# Consent

Consent is knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.

* A person may withdraw consent at any time during sexual activity or contact through words or actions.
* Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).
* Being in a dating relationship does not give consent for sexual activity.

## Force

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force unless part of mutually-permissible sexual preferences or behavior, is a clear demonstration of a lack of consent.

## Incapacitation

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions

because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they cannot understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason.

# Fairness

SAGU strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options through reporting, fairness, and support.

# How to Proceed

If you have experienced sexual misconduct. Choose how to proceed. You have options:

* 1. Do nothing until you are ready
  2. Pursue resolution by the University
  3. Initiate criminal proceedings
  4. Initiate a civil process against the perpetrator

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the University, students should contact the Residential Life Office. Employees should contact the Human Resources Office. University procedures will be explained. Those who wish incidents to be handled criminally should contact the Campus Safety & Security Office or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Students should contact the Office of Student Development for more information and employees should contact the Human Resources Office for more information.

# Rights, Reporting, & Resources

Both the complainant and respondent have the following rights when a sexual violence or harassment complaint has been made:

* To be treated with respect and dignity.
* To assistance from the University in reporting the incident to law enforcement, if desired.
* To information about the process used in the investigation and appeal.
* To information about counseling support available.
* To privacy to the extent possible consistent with applicable law and University policy.
* To an advisor to be present throughout the investigation.
* To choose whether or not to participate in the investigation process.
* To a prompt and thorough investigation of the allegations.
* To reasonable time to provide information to the investigator.
* To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or verdict.
* To appeal the decision and any sanctions made by the investigators.
* To written notification of the verdict and the outcome of any appeal.

# Protective Remedies

* The complainant will be informed of the option to obtain protective orders, no contact orders, restraining orders, or similar orders issued by criminal or civil court.
* The university may temporarily remove the complainant and/or respondent from campus.
* The university may move the complainant and/or respondent to a new residence.
* The university may relocate or change the complainant’s and/or respondent’s class and/or work schedule.
* The university may provide a clear description of SAGU’s disciplinary process.
* The university will provide contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.

# Possible Sanctions

A student who is found to have violated the SAGU Sexual Assault and Violence Policy may be subject to one or more of the following sanctions.

* Disciplinary Probation
* Mandatory Counseling, Discipleship, and/or Education/Treatment Programs
* Restrictions from Extracurricular Activities
* Community Service
* Parental Notification
* Dismissal from the Residence Halls/Apartments
* Move to Online Classes
* Termination of Student Employment or Training Assignment
* Removal or Reduction of Institutional Scholarship
* Suspension
* Expulsion
* Transcript Notation

# Procedures

Once a complaint has been reported, an official investigation will be launched with the intent to resolve the complaint within a reasonable period of time. This investigation would include opportunity for all parties to present witnesses and other evidence to prove or disprove the complaint. Once a resolution has been reached, all parties will be notified of the verdict and the appeal process. SAGU will take steps to prevent any recurrence and to correct its discriminatory effects on the complainant and others, if appropriate. It should be noted that once a complaint of sexual violence or harassment has been made, the University is obligated by Title IX to complete the investigation.

* The student always retains control over whom to talk to and what level of information to share.
* The Title IX Investigator will conduct an initial assessment regarding, among other things, the nature of the report, the safety of the individual and of the broader campus community, and the

complainant’s expressed preference for resolution.

* Reporting an incident to the police and/or pursuing criminal charges are always available to a claimant, and SAGU will help in accessing those resources. A claimant can pursue both the criminal and SAGU’s process at the same time.
* Upon initial report, the complainant will be provided written information on counseling, mental health, physical health, victim advocacy, legal assistance, and other services available at SAGU and at off-campus agencies.
* SAGU personnel will conduct a prompt, fair, confidential, and impartial investigation and resolution.
* The complainant and the respondent may have an advisor of their choice at all hearings regarding the complaint.
* The complainant and the respondent will receive simultaneous written notification of the outcome of the disciplinary hearing, the appeals process, any change to the results before the results are final, and when the results become final.

# Risk Reduction

**What do you do?**

**Confidential Reporting**

Reducing the Risk of Victimization

* + Make any limits/boundaries as early as possible.
  + Clearly and firmly articulate consent or lack of consent.
  + Remove yourself, if possible, from an aggressor’s physical presence.
  + Reach out for help, either from someone near you or by calling someone
  + Look out for your friends, and ask them to look out for you.

Reducing the Risk of Being Accused of Sexual Misconduct

* + Respect personal boundaries.
  + Avoid ambiguity. Don’t make assumptions about consent about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
  + Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Other’s loss of control does not put you in control.
  + Be on the lookout for mixed messages. This is a clear indication to stop and talk about what you potentially want or don’t want to happen.
  + Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
  + Understand that consent to one type of sexual behavioral does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop, and ask.
  + Understand that exerting power and control over another through sex is unacceptable conduct.

### For more information regarding Title IX see SAGU’s Title IX resource page. It is located at [www.sage.edu/titleix.](http://www.sage.edu/titleix)



**Sexual Misconduct**



If you have experienced sexual misconduct:

1. Go to a safe place
2. Seek immediate medical attention at a nearby health care facility.

(e.g. Baylor Scott &White 2400 N Interstate 35 East Service Rd, Waxahachie, TX 75165)

1. Contact one of the following for immediate assistance:

### Title IX Coordinator: Dr. Fred Gore

1200 Sycamore St, Administration Bldg, 4th Floor Waxahachie, TX 75165

972-825-4656

[fgore@sagu.edu](mailto:fgore@sagu.edu)

### Human Resources: Ruth Roberts

1200 Sycamore St, Davis Bldg, 3rd Wing Waxahachie, TX 75165

972-825-4656

[rroberts@sagu.edu](mailto:rroberts@sagu.edu)

### Residential Life: Lance Meche

1200 Sycamore St, Teeter Dorm, 1st Floor Waxahachie, TX 75165

972-825-4747

[lmeche@sagu.edu](mailto:lmeche@sagu.edu)

### Campus Security

1200 Sycamore St, Security Bldg.

Waxahachie, TX 75165

972-923-5400

[rcrane@sagu.edu](mailto:rcrane@sagu.edu)

### Counseling Services

1200 Sycamore, Bridges Dorm, 1st Floor Waxahachie, TX 75165

972-825-4721

### Domestic Violence

800-799-7233

Campus Pastor, mental health counselors

# Mandated Reporting

An employee who witnesses or receives information regarding an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking which was allegedly committed by or against a student enrolled at or an employee of the institution at the time of the incident must promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator. Failure to do so can lead to administrative penalties, termination, and potential criminal sanctions.

**Minors**

Incidents involving minors may require reporting to law enforcement. Strict confidentiality cannot be guaranteed in those cases involving someone under the age of 18.

**Sexual Misconduct Include**

1. Sexual Harassment
2. Hostile Environment
3. Non-consensual sexual contact
4. Non-consensual sexual intercourse
5. Sexual Exploitation
6. Intimate Partner Violence
7. Stalking
8. Retaliation

For definitions specific to Texas Law, please see Texas Statutes at the following website:

[http://www.womenslaw.org/statutes\_detail.php?sta](http://www.womenslaw.org/statutes_detail.php?statute_id=5713&amp;statute-top)

[tute\_id=5713#statute-top](http://www.womenslaw.org/statutes_detail.php?statute_id=5713&amp;statute-top)