

Liberty Sexual Harassment, Discrimination, and Assault Policy

Liberty Way Sexual Harassment, Discrimination and Assault

Liberty University is committed to providing students and employees with an environment free from all forms of sex-based discrimination, which includes sexual harassment, sexual assault, sexual misconduct, and other forms of sex-based discrimination. Non- consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking are all prohibited at Liberty University. All members of the Liberty University community are expected to treat everyone with a spirit of Christian love, mutual respect, and individual dignity.

Liberty University provides educational and spiritual programming to promote its commitment to Biblical principles of abstinence and purity. The programming also promotes the awareness of any type of sex-based discrimination prohibited by Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the 1964 Civil Rights Act (Title VII).

Sex-Based Misconduct Offense categories include, but are not limited to:

- Sexual Harassment; Sexual Exploitation
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)

Other Sexual Misconduct Offenses when based on sex or gender include, but are not limited to:

- Bullying/Cyber-Bullying
- Domestic Violence
- Dating Violence
- Stalking

Reporting and Process

Any student who believes that he/she has been the subject of sexual harassment, sex-based discrimination, or sexual assault in any form should immediately report the incident to the Title IX Office, designated Deputy Title IX Coordinator and/or LUPD. Students who would like assistance in contacting local authorities may request such help from campus authorities.

For confidential reporting options, please contact:

- Student Counseling Services: 434-582-2651 or studentcounselingservices@liberty.edu
- Sexual Assault Response Program (SARP): 434-947-7273
- LU Shepherds Office (case-by-case): 434-592-5411 or lushepherd@liberty.edu
- Student Health & Wellness Services: 434-338-7774

All Responsible Employees are required to report incidents of sexual harassment, sex-based discrimination, or sexual assault to the Title IX Office or a designated Deputy Title IX Coordinator, unless the employee who receives the report is designated as a confidential reporting option and receives the report in the employee's scope of employment.

Liberty University will provide prompt, compassionate and discreet support services to victims. When a student contacts the University's Title IX Office, he/she will be given the opportunity to make a formal complaint with the Title IX Office. The Title IX Office will take immediate steps to inquire or investigate a complaint; stop the occurrence of the sexual harassment, sex-based discrimination, or sexual assault; protect and prevent reoccurrence thereof; provide support and resources to those affected or involved; and ensure the safety of the campus/community. Both interim measures and reasonable accommodations are available to affected parties. Reporting parties, including complainants, will review a Notification Checklist to ensure that the reporting parties are aware of resources and appropriate accommodations.

Any reporting party may request confidentiality, but such requests will be granted at the discretion of the University's Title IX Office. Inquiries will be made into all reports, regardless of the location of the incident, absent a request for confidentiality. The grant of a request for confidentiality is a case by case decision in consideration of student/community safety. Pursuant to VA. CODE § 23.1-805, in a situation involving sexual violence, a student's request for confidentiality will be granted at the discretion of the Threat Assessment Team.

In order to encourage reports of conduct prohibited under this policy, an alleged victim or cooperating witness that may have been involved in a Student Honor Code violation who makes a voluntary report or gives evidence to the Title IX Office (or Deputy Title IX Coordinator) related to a Title IX investigation, will be treated similarly to a Self-Report for Student Honor Code purposes. For example, if an alleged victim or cooperating witness reports a Title IX violation or gives truthful testimony in support of a Title IX investigation and that report or testimony implicates a student as having been involved with another Student Honor Code violation (e.g., alcohol, immorality),

the alleged victim or cooperating witness will not be sanctioned for that conduct. Under this provision, an alleged victim or cooperating witness may be asked to participate in student development opportunities or educational services.

