as to each allegation. If any or all allegations in a Formal Complaint are dismissed, all parties will receive notice of the decision and an explanation for the decision. The dismissal of a Formal Complaint may be appealed by either party.

#### *1.62.2 - Discretionary Dismissal / Complaint Withdraw*

Austin College's Title IX Coordinator may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by Austin College; or specific circumstances prevent Austin College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If a Formal Complaint is dismissed both parties will receive notice of the decision and an explanation for the decision.

Specific Circumstances meriting discretionary dismissal are:

1. When no complainant is identified during the investigation.
2. When a formal complaint contains allegations that are precisely the same as allegations the recipient has already investigated and adjudicated.
3. When the length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint, prevent a recipient from collecting enough evidence to reach a determination.
4. When the complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the complainant's statement in the formal complaint or as recorded in an interview by the investigator.

#### *1.62.3 - Consolidation of Complaints*

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### *1.63 - Timing of Formal Complaints*

There is no time limit for the filing of a Formal Complaint. However, at the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the Austin College's education program or activity.

### *1.64 - Title IX Coordinator Signs the Formal Complaint*

The Title IX Coordinator has discretion to sign a formal complaint. The following are circumstances that the Title IX Coordinator will take into account when making the decision to sign a Formal Complaint: the complainant's wishes, whether a complainant's allegations involved violence, use of weapons, threats, serial predation, or similar factors.

### *1.65 – "Participating in or Attempting to Participate in" Defined*

Austin College only considers currently enrolled students and current employees to meet this definition.

## *1.7 - Informal Resolution Process*

Where appropriate, the informal resolution process can be used to resolve allegations of sexual misconduct or interpersonal violence by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without implementing a formal resolution process. An informal resolution process may also include a remedies-based process (mediation), which allows both participants to come to a mutual agreement regarding the resolution of the complaint. Informal resolutions may reach agreements between the parties, facilitated by the Title IX Coordinator or their designee, that include continued supportive measures but that also could include disciplinary measures, while providing finality for both parties in terms of resolving allegations raised in a formal complaint of sexual harassment.

The Informal Resolution Process may not be used to resolve a Formal Complaint alleging that an employee sexually harassed (1.21) a student.

The informal resolution process may include the range of Supportive measures described above, as well as targeted or broad-based training and educational programming for relevant individuals and groups or any other remedy that will achieve the goals of the College's policy. This process is facilitated by the Title IX Coordinator or their designee. For example, both participants may agree that the permanent application of Supportive measures (e.g. no-contact order) may be sufficient to resolve the complaint. This option is available if the College determines that such a process would be appropriate, and all participants agree to participate.

To enter into the Informal Resolution Process, both parties must provide voluntary written consent after receiving and reviewing the Notice of Allegation, & rules regarding the Informal Resolution Process.

The participants in any informal resolution process will not be required to interact with each other directly. Instead, the Title IX Coordinator or designee will arrange for or facilitate a remedies-based process or other form of mediation between the involved participants who are in different rooms. Once an informal resolution process is complete, both participants will be notified simultaneously/ contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution.

### *1.71 - Administrative Agreement*

The Administrative Agreement is an available form of Informal Resolution where the responding participant may elect to accept responsibility for the alleged policy violation through an Administrative Agreement, bringing an end to the Informal Resolution Process. To execute an Administrative Agreement both parties must acknowledge the policy violation, accept the proposed sanction(s), and waive any opportunity for appeal.

At any time prior to the final Informal Resolution/Administrative Agreement either party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Parties that wish to pursue the Administrative Agreement Informal Resolution must notify the Title IX Coordinator in writing of their desire to do so. After the Title IX Coordinator has received both parties written notice of desire to engage in the Administrative Agreement, the Title IX Coordinator will issue a draft Administrative Agreement which includes the acknowledgement of the policy violation, the proposed sanctions as determined by the Title IX Coordinator, and the waiver of appeal. If agreed to by both parties then the Resolution process will end, and the Title IX Coordinator will enforce the agreement.

## *1.8 – Formal Resolution Process*

The formal resolution process includes a prompt, thorough, impartial, and fair investigation into and adjudications of the allegations. Throughout the formal resolution process, participants will be treated fairly and equitably. The Formal Resolution Process requires and will provide an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. All credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The Title IX Formal Resolution Process utilizes an Investigation by a trained investigator, & a Live Hearing with Cross Examination of the opposing party and all witnesses performed by the Party Advisor in front of a Decision Maker who is not the investigator. The Non-Title IX Formal Resolution Process utilizes a trained Investigator to prepare an Investigative Report, allows for party review and response to that Report, follow up interviews by the investigator, a decision regarding responsibility made by the Investigator, and sanctions/remedies issued by the Title IX Coordinator.

### *1.8(a) Title IX Formal Resolution Process*

The Title IX Formal Resolution Process will follow these steps as articulated in 34 C.F.R. 106.45(5)-(7):

- 1) An investigation to gather all relevant evidence.
- 2) All evidence collected is compiled by investigator and sent to both parties and their advisor. The parties will have 10 days to review and respond to the evidence collected.  
All responses are sent to the investigator.
- 3) The evidence collected and party responses submitted within the allotted 10 days to that evidence are incorporated into the Investigative Report which will fairly summarize all relevant evidence.
- 4) The Investigative Report will be sent to the parties and their designated Party Advisor. The parties will have at least 10 days to review and respond to the Investigative Report before the Formal Resolution Live Hearing. The Title IX Coordinator will communicate the date, time, & location (or online meeting link) to the parties and their advisors.
- 5) The Live Hearing Decision Maker reviews the Investigative report before the Live Hearing.
- 6) A Live Hearing where the Decision Maker & both party advisors may ask any party & witness relevant cross examination questions as determined by this policy & enforced by the Decision Maker.
- 7) The Publication of a Determination Regarding Responsibility which includes the rational and an outline of any sanctions and/or remedies imposed by Austin College.
- 8) Applicable appeals process.

### *1.8(b) Non-Title IX Formal Resolution Process*

- 1) An investigation to gather all relevant evidence.
- 2) Both parties & their advisors are emailed the evidence collected by the investigator & have 10 days to submit written responses to the Investigator.
- 3) The Investigator creates the Investigative Report out of collected evidence & responses. The Investigative Report will fairly summarize all relevant evidence.
- 4) Both parties & their advisors are emailed the Investigative Report by the investigator & have 10 days to submit written responses to the Investigator.
- 5) The Investigator conducts any necessary follow up interviews or discussions based on party responses to Investigative report.
- 6) The Investigator publishes a Determination Regarding Responsibility which includes the rationale for each decision.
- 7) The Title IX Coordinator will, after reviewing the Investigative Report & consulting with the Investigator as needed, assign sanctions and/or remedies as they deem appropriate.
- 8) Applicable appeals process.

### *1.81 - Investigation of Title IX & Non-Title IX Formal Complaints*

The formal resolution process includes a prompt, thorough, impartial, and fair investigation into the allegations. Throughout the investigation and process, participants will be treated fairly and equitably. The Title IX Coordinator will assign an investigator(s) who has been trained in the investigation of, and other issues related to, sexual discrimination, sexual misconduct, and interpersonal violence. The investigator(s) shall not have a conflict of interest or bias for or against any participants involved in the potential policy violation. The investigator(s) will undertake an investigation for the purposes of creating an Investigative report that fairly summarizes evidence relevant to the allegations in the Formal Complaint.

