Our Lady of the Lake University

Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy and Procedures

Approved by President’s Council October 2015
Revised October 9, 2015

POLICY

Our Lady of the Lake University (OLLU) is a Catholic institution, sponsored by the Congregation of Divine Providence. The staff and faculty at Our Lady of the Lake University place a high commitment to the core values of community, integrity, trust, and service, and it is our policy to provide an educational experience and workplace free of sexual harassment, misconduct, violence, stalking or discrimination. These acts are not tolerated at our institution and are also prohibited by several federal laws including, but not limited to, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act, and Section 504 of the Rehabilitation Act.

University programs and activities that receive federal funding must comply with all federal and state laws. No individual shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity operated by the University. These programs and activities may include, but are not limited to admissions, recruitment, financial aid, academic programs, student services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and student employment.

Our Lady of the Lake University not only complies with all state and federal statutes, regulations, executive orders, and federal government contracts/programs, but it has also instituted comprehensive education and prevention programs and grievance procedures which strive to ensure integrity and trust when complaints regarding sexual harassment, misconduct, violence, stalking and discrimination emerge.

We believe that all human beings are inherently sacred and deserve dignity and respect and every community member is expected to be respectful in all interactions as part of the learning experience.

Title IX Coordinators

The University has appointed a team of individuals to serve as Title IX coordinators who are tasked with ensuring responsive actions at the individual and University levels.

The Title IX Coordinator at OLLU is primarily responsible for:
- ensuring University responsibilities are met, especially those related to training of students, staff, faculty and those with Title IX responsibilities,
- coordinating the work of all OLLU departments that are engaged in Title IX efforts,
• overseeing the University Grievance Committee,
• ensuring complaints are handled through consistent practices and standards and
• reviewing all complaints received to identify and address any patterns or systemic
  problems.

The **Title IX Coordinator** at OLLU is:
Suzanne Patrick, Compliance Officer
Main Building, Room 104, San Antonio Campus
210-431-6552

The **Title IX Deputy Coordinators** for OLLU are primarily responsible for:
• serving as the main contact to individuals bringing complaints,
• acting as an impartial source of assistance in the resolution of disputes,
• upon receiving complaints, investigating the incident or overseeing the investigation and
• when called for, coordinating the formal hearing process.

The **Title IX Deputy Coordinators** at OLLU are:
**Title IX Deputy Coordinator for Complaints Submitted by Students**
Randall Garza, Director of Advising and Retention
Moye Hall, Room 009A, San Antonio Campus
210-431-4070

**Title IX Deputy Coordinator for Complaints Submitted by Staff and Faculty**
Patricia Gomez, Assistant Director for Human Resources
Main Building, Room 125H, San Antonio Campus
210-431-5550

**Title IX Deputy Coordinator for Complaints Submitted by Staff, Faculty and Students on the Rio Grande Valley (La Feria) campus:**
Patricia M. Longoria, PhD, Director
La Feria Administrative Building, Room A3
956-277-0146

**Title IX Deputy Coordinator for Complaints Submitted by Staff, Faculty and Students on The Woodlands (Houston) campus:**
Melinda Kirtley, Director/Admissions Counselor
Houston Campus, Room 118H
936-273-7620

All Deputy Coordinators are available to serve all constituents at OLLU. You are not required to go to the coordinator assigned to you as you can go to whoever you feel most comfortable. Please note that all online faculty, staff and students should submit complaints to the San Antonio Campus contacts. Reports submitted in the Rio Grande Valley and Houston will be investigated jointly by the contact on that campus and the San Antonio Campus contacts.
We encourage all students, faculty and staff to report incidents of sexual harassment, misconduct, violence, stalking and discrimination to a Title IX deputy coordinator.

**Responsible Employees and Awareness of Another Person Being Harassed**
A “responsible employee” is defined as someone who has the authority to take action to redress sexual harassment, misconduct, violence, stalking and discrimination. At Our Lady of the Lake University, all employees are considered “responsible employees.” In general student employees are not considered responsible employees but are also encouraged to report incidents they learn about to achieve a safe and comfortable campus. However, Resident Assistants are considered responsible employees even if their primary role on the campus is a student.