Liberty University strongly encourages reporting of all forms of sexual harassment, sex-based discrimination, and sexual assault. If you are not sure whether an incident qualifies as a violation of the University's Policy on Sexual Harassment, Discrimination and Assault, please contact our Title IX Office or the appropriate Deputy Title IX Coordinator:

Cat Riley, PhD.
Executive Director of Title IX
University Title IX Office
(434) 592-4999
titleix@liberty.edu

Steve Foster
Deputy Title IX Coordinator
Human Resources
(434) 592-3345
smfoster@liberty.edu

Russell Monroe
Deputy Title IX Coordinator
Graduate and Online Affairs
(434) 592-6488
onlinecommunitylife@liberty.edu

David Miller
Deputy Title IX Coordinator
School of Law
(434) 592-3396
damiller1@liberty.edu

Linda Mintle, PhD.
Deputy Title IX Coordinator
School of Osteopathic Medicine
(434) 592-7345
lsmintle@liberty.edu

Additionally, any student, faculty or staff may contact the Liberty University Police Department (LUPD) or local police for emergencies, questions and concerns regarding an incident of sexual harassment, sex-based discrimination, or sexual assault.

- LUPD Emergency (434) 592-3911
- LUPD Non-Emergency (434) 592-7641

Consequences

Any act of sexual harassment, sex-based discrimination, or sexual assault that interferes with the learning environment is a serious offense and will not be tolerated. Any Liberty University student violating this policy will be subject to disciplinary action, which may result in dismissal for a minimum of two semesters. Any student dismissed for violating this policy will also be restricted from campus. Since the University takes such charges seriously, where the results of an investigation reveal a complaint of sexual harassment, sex-based discrimination, or sexual assault to be frivolous or groundless, or where false information or false accusations were knowingly made, the individual having made such a complaint or provided such false statements may be subject to disciplinary action.

Policy

Members of the Liberty University community, guests and visitors have the right to be free from all forms of sexual harassment, sex-based discrimination, and sexual assault, examples of which can include, but are not limited to, acts of sexual violence, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Liberty University believes in and shows zero tolerance for such types of behavior. Zero tolerance means that when an allegation of misconduct under this policy is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, which includes, imposing serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

Liberty University uses the preponderance of the evidence (also known as "more likely than not") standard of proof for determining whether a violation of this policy occurred. In campus resolution proceedings, legal terms like "guilt", "innocence", and "burdens of proof" are not applicable, but Liberty University never assumes a responding party is in violation of University policy. Campus resolution proceedings are conducted takes into account the totality of all evidence available, from all relevant sources. Formal rules of evidence used in court proceedings do not apply.

Director of Title IX

Liberty University's Director of Title IX oversees compliance with all aspects of the University's Policy on Sexual Harassment, Discrimination and Assault. The Director of Title IX reports directly to the Dean of Students and Vice President of Student Affairs, and is housed in the Title IX Office which is located within the Dean of Students Office. Questions about this policy should be directed to the Director of Title IX. Anyone wishing to make a report relating to sexual harassment, sex-based discrimination, or sexual assault may do so by reporting the concern to Liberty University's Director of Title IX:

Cat Riley, PhD.

Executive Director of Title IX

University Title IX Office

Green Hall

(434) 592-4999

TitleIX@liberty.edu

Deputy Title IX Coordinators

The Deputy Title IX Coordinators assist the Director of Title IX by having direct oversight in their respective areas of Liberty University. Any reports or questions regarding sexual harassment, sex-based discrimination, or sexual assault with respect to our online and graduate students, School of Law students, College of Osteopathic Medicine students, employees, or athletics can be directed to the Director of Title IX or to the appropriate Deputy Title IX Coordinator:

Cat Riley, PhD.
Executive Director of Title IX
University Title IX Office
(434) 592-4999
titleix@liberty.edu

Steve Foster
Deputy Title IX Coordinator
Human Resources
(434) 592-3345
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(434) 592-6488
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David Miller
Deputy Title IX Coordinator
School of Law
(434) 592-3396
damiller1@liberty.edu

Linda Mintle, PhD.
Deputy Title IX Coordinator
School of Osteopathic Medicine
(434) 592-7345
lsmintle@liberty.edu

The nuances of this policy that are unique to each of these respective areas can be found in the appendix of this policy, as well as the respective webpages below:

School of Law (LUSOL):

<http://www.liberty.edu/media/1191/Law-School-Honor-Code.pdf>

College of Osteopathic Medicine (LUCOM):