#### *1.81.1 Investigation Requirements:*

- 1) It is the responsibility of the investigator(s) to gather the evidence relevant to the formal complaint and the facts raised in the participant's statements, provided that the Investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Investigator obtains that party's voluntary, written consent to do so. Participants should make themselves available to the investigator(s) and can provide information they believe relevant to the investigators.
- 2) Both Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

- 3) The Title IX Office will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- 4) The Investigator will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. Austin College will not limit either party's choice or presence of advisor in any meeting or grievance proceeding. Timely notice of a party's Change of Advisors must be made to the Title IX Office. During the Investigation, advisors may not advocate or present on behalf of the participant, they may only confer quietly with their participant as necessary, as long as it does not disrupt the investigation interview. This rule applies equally to both the complainant and the respondent.
- 5) The Title IX Office &/or the assigned investigator will provide to a party & their advisor whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all, investigative interviews, with sufficient time for the party to prepare to participate. Sufficient time for the purpose of an interview under this section is at least 3 days.
- 6) Parties may submit to the Investigator questions they would like asked of any known potential witnesses or parties.

#### *1.81.2 – Compilation of Evidence sent to Parties for Review & Response*

- 6) After all initial interviews are completed & relevant evidence has been collected, the Investigator will send that compilation of evidence to both parties and their advisors for review and response. This Compilation of Evidence contains the evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which Austin College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. **Parties will have 10 days to submit their responses to the investigator.**

### 1.81.3 – Investigative Report Created, Sent to Parties

- 7) The Investigator will take the evidence collected, and the parties responses to the Compilation of Evidence sent to Parties to create the Investigative Report.
- 8) The Investigative Report will then be submitted electronically to both parties and their advisors. **Both parties will have ten days to review and respond to the Investigative Report. Parties must submit their responses to the Investigator.**

### 1.81.4 – Investigative Report Submitted to Decision Maker

- 9) After the allotted 10 days, the Investigative Report and the party responses to it will be sent to the Decision maker for review.

### 1.81.5 – Live Hearing Scheduled (Title IX Only)

- 10) The Title IX Office will communicate with both parties the time, location, and manner of Live Hearing, which will be held at least ten days after both parties are sent the Investigative Report.

### 1.85.6 – Submitting New Evidence

- 11) Parties & witnesses may submit new evidence to the Investigator that could affect the outcome of the matter if it was not reasonably known at the time of their interviews, within the 10 days allotted for review and response to the Investigative report under section 1.81.3(8). New Evidence submitted to the Investigator after the 10 days will not be received or discussed at the Live Hearing.

## 1.82 – Live Hearing (Title IX Only)

### 1.82.1 – Hearing Order

The Live Hearing will proceed as follows:

- 1) Opening Statement by the Decision Maker, Complainant, and Respondent.
- 2) Examination of the Complainant by: Decision Maker, then Respondent Party Advisor
- 3) Examination of the Respondent by: Decision Maker, then Complainant Party Advisor
- 4) Examination of Witness One by: Decision maker, then Complainant Party Advisor, then Respondent Party Advisor. (Step 4 repeats until all witnesses have been examined.)
- 5) Either Party Advisor may request a brief re-cross of an opposing party or any witness.
- 6) Closing Statement by Complainant, then Respondent.

### 1.82.2 - Digital Hearing Request

At the request of either party, The Title IX Office must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering

questions.

### *1.82.3 - Cross Examination*

At the live hearing, the decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

### *1.82.4 - Party Advisors*

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, Austin College must provide without fee or charge to that party, an advisor of Austin College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

### *1.82.5 - Decision Maker Determines Relevant Evidence Procedure*

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. This determination will be made in real time; cross exam questions may not be approved as relevant or not relevant before the hearing. When the Party Advisor objects to the Decision Makers ruling on Relevance, they may make a brief statement to the Decision Maker as to why the question is relevant and doesn't call for privileged information or non-relevant sexual behavior. The Decision Maker will either allow the question or rule it as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions Procedure. Advisors will ask questions under the following procedure:

- The party advisor will ask a question of the applicable participant.
- Before the participant answers a question, the Decision Maker will rule as to whether the advisor's question is relevant to the alleged conduct charges in one of three ways: 1) Relevant, 2) Not relevant, the questions asks about a detail that does not tend to prove or disprove the matter at issue or under discussion, or 3) Not relevant, calls for prior sexual behavior information without meeting one of two exceptions.
- If the Party Advisor asking the question objects to the Decision Makers ruling &/or explanation of the question as not relevant, the Party Advisor may offer a brief statement as to why it is relevant. If this is done the Decision Maker will



consider the statement, and make a ruling one way or the other.

- If the hearing officer allows the question as relevant, the participant will answer it.

#### *1.82.6 - Failure of a Party or Witness to Submit to Cross Examination*

A decision-maker at a postsecondary institution may now consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.

For example, a decision-maker at a postsecondary institution may now consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker at a postsecondary institution may also consider, when relevant, police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

#### *1.82.7 - Rules of Decorum*

During the Live Hearing, the Clerk &/or Decision Maker(s) will enforce rules of decorum. Parties and their Advisors are forbidden from badgering the other party or any witness. Badgering includes yelling at, harassing, or asking the same irrelevant question multiple times. The Clerk will notify the party or their advisor when they are badgering the witness and will ask the party or advisor to conform their question asking to an appropriate, non-badgering manner. All communication by all participants toward any other participant must be done respectfully.

#### *1.82.8 – Review of Exhibits*

During the Live Hearing, Party Advisors may show relevant videos, pictures, & documents that were included in the Investigative Report & are ruled relevant by the Decision Maker. During their allotted time to examine the applicable participant, the Party Advisor will tell the Decision Maker which exhibit they plan on asking relevant questions about, and then the question procedure listed under section 1.82.5 of this policy will be followed.

#### *1.82.9 – No New Evidence may be introduced at Live Hearing*

Evidence that was not included in the Investigative Report may not be introduced at the Live Hearing. Both parties have the equal right to appeal the Determination regarding responsibility based on the availability of newly discovered evidence that may affect the outcome of the matter.

### 1.82.10 – Reasonable Time Limit on Hearing / Break

The Live Hearing will have a reasonable time limit determined by the Decision Maker. The Decision Maker may grant short breaks on their own, or as requested by the parties.

### 1.83 - Determination Regarding Responsibility

- 1) The decision-maker, who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the Decision-maker will apply the preponderance of the evidence standard of evidence. Preponderance of the evidence means more likely than not. This standard is used in all Title IX & Non-Title IX Sexual Misconduct cases.
- 2) The written determination must include—
  - (A) Identification of the allegations potentially constituting sexual harassment as defined in this policy.
  - (B) A description of the procedural steps taken from the Title IX Office of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (C) Findings of fact supporting the determination;
  - (D) Conclusions regarding the application of Austin College's Sexual Misconduct policy to the facts. Determination of: Responsible, Not Responsible, or Not Enough Information;
  - (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Austin College imposes on the respondent, and whether remedies designed to restore or preserve equal access to Austin College's education program or activity will be provided by the Title IX Office to the complainant; and
  - (F) Austin College's procedures and permissible bases for the complainant and respondent to appeal. (Described below)
  - (G) The Title IX Office must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that Title IX Office provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
  - (H) The Title IX Coordinator is responsible for effective implementation of any remedies.