All “responsible employees” who witness a fellow employee or student engaging in sexual misconduct or learn about an incident of sexual harassment, misconduct, violence, stalking or discrimination, must report the incident to the appropriate Title IX deputy coordinator. The Title IX deputy coordinator will ask the reporting employee to fill out a form describing the nature of the incident. After the report is filed, campus officials may require additional information to fulfill the University’s obligations under Title IX. All incidents must be reported within 72 hours of learning of the event with full detail to a Title IX deputy coordinator.

**Duty of Good Faith**
Any member of the University community is subject to disciplinary action for knowingly or recklessly bringing a false complaint against another member of the University community.

**Retaliation is Prohibited**
Retaliation against a student or employee for bringing a complaint of sexual harassment, misconduct, violence, stalking or discrimination is strictly prohibited. Any employee or student who does so is in violation of this policy and will be subject to disciplinary action. It is unlawful and actionable to retaliate against an individual for the purpose of interfering with any right or privilege secured by federal or Texas law. Our Lady of the Lake University is committed to the prevention of retaliation. If the Title IX coordinators or any faculty or staff at OLLU are aware of possible retaliation by the respondent (i.e., alleged offender) or third parties, the coordinators will take immediate and appropriate steps to investigate or otherwise determine what occurred. OLLU will take measures to protect the complainant and witnesses and ensure their safety as necessary. OLLU students, staff and faculty will be informed on an annual basis that retaliation is prohibited, and officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

**DEFINITIONS**
**Sexual Misconduct**
Sexual Misconduct is behavior of a sexual nature that is unprofessional and/or inappropriate for the work place or classroom, but that does not meet the definition of sexual harassment. The purpose of prohibiting sexual misconduct is to discourage, and,
if necessary, take disciplinary action for inappropriate or unprofessional activity of a sexual nature in the work place or classroom, even if the conduct appears to be welcomed and is not so serious or pervasive that it meets the definition of sexual harassment.

For examples of behavior that could constitute sexual misconduct or harassment, please see Appendix A.

**Sexual Harassment**
Sexual Harassment is any form of sexual advances, requests for sexual favors, creation of a hostile work environment through sexual innuendo, and other conduct of a sexual nature, which is unwelcome or unreasonably interferes with an individual's work performance. It includes any conduct that is persistently abusive or offensive to others and implies, in an abusive manner, a discriminatory hostility toward their personal or professional interests because of their sex.

For examples of behavior that could constitute sexual misconduct or harassment, please see Appendix A.

**Sexual Violence**
Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to an individual’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

**Domestic Violence**
Domestic violence is also referred to as family violence in Texas and is defined as an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself. Abuse by a member of a family or household toward a child of the family or household also constitutes domestic or family violence.

**Dating Violence**
Dating violence "means an act, other than a defensive measure to protect oneself, by an actor that is committed against a victim with who the actor has or has had a dating relationship with or because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intending to cause physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault or sexual assault. A “dating relationship” means a relationship between
individuals who have or have had a continuing relationship of a romantic or intimate nature. This is evaluated by the length of the relationship, nature of the relationship and frequency and type of interaction between the two persons involved in the relationship. Casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship.”

**Stalking**
Stalking refers to when a perpetrator tries to control his or her victim through behavior or threats intended to intimidate and terrify. A stalker can be an unknown person, an acquaintance or a former intimate partner. A stalker's state of mind can range from obsessive love to obsessive hatred. A stalker may follow a victim off and on for a period of days, weeks, or even years. A stalking victim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property. Stalking can be perpetrated by the stalker or by someone acting on her/his behalf. Stalking can take the form of verbal threats or threats conveyed by the stalker's conduct, non-consensual (unwanted) communication by any means, threatening mail, property damage, unwanted gifts, trespassing, surveillance of the victim, or by following the victim.

**Consensual Sexual Relationships**
Consent is defined as verbal agreement and positive physical cooperation in the course of mutually agreed upon sexual activity. The person giving consent must act freely, voluntarily and understand the nature of consent.