<http://www.liberty.edu/media/1290/pdfs/LUCOM-Code%20of%20Conduct-Academic%20Standards-Computing-Social%20Media%20Policies-11212014.pdf>

Human Resources (HR):

[https://www.liberty.edu/media/1312/handbooks/Employee_Handbook_\(2015\).pdf](https://www.liberty.edu/media/1312/handbooks/Employee_Handbook_(2015).pdf)

(Residential) Graduate School:

http://www.liberty.edu/media/1238/Honor_Code_for_Res_Grad.pdf

Online (LUO):

https://www.liberty.edu/index.cfm?PID=7782&action=download&SW_ID=78

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at

<http://www.liberty.edu/studentaffairs/titleix/index.cfm?PID=33092> or the reporting hotline at 855-857-1280. **Note:** that these anonymous reports may prompt a need for Liberty University to investigate.

Individuals experiencing or who have experienced sexual harassment, sex-based discrimination, or sexual harassment always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

General Definitions

For purposes of this policy, prohibited sex-based discrimination includes sexual harassment, sexual assault, and any other sex-based misconduct offenses when sex or gender is the foundation for such action(s).

Proceeding – Any hearing where a determination is made on a complaint, including whether there is a finding and/or any sanctions imposed. This includes informal resolution, Conduct Review Committee (CRC) adjudication, and the Title IX Appeal Board adjudication.

Outcome – Regulatory requirements stipulate that both parties be notified, in writing, of the outcome of the complaint and any appeal. This includes information about any sanction imposed upon the Responding party when the sanction directly relates to the Reporting Party. Compliance with these provisions do not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Transcript notation – Any student under administrative and/or criminal investigation for a violation or crime of sexual violence will receive a notation on his or her academic transcript indicating that the student is under investigation in accordance with VA. CODE § 23.1-900. The notation will be removed once the student is found not responsible, or determined to be in good standing by the University.

Off-Campus Conduct

Conduct that occurs off-campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy. An initial inquiry will be made into allegations of off-campus sexual harassment, sex-based discrimination, or sexual assault brought to Liberty University's attention. Non-residential student conduct that violates this policy should be reported and will be referred to the Deputy Title IX Coordinator in Online and Graduate Affairs, or other appropriate Deputy Title IX Coordinator for initial inquiry and follow-up.

Retaliation Prohibited

Liberty University prohibits retaliation against anyone who complains of, or is involved in the filing, investigation or resolution of a complaint or report of sexual harassment, sex-based discrimination, or sexual assault. Liberty University will not retaliate against anyone who files a complaint, or otherwise participates in an investigation or proceeding. Employees or students who believe they have witnessed or experienced retaliation in violation of this policy should report the retaliation to the Title IX Office, Deputy Title IX Coordinator or any other office

within the Dean of Students area.

Responsible Employees

Any employee who has the authority to take action to redress sexual violence, the student reasonably believes has such authority, has been given the duty to report incidents of harassment or other misconduct, is aware of sexual violence or should have known should promptly report such incidents to the Director of Title IX or Deputy Title IX Coordinator. Some employees are legally required to keep confidentiality such as licensed health-care professionals and medical staff.

Amnesty/Self-Reporting

In order to encourage reports of conduct prohibited under this policy, an alleged victim or cooperating witness that may have been involved in a Student Honor Code violation who makes a voluntary report or gives evidence to the Title IX Office (or Deputy Title IX Coordinator) related to a Title IX investigation, will be treated similarly to a Self-Report for Student Honor Code purposes. For example, if an alleged victim or cooperating witness reports a Title IX violation or gives truthful testimony in support of a Title IX investigation and that report or testimony implicates a student as having been involved with another Student Honor Code violation (e.g., alcohol, immorality), the alleged victim or cooperating witness will not be sanctioned for that conduct. Under this provision, an alleged victim or cooperating witness may be asked to participate in student development opportunities or educational services.

Accused parties who are found not responsible for the alleged conduct prohibited by this policy may also be subject to Restorative Practices and/or Student Honor Code violations.