### 1.84 - Sanctions

If a participant is found in violation of a college policy, sanctions will be determined by the appropriate official(s) as designated by the College, and may be based on a number of considerations. Such considerations may include: severity, persistence, or pervasiveness of the policy violation; nature of the policy violation, including whether the

policy violation included violence; impact on the reporting participant; impact on the responding participant; impact or implications of the policy violation on the larger Austin College community; prior misconduct by the responding participant, including the responding participant's relevant prior disciplinary history at the College; whether the responding participant accepts responsibility for the policy violation; maintenance of a safe, nondiscriminatory, and respectful environment conducive to learning; and any other mitigating, aggravating, or compelling factors.

Possible sanctions include one or more of the following:

- Expulsion,
- Suspension,
- Probation,
- Educational Sanctions,
- Revocation or withholding of admission or degree pending completion of other sanctions,
- No Contact Orders,
- Time & place restrictions or bans,
- Housing restrictions,
- Extension of requirements used as supportive measures,
- Community Service
- Loss of Privileges,
- Notation in permanent record,
- Sanctions withheld, such as additional sanctions if deadlines for sanctions are not met Restorative justice requirement
- Specific sanctions that must be met before resuming status at AustinCollege
- Referrals for assessment, such as counseling or medical assessment
- Written warning or reprimand
- Oral warning or reprimand
- Termination of employment
- Other sanctions deemed appropriate by the Title IX Coordinator or designee.

#### *1.84.1 Student Withdrawal or Graduation Pending Disciplinary Charges*

If a student is ineligible to reenroll at Austin College for a reason other than an academic or financial reason, Austin College will include on that student's transcript a notation stating that the student is ineligible to reenroll for a reason other than an academic or financial reason.

If a student withdraws or graduates from Austin College pending disciplinary charges that may result in the student becoming ineligible to reenroll in the college, the college will not end the disciplinary process until there is a final determination of responsibility. If, as a result of the process, the student is ineligible to reenroll at Austin College for a not academic or financial reason, a notation stating such will be placed on that student's transcript.

The Transcript Notation may be removed if: 1) the student becomes eligible to reenroll

in the college, or 2) the college determines that good cause exists to remove the notation.

## 1.9 - Appeals

Once written notification of 1) the dismissal of a Formal Complaint or any allegations therein OR 2) the determination regarding responsibility has been issued, both parties have the right to submit an appeal.

### 1.91 – Grounds for Appeal

Appeals may be submitted solely upon the following four grounds:

#### 1) Procedural Irregularity

Procedural Irregularity that affected the outcome of the matter;

#### 2) New Evidence

New Evidence that was not reasonably available at the time the Investigative Report was published or dismissal was made, that could affect the outcome of the matter; and

#### 3) Conflict of Interest/Bias

The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of Interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

#### 4) Sanction is Disproportionate to the Violation

### 1.92 – Appeal Process

- 1) Appeals must be submitted in writing to the Title IX Coordinator within 7 days of the participants receiving either the Dismissal of a Formal Complaint or any allegations therein, or the Decision Regarding Responsibility.
- 2) Any information that is submitted will be made available to the other participant for review. The other participant may submit a rebuttal of the appeal in writing to the Title IX Coordinator within 7 days of receiving the appeal information.
- 3) Upon receiving an appeal and rebuttal, if one is submitted, the Title IX Coordinator will refer it to the appropriate appeal agent for review and final decision making. The appropriate appeals agent may one listed below, or one that the College designates.
  - Appeals addressing procedural Irregularities in the investigation and resolution process in a way that substantially altered the outcomes of the case shall be referred to an alternate investigator(s) & or decision maker(s) for review and decision making.

- Appeals providing substantive new evidence, which is information that was not reasonably available before the publication of the Investigative Report or dismissal was made & that could affect the outcome of the matter shall be referred to an alternate investigator(s) & or decision maker(s) for consideration and determination of a finding based on the new information.
  - Appeals alleging a Conflict of Interest/Bias by the Title IX Coordinator, Investigator, or decision maker for or against complainants or respondent generally, or the individual complainant or respondent, that affected the outcome of the matter shall be referred to an alternate investigator(s) & or decision maker(s) for review and decision making.
  - Appeals alleging that the sanction is disproportionate to the violation shall be assigned to the following appellate agents for review & decision making:
    - a) The Faculty Hearing Committee or designee if the responding participant is a faculty member,
    - b) The Vice President for Business Affairs or designee if the responding participant is a staff member,
    - c) The Vice President for Student Affairs or designee if the responding participant is a student, or
    - d) An appropriate appeals agent as determined by the Title IX Coordinator if the responding participant is not a member of the groups listed above.
- 4) The College will seek to complete the appeals process within 21 business days unless the College determines in its discretion that more time is required, in which case the participants will be notified of the need for an extension of the 21-day period. The College will provide periodic updates as it deems appropriate.
  - 5) The appropriate appeals agent will issue a written decision describing the result of the appeal and the rationale for the result. The Title IX Coordinator or designee will notify the participants simultaneously, to the extent possible, in writing of the appeal agent's decision.
  - 6) Finding and sanction decisions made by appeal agent are final.

## *2.0 – Updates to this Policy*

Austin College reserves the right to modify this policy at any time, with or without notice.

### *2.1 - Discrimination and Harassment based on Pregnant and Parenting Status*

Austin College prohibits discrimination & harassment against students based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

Students may report discrimination and harassment and seek both academic & non-academic accommodations based on their pregnant or parenting status by contacting the Title IX Coordinator. Students seeking academic accommodations should review their class syllabus (class schedule, project due dates, exam dates) & plan appropriate accommodations in advance with the Title IX Coordinator and their professors. Students seeking to miss regularly scheduled classes or alter assignment due dates based on required medical appointments are encouraged to contact the Title IX Office as soon as possible. Accommodations for pregnant & parenting students will be treated the same as a temporary disability, meaning students may have to provide a doctor's note that explains why a certain accommodation is medically necessary.

Accommodations for pregnant or parenting students may be: a larger desk, frequent trips to the bathroom during class, eating and drinking in class, rides around campus, change in assignment due dates, excused absences, or other appropriate measures as determined by a doctor & Austin College.

**End of Policy**

## RISK MANAGEMENT

To reinforce adherence to Federal, State, and Local laws and Austin College policies regarding hazing, sexual misconduct, alcohol, illegal substance usage, or any behavior and activity conflicting with these laws and policies.

## GREEK SOCIALS & ALCOHOL

### *Student Organizations and Alcohol*

- A. Student organizations may host events at which alcoholic beverages are present only when they have received approval from the College and the event is held at a Third-Party Vendor location.
- B. No events with alcohol may occur between Opening of School through Formal Recruitment in the spring.
- C. To receive approval for an event in which alcohol will be present, student organizations must:
  1. Complete and submit to the Director of Student Activities a Social Notification Form.
  2. Receive a confirmation of approval from the Director of Student Activities.  
Confirmation of approval will come in the form of a letter from the Director of Student Activities.

**The only Event at which alcohol will be approved by Austin College will be one held at a Third-Party Vendor location or the Pouch Club on Campus (see the description below).**

### *Third Party Vendor*

- A. The host organization contracts with a vendor to sell alcoholic beverages as a cash operation at the vendor's establishment (i.e. using the Pouch Club for the event).
- B. Only the vendor may sell and distribute alcoholic beverages. No member or guest may sell or distribute alcoholic beverages at this type of event.
- C. No student activity fee monies may be used for the purchase of alcohol.