A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment or misconduct. This policy, however, prohibits consensual sexual relationships between a faculty or staff member and a student whenever the faculty or staff member is in a position of professional responsibility with respect to the student, in a position to make or influence decisions, or to confer or withhold benefits relating to the student's education or employment.

This policy prohibits faculty or staff members from exercising supervisory responsibility with respect to another faculty or staff member with whom they are involved in a consensual sexual relationship. A faculty or staff member who enters into a consensual sexual relationship with a subordinate is required to promptly disclose the relationship to his/her superior(s) so that reassignment, alternative supervision processes, or other arrangements can be facilitated and documented.

**Informal Resolution**
Informal resolution is one way of addressing a complaint. The goal is to achieve a resolution that is desired by the complainant and acceptable to the respondent as well as to counsel and educate the parties.

**Formal Resolution**
Formal resolution of a complaint involves an investigation by the Title IX deputy coordinator, a hearing, adjudication, and possible disciplinary sanctions.

**GRIEVANCE PROCEDURES**
Any student, faculty or staff member who believes they have been the victim of sexual harassment, misconduct, violence, stalking and discrimination should report the incident to the appropriate Title IX deputy coordinator. The deputy coordinator will explain her/his role in resolving the complaint and will provide a description of the degrees of confidentiality provided by campus and non-campus resources (see Appendix B). Additionally, the deputy coordinator will explain the grievance processes and the individual will be given the option of seeking an informal or formal resolution to the complaint. If an individual is uninterested in pursuing an informal or formal response, they may terminate the conversation here; however, if the deputy coordinator believes there is compelling evidence that an offense may have been committed, or that the alleged offense poses a threat to the community, he/she may investigate even if the complainant does not want the matter pursued. The Title IX deputy coordinator will ask the person reporting to fill out a form that specifies the nature of the complaint and sign it.

In cases where the respondent is an OLLU staff or faculty member, his/her supervisor will be informed of the pending case as well as of its outcome. OLLU can, and will, take prompt steps to protect the complainant as necessary, including taking interim measures before the final outcome of an investigation.

Individuals reporting criminal acts should also file a report with the appropriate police department. Criminal incidents occurring on campus should be reported to the OLLU Police Department. Off-campus incidents should be reported to the San Antonio Police Department (911 for emergency; 210-207-7273 for non-emergency), or local police municipalities for our locations outside of San Antonio. All reports of criminal acts should be filed immediately.

**Informal Resolution Process**
A complainant may choose to seek an informal resolution of a problem. The Title IX deputy coordinator will discuss a variety of informal methods that may allow the complainant to achieve an effective resolution of the problem. The use of the informal process is entirely voluntary. A complainant who is uncomfortable using any informal process is not expected to and is not to be encouraged to pursue it. A complainant who has opted for informal resolution may, at any time, stop the process and request a formal resolution.

**Formal Resolution Process**
A formal procedure may be initiated by the complainant or the Title IX coordinators. If an individual seeks formal resolution, the Title IX deputy coordinator will promptly notify the respondent about the complaint. The deputy coordinator will advise the respondent that the complaint is being investigated and that formal charges could result. The University's general practice for working with respondents on complaints is as follows, recognizing that circumstances of a particular case may require some flexibility of process:
1. The respondent will be allowed to meet with the Title IX deputy coordinator and receive a copy of this policy and the grievance procedures.

2. The deputy coordinator will review the alleged grounds for the complaint and will make a written summary of the initial meeting, including the respondent’s response and any persons who may have relevant information. The respondent may review, amend and affirm by signature the accuracy of the summary.

3. The deputy coordinator will conduct a thorough investigation, making a reasonable effort to consult known sources of relevant information. Reasonable efforts will be made to keep the parties informed of the progress of the investigation. The determination as to whether formal charges will be brought as a result of the investigation will be made by the Title IX deputy coordinator within sixty (60) working days of the complaint. A working day is defined as a day when the University is in full operation.

If formal charges for violation of the Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy are brought, the respondent will receive written notice of the specific charges, the formal procedures that apply, and the sanctions that could be imposed if a violation is found. The respondent must reply to the charges in writing within ten (10) working days of receipt.