LUSOL and LUCOM have similar amnesty policies and are spelled out in an addendum to this University policy, as well as on each of their webpages cited above.

Requests for Confidentiality

If a reporting party requests confidentiality or asks that the complaint not be pursued, Liberty University will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, but Liberty University's ability to respond may be limited. Liberty University will evaluate the request in the context of its responsibility to provide a safe and non-discriminatory environment for all students, faculty, and staff. Liberty University reserves the right to initiate a formal Title IX investigation or an informal inquiry, and will inform reporting parties and/or alleged victims if confidentiality cannot be ensured. Pursuant to VA. CODE §23.1-806, any report of sexual violence where a reporting party and/or alleged victim is requesting confidentiality will be given to the *Threat Assessment Team* to meet and determine necessary and appropriate disclosures of the information based on the VA. CODE §§ 23.1-805; 23.1-806.

Threat Assessment Team

Liberty University has established a Threat Assessment Team pursuant to VA. CODE § 23.1-805. It consists of three or more persons and includes the Director of Title IX or designee, a representative of law enforcement, and a student affairs representative.

Title IX Initial Inquiry

When the Title IX Office receives a report of a potential violation of this policy, the Director of Title IX or a Title IX investigator will determine whether the alleged facts could rise to the level of conduct prohibited under this policy. This initial inquiry will assist the Director of Title IX and/or Deputy Title IX Coordinator in making a determination of whether a formal investigation will result.

Formal Investigation

A formal investigation will commence once the Director of Title IX and/or Deputy Title IX Coordinator completes an initial inquiry and determines that the facts could rise to the level of prohibited conduct. Once such a determination is made, the Title IX investigators on the case will deliver a letter to both the reporting party and the

accused confirming the commencement of the investigation. The letter will outline the conduct violation being investigated, the allegation(s), the standard of proof, a brief outline of the process, and the resources available.

Following the University's records request protocol, Liberty University will disclose the report of any disciplinary proceeding conducted by the institution against the student who is accused of violating this policy. If a parent or legal guardian of the reporting party or alleged offender provides a FERPA pin, the parent or legal guardian will be eligible under FERPA to receive a copy of the report.

Interim Measures

Liberty University reserves the right to take necessary measures to respond to an allegation of sexual harassment, sex-based discrimination, or sexual assault in order to protect students' rights and personal safety. Such measures include, but are not limited to, the issuance of a No-Contact Agreement, assistance in modification of housing arrangements, change of class or employment schedules, and/or interim suspension or restrictions on campus pending a Conduct Review Committee (CRC) proceeding. Allegations of failure to adhere to these measures or any protective order will be investigated as a possible violation of "The Liberty Way" Student Honor Code, and may be referred to the Office of Community Life (OCL) or appropriate Deputy Title IX Coordinator. OCL will advise the complainants of the availability of protective orders, and of LUPD's authority to investigate alleged violations of protective orders. Both reporting and responding parties will also be advised of OCL's authority to investigate alleged protective order violations as potential violations of "The Liberty Way" Student Honor Code.

Reasonable Accommodations

Liberty University offers a wide range of resources for students and employees, whether as reporting parties, alleged victims or alleged offenders, to provide support and guidance throughout the inquiry, investigation, and resolution of a Title IX-related complaint. These measures may be both remedial and protective (i.e., interim measures) in nature, and temporary or permanent. The Director of Title IX and Deputy Title IX Coordinators have the discretion to provide appropriate accommodations based on available information during the course of the investigation or after resolution. Both reporting and responding parties will receive written notification of the resources and accommodations available.