### *Publicity of Alcohol*

On-campus promotion is not allowed for off-campus events where alcohol will be served, possessed or consumed, except for College approved events. Student organizations that have received College approval for an event may then publicize the event on their Student Organization Bulletin Board only (Please refer to the Bulletin Board policy in the Student Organization Handbook).

### *Sanctions*

A violation by a student organization/group includes, but is not limited to:

1. First Offense
  - A. \$200.00 fine to be paid within 30 days of the sanction being imposed.
  - B. Social probation for 60 days beginning the date the sanction is imposed. Probation days occur while the College is in session, not including summer session.
  - C. 20 hours of community service to be completed by the student organization within 30 days of the date the sanction is imposed. These hours are to be completed while the

- College is in session, not including summer session. 70% of the membership must be involved in the completion of the 20 hours of community service.
- D. After social privileges are restored, the first College approved event involving alcohol must be through a third-party vendor.
  - E. If after 120 days the student organization has not been in violation of the Austin College Alcohol policy, the student organization may request a 50% refund of the fine.
2. Second Offense/First Offense - Other Drug
    - A. \$350.00 fine to be paid within 60 days of the sanction being imposed.
    - B. Social Probation for 120 days beginning the date the sanction is imposed. Probation days occur while the College is in session, not including summer session.
    - C. 40 hours of community service to be completed by the student organization within 60 days of the date this sanction is imposed. These hours are to be completed while the College is in session, not including summer session. 80% of the membership must be involved in the completion of the 40 hours of community service.
    - D. After social privileges are restored, the first three College approved events involving alcohol must be through a third-party vendor.
    - E. If after 180 days the student organization has not been in violation of the Austin College policy, the student organization may request a 50% refund of the fine.
  3. Third Offense/Second Offense - Other Drug
    - A. \$500.00 fine to be paid within 90 days of the sanction being imposed.
    - B. Deferred Charter Revocation for 180 days beginning the date the sanction is imposed. Deferred Charter Revocation status occurs while the College is in session, not including summer session.
    - C. 60 hours of community service are to be completed by the organization within 60 days of the date the sanction is imposed. These hours to be completed while the College is in session, not including summer session. 100% of the membership must be involved in the completion of the community service.
    - D. After social privileges are restored, all College approved events involving alcohol for 180 days must be through a third-party vendor.
  4. Fourth Offense/Third Offense - Other Drug
    - A. Student Organization has its charter revoked.
    - B. A student organization may be referred to a reflection session based in the recommendation of an Austin College Staff member.
    - C. Typically, the record of a violation will remain active in the organization's discipline file for four (4) academic years.
    - D. The record of the violation will remain in the student organization's file as historical data.
    - E. If the violation involved a non-College-approved event, fines are doubled.



## AUSTIN COLLEGE MOVIE POLICY

According to Copyright laws, public performance is any performance that happens outside of a home. Further, the rental, purchase or download of a movie, or access to a streaming subscription does not grant the right to show it publicly, unless the screening is properly licensed. The number of people present at the screening has no impact on copyright law. This applies to all groups and individuals and is not predicated on whether or not admission is charged. Only a licensing company such as Swank Motion Pictures can provide proper licensing on behalf of the studios. Violating copyright law is a serious offense and can be prosecuted. Those convicted could face up to five years in prison and fines ranging up to \$250,000.

To set up a movie viewing, please contact the Student Life Office to assist you in contacting Swank Motion Pictures to obtain the proper licensure. It is the responsibility of the student organization or hall council to pay for the licensing rights.

## AUSTIN COLLEGE SIDEWALK CHALK POLICY

### Registering to chalk sidewalks at Austin College

1. Only chartered student organizations are permitted to chalk sidewalks at Austin College.
2. Chartered student organizations that wish to publicize their events using sidewalk chalk must be in good standing with the college.
3. Chartered student organizations that wish to publicize their events using sidewalk chalk must submit the design and location to the Director of Student Activities via the Student Life email ([studentlife@austincollege.edu](mailto:studentlife@austincollege.edu)) for approval a minimum of one week in advance of chalking the sidewalk.

### Policy for chalking sidewalks at Austin College

1. Organizations are not allowed to chalk more than seven days from the date of the event being publicized. Chalk should be removed within a week of the event being publicized.
2. Organizations may not chalk the interior or exterior of any campus building or building marker/sign.
3. Organizations will not chalk any sidewalk immediately surrounding the Administration Building, Wynne Chapel, any fountain on campus, or the steps leading up to the Wright Campus Center under the porte-cochere.
4. Organizations will not display anything that might be judged as obscene or offensive to other individuals or groups or that contains any reference to alcoholic beverages.
5. Organizations will not display anything depicting a flagrant violation of the Non-Academic Student Code of Conduct.
6. Organizations will not display anything that may cause embarrassment to the Austin College community.
7. Violations to the policy may result in:
  - a. Loss of privileges to chalk sidewalks for an academic year.
  - b. Minimum cleaning fine of \$50.
  - c. Loss of privilege to chalk sidewalks for an academic year and minimum cleaning fine of \$50.
8. Violations of this policy should be reported to the Greek Review Board. If the organization wishes to appeal the decision, the Director of Student Activities will hear the case and make

the final decision.

## STUDENT ORGANIZATION SIDEWALKS

The policy of the College allows student organizations to paint an assigned section of the designated sidewalk using their colors and slogans. The sidewalk on the North side of the Library that runs West to East is the designated sidewalk allowed for this activity.

Organizations may apply to paint a sidewalk section through the Student Life Office; all sections are assigned on a first come, first served basis. All guidelines must be followed if an organization chooses to paint a section of the sidewalk:

1. The designated timetable to work on the sidewalk will be the second week following spring break. No other time will be approved. Organizations in violation of the timetable will lose their sidewalk section for a minimum of two (2) years.
2. Organizations must sign up with the Director of Student Activities, in the Student Life Office, prior to commencing work on their designated section of the sidewalk.
3. Student Life will provide each organization with proper written instructions, including which type of paints to use, how to mix sand into paint, explaining the setting and drying process, facilitating clean up, and the organization's responsibility and respect for others' sections.
4. Organizations are responsible for incurred painting costs and clean-up costs with sidewalk activities. This includes materials, such as paint, sand, varnish, basecoats, wash bins, etc., as well as clean up, and rectifying any damages. Organizations are encouraged to cooperate with other organizations to help minimize costs.
5. All sidewalks must be covered with a base of nonskid paint. For designs or trim, it is recommended that organizations add sand to the paint to maintain the nonskid surface.
6. When painting is in progress, the work area should be roped off and clearly marked as "work in progress" and/or "wet paint."
7. All organization must submit design ideas to the Director of Student Activities for approval prior to commencing work on their designated section of the sidewalk. All designs must be in good taste and should not be offensive to any individual or group.
8. If the number of organizations wanting sidewalk space exceeds the available space, a lottery system will be implemented.
9. Any questions or issues regarding sidewalks should be addressed to the Director of Student Activities.
10. Cost of damages for repaired by or cleaned-up by college personnel will be billed to the responsible organizations. Organizations will be held jointly responsible for all damages that cannot be attributed to any particular organization.

# RULES AND PROCEDURES FOR ORGANIZATIONS IN INTEREST GROUP STATUS, PROVISIONAL, AND CHARTERED STATUS

## Interest Group Status

An organization is considered an Interest Group until it is approved by Student Life for provisional chartered status. During the interest group phase, organizations cannot use the college name, cannot fundraise, and cannot sponsor or promote programs. The primary privilege of an Interest Group is the ability to meet as an organization for the purpose of creating or revising the charter application and its subsequent forms.