A formal hearing will be scheduled by the Title IX deputy coordinator within ten (10) working days of receiving the respondent’s response. A different date may be provided based on good cause. Failure to respond or failure to appear at the hearing may result in the finding of a violation.

If no charges are brought, the respondent and complainant will be notified in writing.

**Formal Hearing**

A person formally charged with a violation of the Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy has an opportunity for a fair and impartial hearing. A violation of the policy by a student constitutes a violation of the Student Code of Conduct and may also violate one or more other substantive code provisions. A staff or faculty member’s violation of the Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy constitutes a breach of his or her terms of employment with reference to the applicable provisions of the Employee Conduct and Job Performance Rules and the Faculty Professional Ethics Statement, respectively (Staff Handbook p. G-19; Faculty Handbook, Appendix P). As such, all violators will also be subject to the established discipline process described in the aforementioned handbooks.

The hearing or proceeding is private and confidential. It is limited to the complainant, respondent, witnesses, Title IX deputy coordinator and the University Grievance Committee (UGC). The respondent has the right to be present during the hearing to learn about the complaints and respond accordingly. The complainant has the right to be present during any part of the hearing. The hearing will take place no sooner than
seven (7) working days following submission of the Title IX deputy coordinator’s summary of evidence.

The hearing or proceeding consists of a complaint description by the Title IX deputy coordinator; the presentation of the complaint by each party, including witnesses or documentary evidence; informal questioning of any party by the UGC; final statements by each party, if desired; and private deliberation by the UGC. A majority vote will determine whether the respondent violated the University’s Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy. A determination of the verity of the alleged violation and sanctions will be presented to all parties within seven (7) working days after the hearing.

If the complainant or respondent is dissatisfied with the determination, an appeal may be filed with the Title IX deputy coordinator. The appeal must be submitted in writing within five (5) working days of the UGC determination. A three member subcommittee of the UGC will convene and consider all documentation to ensure integrity of the process and outcome. If warranted, the subcommittee may overturn the previous decision. The subcommittee’s decision will be written by the UGC chair and submitted to the appellant within seven (7) working days after receipt of the appeal. The subcommittee’s decision is final.

In relation to the formal hearing, the term proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

It is important to note that whether the complainant chooses an informal or formal resolution process, the communications and meetings between the Title IX officials and the complainant regarding accommodations or protective measures are not considered part of the proceedings or hearing and are not defined as proceedings.

**The University Grievance Committee**
The University Grievance Committee (UGC) consists of fourteen committee members selected from throughout the University who will serve three year, staggered terms. Six members are faculty from the various University schools and eight are managerial or professional employees. The dean of each school nominates faculty members (of any rank). Managerial and professional employees are nominated by the vice presidents of their unit. The deans and vice presidents will make their recommendations to the president. The president makes all final decisions regarding appointments.

The Title IX deputy coordinator will convene a group of three from the UGC to govern and preside over a formal hearing. A committee member will be selected by the Title IX deputy coordinator to serve as chair. The group must also include an ex-officio member with the authority to impose sanctions on the respondent. If a UGC member cannot be impartial or has a conflict of interest, he/she must recuse him/herself from the hearing. All UGC members will be trained on Title IX and the procedural process.
Additional Rules
To determine the veracity of an alleged violation of the Title IX, Sexual Misconduct, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking Policy, the procedures identified below will be implemented.

1. The entirety of the proceedings (investigation, hearing, etc.) will be conducted fairly, impartially, and with the purpose of discovering the truth. Formal rules of procedure and evidence used in courts of law will not apply.

2. A policy violation will be evaluated using the preponderance of evidence standard. This is the same standard of proof used in most civil legal cases and requires that there be more evidence for than against, or that the winning argument is more probable than not. This entails some sense of weighing the evidence based on the relative importance of the various pieces of evidence presented in a case.

3. Consent is not a viable defense if the behavior concerns a student and a faculty or staff member who is in a position of professional responsibility. Consent may be available as an affirmative defense in other circumstances. When the defense is available, the respondent must prove the conduct was consensual or that there was a good faith basis to reasonably believe the complainant consented.