These accommodations can include, but are not limited to, changes to a reporting parties' academic, housing, work, or transportation situations, when appropriate.¹

Conduct Review Committee (CRC)

All formal investigations (with the exception of Human Resources and LUO, which can be found in their respective policies) will go to a CRC for a decision on the outcome of the reported misconduct based on the investigation and recommendation of the two (or more) Title IX investigators assigned to the case. The evidentiary standard for a finding of responsibility for violation of this policy is “preponderance of the evidence” (more likely than not). Both the reporting party and the accused will be notified of their right to request records (investigatory packets), the outcome of the investigation, the date and time of the CRC proceeding, the outcome of the CRC proceeding, the procedures for appealing the outcome of the CRC proceeding, any changes to the outcome as a result of an appeal, and when the outcome will become final.² The formal investigation will be presented to the CRC and its decision should, absent certain extenuating circumstances, be rendered within 60 days of notification of the report to the University, notwithstanding an appeal.

¹ Liberty University will maintain as confidential any accommodations or protective measures provided to the alleged victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

² The CRC is conducted by investigators and chaired by the Associate Dean of Students (ADOS) who receive annual training on dating/domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of reporting parties and promotes accountability. All who participate in CRC cannot have a conflict of interest or bias for or against the accused or alleged victim. If a conflict or bias exists, the individual with the conflict of interest will abstain from participation in the CRC.

Role of Advisors/Support Persons

Both the reporting party and the responding party are entitled to an advisor or support person of their choosing to guide and accompany them throughout the resolution process. The advisor may be a friend, mentor, family member, attorney, or any other supporter selected by the participant. All advisors are subject to the same rules. The advisor's role is limited to providing support, advice and counsel to the party he/she is advising and is not one of being an advocate or spokesperson to any party involved in the resolution process. Advisors may not address campus officials in a meeting, interview or proceeding, unless invited to do so by the appropriate University officials.

False Reports

Since the University takes such charges seriously, any student or employee who is found to have made a frivolous or groundless complaint under this policy, or to have knowingly made false accusations or given false information during an investigation, may be subject to disciplinary action.

Risk Reduction Tips

Liberty University maintains that, consistent with the principles of the University, it is wisest to abstain from behavior that could potentially lead to harm to oneself as well as others (i.e., sexual immorality, consumption of alcohol). Additionally, it is more beneficial to prevent crimes than to react to them after the fact. Below you will find some general safety tips to reduce the risk of experiencing a non-consensual sexual act and to avoid committing a non-consensual sexual act:

- Watch out for your friends and have your friends watch out for you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- Trust your instincts.
- Be aware of your surroundings.
- Avoid isolated areas and walk or jog with a friend.
- Make sure your cell phone is charged and accessible.
- Refrain from publicizing your location via social media.
- If you suspect you or a friend has been drugged, contact law enforcement immediately.
- Tell a friend where you are going and when you expect to return.
- Make your limits known as early as possible.

- Tell a sexual aggressor “NO” clearly and firmly.
- Do not share intimate content, pictures, images and videos with others, even those you may trust. If you do share, clarify your expectations as to how or if those images may be used, shared, or disseminated.
- Never provide identifying information solicited from an unknown party via email, text or any other means of electronic communication.
- Always clearly communicate your intentions and give others a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent, about someone's sexuality, about whether someone is attracted to you, about how far is appropriate to go, or about whether another is physically and/or mentally able to consent. If there is any question or ambiguity, then you DO NOT have consent.
- Mixed messages are a clear indication that you should stop.
- Never take advantage of someone's altered state due to consuming a substance or otherwise.
- Realize that someone could feel intimidated by you. You may have a power advantage simply because of your gender or physical presence.
- Understand that consent to some form of behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Pay attention to verbal and non-verbal communication and body language.

Sexual Misconduct Definitions

Consent – informed, mutually understandable words or actions (freely and actively given), which indicate a willingness to participate in mutually agreed upon act or purpose. It is voluntary and active, not passive. Effective consent may never be given by: minors, mentally disabled persons, and persons who are incapacitated as a result of alcohol or other drugs or those who are unconscious, incapacitated or otherwise physically helpless. Use of alcohol or other drugs will never function to excuse behavior that violates this policy. Silence, by itself, cannot constitute consent. Consent to one sexual act does not constitute or imply consent to repeated future acts or other acts. Consent is always required, regardless of the parties' relationship or history together.