Once an acceptable chartering application is agreed upon by Student Life and the organization, the Greek Review Board will vote either to recommend the organization for provisional status or recommend to deny provisional status. The charter application will then be passed on to Student Assembly to review. Student Assembly will vote either to recommend the organization for provisional status or recommend to deny provisional status. The charter application will then be passed on to Student Life for review by the Student Life Advisory Committee.

If the Student Life Advisory Committee recommends the application, the application is then referred to the Senior Leadership Team for provisional status.

## Provisional Status

Under provisional status, the organization can use the Austin College name only with approval of the Associate Vice President of Student Affairs & Dean of Students. Student Activity Fee appropriations are not available to organizations with provisional status, but other means of fundraising is allowed with authorization from Student Life. Organizations with provisional status are allowed to use college meeting facilities for meetings and can request a table in the WCC for promotional uses. The organization is allowed to sponsor programs and events only with approval from Student Life. If monetary support is needed for a program, the Associate Vice President of Student Affairs & Dean of Students should be contacted.

Organizations with provisional status must keep accurate records of attendance, activities, fiscal records, and sources of income during the entire provisional charter period.

After being on provisional status for one semester, from the date of approval by the Senior Leadership, the organization can apply for chartered status. If the organization wishes to receive SAF appropriations, a revised constitution must be submitted along with attendance records, past activities, fiscal records with sources of income during the provisional status period, and an updated membership and officer roster. The organization will be reviewed on five main criteria:

1. Fiscal responsibilities during provisional status and whether there is a valid need for SAF appropriations
2. Activities during the provisional status
3. Fulfillment of the organization's purpose, as stated in their charter application
4. Adequate/balanced membership

5. Considering the above criteria, is the organization a beneficial addition to the Austin College community?

The charter will then be reviewed by the Student Life Advisory Committee and either recommended for or against granting a charter. The application will continue to the Senior Leadership for approval.

### Chartered Organization Status

From the date of Senior Leadership approval, the organization is officially a chartered organization of Austin College, obtaining all privileges of chartered organizations, including:

1. Ability to apply for SAF appropriations
2. Use of the College name in publicity and press releases
3. Listing in College Publications
4. Eligibility for bulletin board space in the WCC
5. Use of all College facilities
6. Use of an organizational mailbox
7. Ability to program and hold events and activities

Chartered organizations which choose to utilize Student Activity Fee money are not allowed to collect dues or charge admission to any members of the Austin College community. Fundraising is allowed, but ALL profits must be donated to charity. If organizations are deemed fiscally irresponsible by Student Assembly, then the organization may be placed on probationary status. During probationary status, the organization will not be able to receive SAF appropriations.

If an organization with provisional status is denied charter status, the organization can re-apply to become a chartered student organization after one semester's length of time. Organizations may re-apply as many times as they wish.

All chartered organizations are required to submit a Chartered Organization Membership Renewal form each semester (to be administered by Student Life). These must be completed in full and returned to Student Life by the second full week of both the fall and spring semesters. If, for any reason, an organization fails to submit a renewal form for two consecutive semesters, the organization will become inactive, losing all SAF appropriations. If an organization is inactive, a meeting must be held with the Associate Vice President of Student Affairs & Dean of Students, renewal forms must be completed, and adequate interest in the organization must be shown before being activated as a chartered organization. If an organization is inactive for over one year (three semesters since a charter renewal form had been completed) the organization's charter will be suspended and the organization must repeat the chartering process to regain the charter.

These guidelines ensure that there is sufficient interest throughout the Austin College community in an organization.

## CHARTER RENEWAL PROCESS FOR GREEK ORGANIZATIONS

Any Greek Organization in the currently active charter file, maintained by the Student Life Office, will be considered an active organization. By the second week of the fall semester, all organizations who wish to remain actively chartered are to provide the Student Life Office with a Charter Renewal Form which includes current officers, current membership, current sponsors, and a list of organizational activities for the preceding year and the approximate number of meetings during the past year.

In the spring semester, a copy of the fall renewal information will be sent to each group requesting them to update the renewal form with any necessary changes. This updated form must be returned no later than the second Friday of the spring semester to the Student Life Office to remain an active organization.

### Minimum Requirement for Sustaining a Greek Organization Annually

1. Every Organization must have a minimum of six (6) members
2. Every Organization must submit a Chartered Organization Membership Renewal Form by the 12th day of class
3. Every organization must attend Greek Council meetings via its President.
4. Every Organization must have a faculty/staff sponsor.
5. Each Greek Organization must host at least one all campus social event per academic year on campus. This event must be non-alcoholic in nature and open to the entire Austin College community.
6. Each Greek organization must complete a minimum of three (3) service projects per academic year with at least one service project per academic semester. (No group can do all three in one term).
7. Each Greek organization must offer three (3) membership development programs for its membership throughout the academic year.
8. Every Organization must complete the Charter Review Process once every four (4) years.

## THE CHARTER REVIEW PROCESS

Every four (4) years, the Greek Review Board reviews the activities of the fraternities and sororities that make up the Greek System at Austin College.

### Role of the Greek Review Board during Charter Review

The Greek Review Board chaired by the Greek Council Vice President and composed of nine (9) Greek members elected by the organizations through Greek Council will review the organization based on the following items submitted:

1. A list of current officers, current members, and their sponsor(s).
2. A list of all activities (service projects, membership development programs, and all-campus events) sponsored and cosponsored by the organization for the past four years.
3. A copy of the organization's constitution.
4. A written statement explaining how the organization has been fulfilling its purpose statement from its constitution.
5. A list of goals for the coming year must also be provided.



**GREEK COMMUNITY STANDARDS OF EXCELLENCE**

*The Standards of Excellence is developed by students and supported by the College.*

**Established: July 2016**  
**Updated: May 2023**

# GREEK COMMUNITY STANDARDS OF EXCELLENCE

## Summary

The Greek Community Standards of Excellence were created in order to emphasize shared outcomes and improve the common experience of fraternities and sororities at Austin College. The Standards of Excellence were designed by the Greek community to be a self-governing guide and an evaluation tool for each organization. The Standards of Excellence results will be used each year for the means of self-evaluation with feedback from Student Life to encourage both development and growth.

## Purpose

There are several objectives accomplished through the Standards of Excellence:

1. To provide each organization with a means of self-evaluation.
2. To promote a common level of excellence and expectation for all fraternities and sororities at Austin College.
3. To emphasize the importance of scholarship, leadership, management, recruitment, membership development, service, and philanthropy while making a positive contribution to the social environment of Austin College
4. To provide Greek Review Board with recommendations for the annual charter review process.
5. To improve the overall quality of the fraternity and sorority experience at Austin College.

## Overview

All fraternities and sororities will participate in the ongoing reporting and self-evaluation based on the following criteria:

1. Scholarship
2. Leadership
3. Organizational Management
4. Recruitment and Membership Development
5. Service and Philanthropy

It is the responsibility of each organization to ensure that work in each of these areas is completed, and that the required documentation and verification are submitted in a timely manner and are recorded in the SOE Tracker.

## Instructions

Each group shall submit the criteria via an SOE report form, which is available on the Greek Life website. All report forms must be submitted within one (1) week after the event or by the announced deadline. It is highly recommended that each organization designate an officer responsible for submitting forms.