4. The respondent and complainant may identify a support person of their choosing during the proceedings. The support person is a silent participant and may not contribute to the hearing or proceedings in any way. The University reserves the right to remove or dismiss disruptive advisers or those who don’t abide by restrictions on participation. Additionally, the University is not required to reschedule a proceeding or hearing if the advisor cannot attend as long as timely notice was given to both the complainant and the respondent as to when the hearing would take place in accordance to the Code of Federal Regulations (§§ 668.46(k)(3)(i)).

5. Formal proceedings are closed to the public. The University will exert its best efforts to maintain the confidentiality of the proceeding and to protect the privacy of the parties to the complaint. The immediate parties will both be notified in writing by the chair of the committee of the committee’s decision and the nature of any sanctions imposed.

Sanctions and Results from Formal Proceeding/Hearing
The committee may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the committee will consider the nature, frequency, and severity of the offending conduct, the resulting harm to persons or to the campus community, the respondent's past disciplinary record at the University, and the likelihood of future harm to other persons or to the campus community. Sanctions may be imposed for corrective action.

For students, sanctions will be communicated to the Assistant Vice President for Student Life, who will administer the sanctions. Student sanctions include, but are not limited to: reprimands; probation; loss of privileges; suspension or expulsion.

For faculty and staff, sanctions will be communicated to the immediate supervisor, which may include deans and vice presidents. Faculty and staff sanctions include, but
are not limited to: official reprimands; restrictions on participation in campus activities; transfer, suspension or administrative leave of absence; participation in an appropriately designed educational or counseling program; or termination of employment.

Results mean any initial, interim, and final decision of sanctions made by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and/or the sanctions.

CONFIDENTIALITY
The University will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information. Complaints will be treated confidentially to the extent permitted by law, this policy's reporting requirements and the University's need to investigate and resolve the reported problem. Disciplinary action cannot be taken, however, without informing the respondent of the complainant's identity, unless the charges could be effectively rebutted without knowing who made them.

COUNSELING AND SUPPORT RESOURCES
Any victim of sexual harassment, misconduct, violence, stalking and discrimination is encouraged to seek support. Students, faculty and staff have access to a variety of support services, some of which are fully confidential. Below is a list of on-campus and community resources available.

1. Office of Counseling Services
   The Office of Counseling Services provides psychological services and support for enrolled students that enhance psychological and emotional growth. The counseling department provides a limited number of psychological services to University students and their families utilizing brief therapeutic models. Services are free to students.
   Dr. Rosa A. Espinosa, LPC, Program Director
   Providence Hall, Room 101
   210-431-4053

2. Community Counseling Service
   The Community Counseling Service (CCS) offers individual, couple/marital, or family counseling and psychological testing. The CCS staff is concerned with the mental health needs of San Antonio, including OLLU students. Confidential services are provided at a reasonable fee.
   Dr. Bernadette H. Solorzano, Community Counseling Service Director
   590 N. General McMullen
   San Antonio, Texas  78228
   210-434-1054
3. University Chaplain
   The University Chaplain provides confidential counseling to any student, faculty or staff member with respect to discriminatory harassment, sexual harassment, sexual assault or sexual misconduct. The chaplain may work with a complainant to arrange a more formal counseling resource on or off-campus. The only role of the chaplain in a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, the chaplain is not required to report a client's sexual misconduct or harassment problem to the University without the client's consent and will not assume an advocacy role.
   Fr. Kevin Fausz, University Chaplain
   Elliott House, San Antonio Campus
   210-431-3973

4. The Rape Crisis Center (RCC)
   The Rape Crisis Center (RCC) provides services to any victim of sexual assault or abuse, recent or past. They also assist family members and friends of those who have been sexually assaulted or abused. In addition, they provide prevention education, community education, and professional training.
   Mary Dom, Clinical Director of the Counseling Department
   7500 U.S. Hwy 90 W
   San Antonio, Texas 78227
   210-521-7273

RECORDS RETENTION AND DISCLOSURE
The University will retain a confidential record of sexual harassment, misconduct, violence, stalking and discrimination including the complaint and its results of the proceedings. The existence and contents of this record may not be publicly disclosed by the University without the written consent of the person about whom the information is sought, except as permitted by the Family Educational Rights and Privacy Act or as required by law or a valid court order. The complaint record may otherwise be used by the University for legitimate internal purposes relating exclusively to the enforcement of this policy.

