

GLOSSARY OF TITLE IX SEXUAL HARASSMENT AND SEX/GENDER DISCRIMINATION-RELATED TERMS

(Source: TLU CIVIL RIGHTS EQUITY RESOLUTION POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION, August 2020)

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).¹
- *Day* means a class day when the University is in normal operation.
- *Directly Related Evidence* is evidence connected to the complaint, but that is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- *Education program or activity* means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- *Employee* refers to an individual hired and regularly scheduled to work at the University for at least forty (40) hours per week (full-time); less than forty (40) hours per week (part-time); as needed with no guaranteed hours (part-time as needed or PTAN); or on a temporary or seasonal basis (temporary). Employees include faculty, administrators, and staff.
- *Final Determination*: A conclusion that the alleged conduct did or did not violate policy, based upon the preponderance of the evidence.
- *Finding*: A conclusion by that the conduct did or did not occur as alleged (as in a “finding of fact”), based upon the preponderance of the evidence.
- *Grievance Process Pool* includes any investigators, hearing Decision-makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

¹ See Texas Education Code Chapter 51, Subchapter E-2, Section 51.252(c).

- *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the University's Formal Grievance process.
- *Investigator* means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator or Deputy Title IX Coordinators.²
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of the University explicitly vested with the authority or responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Title IX Formal Resolution Process detailed and defined below.
- *Process B* means the resolution procedures detailed in *Appendix F* that apply only when Process A does not, as determined by the Title IX Coordinator.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Relevant Evidence* is evidence that tends to prove or disprove an issue in the complaint.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the University on a Respondent who is found to have violated this policy.

² Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence, and domestic violence. See Section 17(b) for greater detail.
- *Student* includes all persons taking courses at the university, both full-time and part-time, and pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with TLU or who have been notified of their acceptance for admission are considered “students” as are persons who are living in the university’s residence halls or apartments although not enrolled in this institution. TLU retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation.
- *Title IX Coordinator* is the official designated by the University to ensure compliance with Title IX and the University’s Title IX program. References to the Title IX Coordinator throughout this policy may also encompass a designee of the Title IX Coordinator for specific tasks.
- *Title IX Formal Resolution Process* means “Process A,” a method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- *Title IX Team* refers to the Title IX Coordinator, any Deputy Title IX Coordinators, the Director of Title IX Services, and any member of the Grievance Process Pool.
- *University* refers to Texas Lutheran University, its governing bodies, and administrators.