There are a total of **53** items divided amongst the five categories of criteria which an organization may receive credit, of which **40** must be completed to remain in Good Standing as a Chartered Greek Organization at Austin College. Among the items that may count towards completion are **12 bonus** items that will not count against the total of items completed, but can count for items not attained out of the **16 obligatory items**.

SOE forms will be evaluated throughout the year by the Greek Review Board. All forms must be submitted by date determined by Greek Council at the first Spring Meeting. A final report on each group will be done by the Greek Executive Council with Director of Student Activities and issued by the last week of April.

## Explanation of Organization Standing

### *Good Standing:*

Organizations that have completed the minimal requirement of 40 items as outlined in the Greek Community Standards of Excellence by the deadline for submission in April will maintain Good Standing as a Chartered Greek Organization. The organization should also demonstrate improvement and growth from the previous year in areas suggested in the previous year's evaluation. Organizations in Good Standing will receive all rights and privileges associated with membership in Greek Council and retain recognition by Austin College as a Chartered Greek Organization.

### *Repercussions for Insufficient Completion:*

- First Year of Insufficient Completion
  - o Organization will serve a 60-day Social Probationary Period at the beginning of the following Academic Year.
  - o Submit an improvement plan for each area of insufficient completion to the Director of Student Activities.
  - o Arrange a meeting with the Director of Student Activities to discuss potential areas and methods of improvement.
- Second Consecutive Year of Insufficient Completion
  - o Organization will serve a 120-day Social Probationary Period at the beginning of the following Academic Year.
  - o Submit an improvement plan for each area of insufficient completion to the Director of Student Activities.
  - o Arrange a meeting with the Director of Student Activities to discuss potential areas and methods of improvement.
  - o Organization must exhibit improvement in their completion of the Standards of Excellence in at least one area the organization was deemed to need improvement from the previous year.
- Third Consecutive Year of Insufficient Completion
  - o Submit an improvement plan for each area of insufficient completion to the Director of Student Activities.
  - o Arrange a meeting with the Director of Student Activities to discuss potential areas and methods of improvement.
  - o Organization will be placed on Deferred Charter Suspension status, meaning the organization's charter may be suspended if they do not comply with the following:
    - Organization must exhibit substantial improvement in their completion of the Standards of Excellence, completing at least 20% more than the previous year.
    - Organization will serve a Social Probationary Period for the duration of the following Academic Year.
- Fourth Consecutive Year of Insufficient Completion
  - o Organization will have their charter suspended for a minimum three (3) year period. At the end of that period, the organization must repeat the formal chartering process to regain their charter.



## Recognition as a Chartered Greek Organization

Recognition by Austin College and Greek Council as a Chartered Greek Organization provides fraternities and sororities with the following:

1. Support from Student Life in planning and providing quality programs for members.
2. Access to and use of Austin College organizational webpages.
3. Access to Austin College staff and resources.
4. Use of Austin College facilities for official organization functions.
5. Participation in the official membership recruitment programs as promoted and monitored by Greek Council.
6. Participation in the educational, social, and recreational programs and activities that are provided for Greek Organizations.
7. Access to Austin College Alumni Engagement to identify and communicate with individual organization alumni.
8. Training & support to officers on policies, procedures, and Greek organization management.
9. Access to leadership training, educational programs, and participation in the leadership programming offered to all organizations.
10. Use of the College name in publicity, press releases, and the privilege of being listed in College publications.

## Definition of Terms

**Active Member:** A student that has been formally initiated into membership of a Greek organization remains a member in good standing if they maintain an Austin College Cumulative G.P.A. of 2.0 or higher, are not on academic probation, and are listed on their organization's renewal form each semester. Students that are active members of a group but are placed on disciplinary or academic probation may not hold a leadership position in the organization. Further, once members have graduated, they will no longer be considered active members.

**Hosting:** Hosting is planning, promoting, financing, and implementing an event or activity by an organization for either its members or the campus community at large.

**Attending:** Attending is participating in an event that was planned, promoted, financed, and implemented by another organization or department.

**Co-Hosting/Cooperating:** Co-Hosting or cooperating is planning, promoting, financing, and implementing an event, or activity with another Greek Organization, student organization, or department.

**Philanthropy:** A Philanthropy event is an organization planning an event or participating in a community event to raise money for a cause or non-profit organization.

**Service Project:** A Service Project is planned, promoted, financed, and implemented by an organization for attendance by its members or the campus community at large where time and talent are used in hands-on service for a cause and does not involve raising funds of any kind.

## Scholarship

### 1. Organization GPA

**Semesterly**

Organizations maintain an average semester GPA that is equal to or greater than 2.75.

*Documentation Needed: Submit statement – Student Life will verify.*

### 2. Academic Plan (REQUIRED)

**Yearly**

Organizations create a plan for assisting members who are struggling academically and also encourage regular class attendance. This plan may be drafted with assistance from either Student Life or the Center for Student Success and Access Services. This plan must also be submitted to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Fall Semester.

*Documentation Needed: (1) Copy of Academic Plan; (2) Student Life will verify timely submission.*

### 3. Organization Study Sessions

**Semesterly**

Organizations actively participate in study sessions each semester in order to encourage proper studying habits and emphasize academic standards. At least 60% of active membership is required to attend each study session.

*Documentation Needed: (1) Copy of meeting minutes or group email where study session was planned; (2) Evidence of study session (i.e. picture of group members studying); (3) Copy of attendance sheet from study sessions.*

### 4. Academic/Educational Programs

**Semesterly**

Organizations encourage active members to attend and participate in academic and educational programs on campus. Academic programs can include, but are not limited to, information sessions sponsored by one of the campus services or various symposiums and seminars including guest speakers on campus.

*Documentation Needed: At least three copies of meeting minutes or group emails where the information about programs was distributed to the group's active membership.*

### 5. Bonus – All-Male/Female Average GPA

**Semesterly**

Organizations maintain an average semester GPA that is equal to or greater than the all-male average semester GPA for fraternities and the all-female average semester GPA for sororities.

*Documentation Needed: Submit statement – Student Life will verify.*

### 6. Bonus – Executive Officer GPA

**Semesterly**

Organization executive officers maintain an average semester GPA that is equal to or greater than 3.25.

*Documentation Needed: (1) List of current executive officers and positions in accordance with organization constitution; (2) Student Life will verify GPA.*

# Leadership

## 7. On-Campus Involvement

Yearly

50% of the active membership of the organization is involved in other on-campus organizations or are involved in school sponsored co-curricular activities (i.e. choir, athletics, etc.).

*Documentation Needed: (1) List of active membership and what organization or co-curricular they are currently involved in; (2) Evidence of active member's involvement (i.e. copy of email from organization sponsor verifying involvement).*

## 8. Student Leadership

Yearly

20% of the active membership of the organization are currently serving in positions of student leadership, including, but not limited to, Residence Life, Student Assembly, or Peer Judicial Board, or in executive positions in other student organizations.

*Documentation Needed: (1) List of active membership and what student leadership positions or student organization executive positions they hold; (2) Evidence of active member's involvement (i.e. copy of email from organization sponsor verifying leadership).*

## 9. Campus Activities

Semesterly

Organizations encourage active members to attend and participate in on-campus activities such as those sponsored by Campus Activities Board or other student organizations (i.e. Roo Boo).