NOTIFICATION OF POLICY
The Office of Human Resources distributes this policy at faculty and staff orientation and it is always available on the University portal and the public website to staff members, faculty, administration, Board of Trustees and the public. The Office of Student Life distributes it to students. This policy is integrated into the University Student Handbook, Staff Handbook, and Faculty Handbook. The Office of Human Resources and the Office of Student Life will conduct workshops for all students, staff and faculty with the goal of providing necessary information on resources, support options and the ultimate goal of preventing incidents of this nature from occurring on campus.
This policy is subject to change and may be amended at any time without prior notice. The most current version of the policy will always be available on the University portal.
Appendix A: Examples of Behavior that Could Constitute Sexual Misconduct or Harassment

Examples of behavior that could constitute sexual misconduct include, but are not limited to:

- Repeatedly engaging in sexually oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, classroom, or residence hall, even if such conduct is not objected to by those present.

- Gratuitous use of sexually oriented materials not related to the subject matter of a class, course or meeting even if not objected to by those present.

Examples of behavior that may be offensive to a “reasonable person” and becomes sexual harassment include, but are not limited to:

- **Verbal:** Using words that have sexual innuendos, calling one gorgeous or honey, comments about a person’s body or clothing, sexual jokes, an explicit or implicit proposition to engage in sexual activity, remarks about sexual activities or speculation about sexual experiences, and making unsolicited and unwelcome telephone calls.

- **Non-verbal:** Displaying sexually suggestive pictures such as photographs, posters or calendars, making physical gestures, looking a person up and down, and sending unwelcome emails.

- **Physical:** Touching, hugging, kissing, grabbing, accidentally bumping, stalking and following. Sexual conduct becomes unlawful only when it is unwelcome. The challenged conduct must be unwelcome in that the employee did not solicit or invite it, and the employee regarded the conduct as unwelcome, undesirable and offensive.
Appendix B: Degrees of Confidentiality

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted. An individual can speak confidentially with certain persons in legally protected roles. They include counselors and medical providers at Community Counseling Service, the University Chaplain and sexual assault counselors. However, physicians, nurses, psychologists, psychiatrists and social workers must report a sexual assault committed against a person under 18 years and vulnerable adults.

Information shared with individuals who are not in legally protected roles may be disclosed. For example, the Vice President or Assistant Vice President of Student Life, a Resident Director or a Resident Adviser may need to inform other individuals to protect safety or rights, in fairness to the persons involved, or in response to legal requirements. Additionally, the University is required by law to disclose all reports of on-campus sexual misconduct for statistical purposes to Security Services, without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually.

Level 1, The Most Confidential Communication: Conversations with the chaplain and confidential counselors afford complainants and respondents the highest level of confidentiality. Conversations with the chaplain and confidential counselors are not disclosed to anyone (unless there is a threat of physical harm to that individual or others) without the expressed or written permission of the person seeking advice.

Level 2, Private Communication: The Title IX coordinators afford complainants and respondents private but less confidential communication. While the Title IX coordinators are able to answer questions, provide guidance, discuss options, mediate disputes, and, when necessary, refer persons to other appropriate resources, the communication is less protected. For example, under certain circumstances, communications with the Title IX coordinators may be disclosed to University officials who are responsible for addressing incidents of harassment. It may be determined that the allegations constitute such a serious threat to the well-being of the community that an informal resolution is inappropriate. In such cases, the University reserves the right to pursue further action. Examples of such allegations include indications that the complainant or respondent has been or may be harmed, acts that involve serious bodily harm to other individuals or groups, or acts of destruction of private or University property.

As a member of the Our Lady of the Lake University community, you have a right to live, work, and study in an environment free of harassment. If you believe that you are or may be harassed, the University encourages you to use the resources available to you to get the kind of help, guidance, and support that you seek.