*Documentation Needed: Copy of meeting minutes or group email where the information about the programs was distributed to the group's active membership.*

## 10. Student Life Leadership Series

Yearly

President discusses three of the five Student Life Leadership Series programs with 60% of the active membership for the purposes of promoting organization growth, maintenance, and development.

*Documentation Needed: (1) Copy of attendance sheet from each meeting, (2) copy of notes presented to members (3) evidence of attendance (i.e. picture of group members learning from President).*

## 11. Attendance at Athletic or Fine Arts Event

Semesterly

60% of active membership of organization attends at least one Austin College athletic or fine arts event each semester.

*Documentation Needed: (1) Evidence of attendance at athletic or fine arts event (i.e. picture of group members at athletic or fine arts event); (2) Copy of attendance sheet from athletic or fine arts event.*

## 12. Attendance a Religious/Cultural Event

Semesterly

60% of active membership of the Greek organization attends any event open to the entire Austin College Community, sponsored by Asian Student Association (ASA), Black Expressions (BE), Catholic Student Association (CSA), Indian Cultural Association (ICA), Jewish Students Association (JSA), La Familia, Muslim Student Association (MSA), or Student International Organization (SIO).

*An event may only count once a semester for only one SOE, if it qualifies.*

*Documentation Needed: (1) Evidence of attendance at cultural event (i.e. picture of group members at cultural event); (2) Copy of attendance sheet from cultural event.*

**13. Student Affairs Awards** **Yearly**  
Organizations submit all nominations for the end of the year Student Affairs Awards Banquet.

*Documentation Needed: (1) Copy of award nominations; (2) Student Life will verify timely submission.*

**14. New Officer Training** **Yearly**  
Organizations plan and participate in some form of new officer training activity at the end of the outgoing officers' terms where all outgoing and incoming officers are present. The new officer training activity may be done however the organization sees fit whether that be a meeting, retreat, etc.

*Documentation Needed: (1) Copy of meeting minutes or retreat agenda for new officer training; Evidence of new officer training session (i.e. picture of new officer training activity taking place); (3) Copy of attendance sheet from new officer training activity.*

**15. Bonus – On-Campus Involvement** **Yearly**  
All active membership of the organization is involved in other on-campus organizations or are involved in school sponsored co-curricular activities (i.e. choir, athletics, etc.).

*Documentation Needed: (1) List of active membership and what organization or co-curricular they are currently involved in; (2) Evidence of active member's involvement (i.e. copy of email from organization sponsor verifying involvement).*

**16. Bonus – Host Campus-Wide Event** **Yearly**  
Organization hosts an all-campus event open to all students, faculty, and staff where at least 60% of the active membership are present. This campus-wide event can be, but is not limited to, a social function or a program.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of meeting minutes where event was planned); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**17. Bonus – Greek Life Committee, Greek Review Board, and Greek Life Created Committees** **Yearly**

Organization has one active member in committee formed by the Greek Executive Council or Greek Council included, but not limited to, Greek Review Board, Greek Promo Team, Greek Week Committee, Greek Banquet Committee, or other committee created.

*Documentation Needed: Names, positions, and committee list – Student Life will verify*

# Organizational Management

## **18. Attendance at Greek Council Meetings (REQUIRED) Semesterly**

Organization presidents or a designated active member of organizations must be in attendance at all Greek Council meetings. Organization representatives are limited to two (2) absences per semester from Greek Council meetings without penalty.

*Documentation Needed: Secretary to forward attendance sheets to Student Life – Student Life will verify.*

## **19. Good Financial Standing (REQUIRED) Semesterly**

Organizations maintain a good financial standing with Greek Council throughout the course of the year by paying their dues by the date set forth by the Greek Council Treasurer each semester.

*Documentation Needed: Treasurer will share invoices and balances to Student Life – Student Life will verify.*

## **20. Updated Copy of Constitution (REQUIRED) Yearly**

Organizations submit an updated copy of their constitution to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Fall Semester.

*Documentation Needed: (1) Copy of Updated Constitution; (2) Student Life will verify timely submission.*

## **21. Risk Management Plan (REQUIRED) Yearly**

Organizations create a plan for addressing and handling potential illicit and inappropriate activities and behavior at their events. This plan may be drafted with assistance from Student Life and must also be submitted to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Fall Semester.

*Documentation Needed: (1) Copy of Risk Management Plan; (2) Student Life will verify timely submission.*

## **22. Organization Goals (REQUIRED) Yearly**

Organizations submit goals to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Fall Semester for the purposes of self-feedback, self-evaluation, and organizational growth.

*Documentation Needed: (1) Copy of Organization Goals; (2) Student Life will verify timely submission.*

## **23. Submission of Previous Year's Evaluations (REQUIRED) Yearly**

Organizations submit the previous year's evaluation of their Greek Standards of Excellence Record Book for the purpose of evaluating year to year trends and development within the organizations. Note: Will not be requested the first year of submission.

*Documentation Needed: Copy of previous year's evaluation sheets.*

- 24. Chartered Organization Membership Renewal (REQUIRED) Semesterly**  
 Organizations submit Chartered Organization Membership Renewal Form by deadline provided by the Director of Student Activities to maintain status as an active organization on campus.  
*Documentation Needed: (1) Copy of Charter Renewal Form; (2) Student Life will verify timely submission.*
- 25. Mandatory Organization Meeting for Presidents (REQUIRED) Yearly**  
 Organization President and/or other executive officer (if the President is absolutely unavailable) attends the beginning of the year Organization Meeting for Presidents for the purposes of receiving annual organizational updates from Student Life  
*Documentation Needed: None – Student Life will verify.*
- 26. Organization Access to Constitution Yearly**  
 Organizations' active members have access to the most recent draft of their organization's constitution.  
*Documentation Needed: Evidence of the accessibility of the organization constitution (i.e. copy of email with the constitution as an attachment to the organization's active members).*
- 27. Organization Calendar Semesterly**  
 Organization drafts a calendar of major events and functions at the beginning of each semester for the benefit of the active membership's personal organization.  
*Documentation Needed: Evidence of the organization listing or documenting important dates (i.e. copy of calendar with important dates included).*
- 28. Organization Budget (REQUIRED) Semesterly**  
 Organization keeps records of how and when money was spent in order to maintain an effective budget and monitor the payment of dues by the active membership.  
*Documentation Needed: Evidence of the organization budget (i.e. spreadsheet outlining how money was spent and how much was paid by each active into dues).*
- 29. Host All-Campus On-Campus Social Event (REQUIRED) Yearly**  
 Organization hosts an all-campus, on-campus social event that is advertised and open to the entire student body and where at least 60% of the active membership are present.  
*Documentation Needed: (1) Evidence of event being planned (i.e. copy of meeting minutes where event was planned); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**30. Host/Attend Education or Career Program** **Yearly**

Organization hosts or attends an educational or a career readiness and/or development program each year which may be open and advertised to all students, or solely for the benefit of its members where least 60% of the active membership are present. Approved programs may include, but are not limited to, guest speaker presentations, seminars, symposiums, resume building workshops, interview preparation and mock interviews, or securing internships. If hosting a program, consulting any one of the various campus services to assist with the presentation is highly encouraged.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of email coordinating with campus service); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**31. Host/Attend Risk Management Program** **Yearly**

Organization hosts or attends a risk management program each year which may be open and advertised to all students, or solely for the benefit of its members where least 60% of the active membership are present. Approved programs may include, but are not limited to, presentations on sexual assault, alcohol and/or drug abuse, or public safety. If hosting a program, consulting any one of the various campus services to assist with the presentation is highly encouraged.

Note: The mandatory Organization Meeting for Presidents and the Bid Day Workshops do not qualify.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of email coordinating with campus service); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**32. Host Event/Program with Different Greek Organization** **Yearly**

Organization hosts an event or program with another Greek organization each year which may be open and advertised to all students, or solely for the benefit of its members where least 60% of the active membership from both organizations are present. The event or program may be social, educational, or developmental in nature.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of email coordinating with different Greek organization); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event from both organizations.*

**33. Host Alumni Engagement Event/Program** **Yearly**

Organization hosts an event or program for the benefit of maintaining effective alumni relationships where least 60% of the active membership is present. The event or program may be social, educational, or developmental in nature.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of email to organization alumni informing them of the event); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**34. Alumni Relations** **Yearly**

Organization maintains active and positive communication with their alumni for the benefit of maintaining effective alumni relationships.

*Documentation Needed: At least three copies of emails where information*

*pertaining to the Greek organization was distributed to the group's alumni.*

**35. Sponsor Relations (REQUIRED)**

**Yearly**

Organization maintains active and positive communication with their sponsor(s) for the benefit of maintaining effective sponsor relationship and for administrative guidance.

*Documentation Needed: Verification from sponsor of regular communication with group (i.e. copy of email from sponsor verifying involvement).*

**36. Contact Web Services Coordinator (REQUIRED)**

**Semesterly**

Organizations communicate changes, if any, with the Web Services Coordinator to ensure their internal and external web pages are accurate and up to date.

*Documentation Needed: Copy the Director of Student Activities on communications with the Web Services Coordinator.*

**37. Greek Week Participation**

**Yearly**

Organization actively participates in and contributes to at least 80% of Greek Week activities, with at least 50% of the active membership present at each event. Note: Lower attendance standard since these are daily activities over the course of the week during the academic year.

*Documentation Needed: (1) Student Life will verify attendance at official events; (2) Evidence of participation in potentially uncoordinated events (i.e. picture of group members participating on Toga Day); (3) Copy of attendance sheet from each event attended.*

**38. Bonus – Host Two Additional Events/Programs with Different Greek Organizations**

**Yearly**

Organization hosts at least two additional events or programs beyond the required one with different Greek organizations each year which may be open and advertised to all students, or solely for the benefit of its members where least 60% of the active membership from both organizations are present. The events or programs may be social, educational, or developmental in nature.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of email coordinating with different Greek organization); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event from both organizations.*

**39. Bonus – Social Media Presence**

**Yearly**

Organization maintains active and positive communication with their active membership over social media (i.e. Facebook groups) for the purposes of maintaining effective and simple communication within the organization.

*Documentation Needed: Copy of group social media page (i.e. Facebook group page) with information pertaining to the Greek organization.*

**40. Bonus – Greek Week Champions**

**Yearly**

Organization receives the highest point total at the conclusion of Greek Week activities and is declared Greek Week Champions.

*Documentation Needed: None – Student Life will verify.*



# Recruitment and Membership Development

- 41. Discussion of Potential New Members** **Yearly**  
Organization regularly discusses potential new members in order to encourage active recruitment initiative within the organization and to ensure the potential new members are in the best interest of the organization holistically.

*Documentation Needed: At least three pieces of evidence of the discussion of potential new members (i.e. copy of meeting minutes where potential new members were discussed).*

- 42. Promotion of Recruitment Events** **Yearly**  
Organization regularly hosts events and programs for the purposes of recruitment which are both open and advertised to the entire student body or to interested potential new members. These events must also be in compliance with all Austin College policies.

*Documentation Needed: At least three copies of emails where information about recruitment events was distributed.*

- 43. Membership Development and Education Plan (REQUIRED)** **Yearly**  
Organizations create a plan for holistically developing and educating the active membership for the overall betterment of the organization while also assisting new members assimilate into the group after intake. This plan may be drafted with assistance from Student Life. This plan must also be submitted to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Spring Semester.

*Documentation Needed: (1) Copy of Membership Development and Education Plan; (2) Student Life will verify timely submission.*

- 44. Presentation of Organization** **Yearly**  
Organizations offer a presentation to active membership after intake to provide them with information about core value sets, requirements, and other pertinent information about the group with all active members in attendance.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of select/non-confidential PowerPoint pages from presentation); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event with all active members accounted for.*

- 45. Membership Development Retreat** **Semesterly**  
Organizations plan and participate in some form of informal retreat for the purposes of membership development where at least 60% of active membership are present.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of meeting minutes where event was planned); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

- 46. Participation in Official Recruitment Events** **Yearly**  
Organizations participate in all official recruitment events that are coordinated by Student Life including Round Robins, Informal Rush, Make-Up Round Robins, Formal Rush, and Bid Day Activities.

*Documentation Needed: None – Student Life will verify.*

**47. Bonus – Retained Membership****Yearly**

Organizations retain at least 80% of their active membership from the previous year after graduation.

*Documentation Needed: None – Student Life will verify.*

## Service and Philanthropy

**48. Service and Philanthropy Plan (REQUIRED)****Yearly**

Organizations create a plan for conducting service and philanthropy activities and events including what activities they would like to have and what the expected outcome is (ex: hosting a canned food drive and setting a goal for the number of cans hoped to collect). This plan may be drafted with assistance from Student Life. This plan must also be submitted to the Director of Student Activities by the 3<sup>rd</sup> Greek Council Meeting of the Fall Semester.

*Documentation Needed: (1) Copy of Service and Philanthropy Plan; (2) Student Life will verify timely submission.*

**49. Great Day of Service & GreenServe****Semesterly**

Organizations participate in Great Day of Service and/or GreenServe coordinated by the Service Station where at least 60% of active membership are present.

*Documentation Needed: (1) Evidence of participation (i.e. copy of email from Service Station verifying involvement); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event.*

**50. Service Hours (REQUIRED)****Semesterly**

Organization's active membership completes at least five (5) service hours per member each semester.

*Documentation Needed: Evidence of active membership's service hours (i.e. copy of spreadsheet where service hours were logged for each member).*

**51. Host Service and Philanthropy Events****Yearly**

Organization hosts at least four (4) service and/or philanthropy events where at least 60% of active membership are present. Organization must have at least one of these events be primarily service and one be primarily philanthropic with four total. At least one of the four total events must be in cooperation with another non-Greek student organization, one must be in partnership with a community organization, and one must be the organization alone.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of meeting minutes where event was planned); (2) Evidence of event taking place (i.e. picture of group members participating in event); (3) Copy of attendance sheet from event (and other organization if done in cooperation). (COMMUNITY ORGANIZATION EVENT REQUIREMENT ONLY) Evidence of coordination with organization (i.e. copy of email cooperating with organization).*

**52. Bonus – Average 20 Service Hours Per Active Member****Semesterly**

Organization's active memberships averages 20 hours of service per active member.

*Documentation Needed: Evidence of active membership's service hours (i.e. copy of spreadsheet where service hours were logged for each member)*

**53. Bonus – Host National Service/Philanthropy Event**

**Yearly**

Organization hosts a service and/or philanthropy event in partnership with a national organization where at least 60% of active membership are present.

*Documentation Needed: (1) Evidence of event being planned (i.e. copy of meeting minutes where event was planned); (2) Evidence of coordination with organization (i.e. copy of email cooperating with organization); (3) Evidence of event taking place (i.e. picture of group members participating in event); (4) Copy of attendance sheet from event.*