Hostile Environment (harassment) – occurs when unwelcome conduct of a sexual

nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. Conduct can be words and can be actions. A hostile environment can be created by a school employee, another student, or even someone visiting the University, such as a student or employee from another school.

Quid Pro Quo (harassment) – occurs when one member of the University community causes another member of the University community to believe that he or she must submit to unwelcome sexual conduct in order to participate in a University program or activity. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when an instructor threatens to fail a student unless the student agrees to date the teacher, it is quid pro quo harassment.

Incapacitation – a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their (sexual) interaction.

Retaliation – action taken by an accused individual or an action taken by a third-party or a group of people against any person because that person has opposed any practices prohibited under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempted to stop an act of sexual harassment, sex-based discrimination, or sexual assault. Retaliation includes intimidating, threatening, coercing, discouraging or in any way discriminating against an individual because of the individual's complaint or participation in the complaint resolution process. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or from participating in the processes described in this policy.

Reporting Party – any person who brings forth information to the institution regarding a potential violation of this policy, whether or not they are the alleged victim, is considered a reporting party for purposes of this policy.

Responding Party – any person who is being accused of a potential violation of this policy.

Third Party Reporter – any person who brings forth information to the institution

regarding a potential violation of this policy, who is *not* alleged victim.

Sexual Assault – any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities which include, but are not limited to, forced sexual intercourse (i.e., rape), forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sex-Based Misconduct Offenses

All members of the University community are prohibited by this policy from engaging in the following listed conduct:

1. Sexual Harassment; Sexual Exploitation

Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it either:

- Unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and/or
- Based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

The factors that will be considered in determining harassment include, but are not limited to:

- Perspective of the individual being harassed;
- Perspective of a reasonable person in a similar situation;
- The degree to which the conduct affected one or more students' education or individual employment;
- Nature, scope, frequency, duration and location of the incident or incidents;
- Identity, number and relationships of the persons involved; and
- Nature of higher education.

Sexual exploitation occurs when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being disadvantaged and that behavior does not otherwise constitute one of the other sex-based misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another member of the University community;
- Non-consensual video recording, audio-taping, or cyber or social media exposure of genitalia or sexual activity;
- Engaging in voyeurism;
- Exposing one's genitals in non-consensual circumstances;
- Inducing another to expose his/her genitals;
- Sexually-based stalking and/or bullying.

2. Non-Consensual Sexual Contact (and attempts to commit same)

Non-consensual sexual contact is:

- Any intentional sexual touching,
- However slight,
- With any body part or object,
- By a person upon another person,
- That is without consent and/or by force.

Sexual contact includes intentional contact with the breasts, buttocks, groin, genitalia, or touching another with any of these body parts, or forcing another to touch you or themselves with or on any of these body parts. It also includes any intentional bodily contact in a sexual manner, though not involving contact with aforementioned body parts.

3. Non-Consensual Sexual Intercourse (or attempts to commit same)

Non-consensual sexual intercourse is:

- Any sexual intercourse,
- However slight,
- With any body part or object,
- By a person upon another person,
- That is without consent.

Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation, no matter how slight the penetration or contact. Non-consensual sexual intercourse includes all forms of sexual assault prohibited by Virginia law. The following factors will be considered in

determining a sanction:

a. Non-violent

- No evidence of the use of force;
- Significant discrepancy or dispute of consent.

b. Mitigating factors

- Alleged mutual incapacitation;
- No previous offenses or conduct history;
- Uncooperative victim;
- Previous consenting sexual relationship.

c. Aggravating factors

- Previous record of sex-based misconduct;
- Evidence of the use of force;
- Egregious contact or assault;
- Multiple victims.

Other Misconduct Offenses when based on Sex or Gender

Bullying/Cyber-Bullying

Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally—whether in person, via phone/text, or any other means including, but not limited to, social media.

Domestic Violence

Physical violence committed against a co-parent, current or former spouse, someone similarly situated and currently or formerly co-habiting, or an adult or youth protected under state domestic or family violence laws. Emotional and psychological abuse are also forms of domestic violence.

Dating Violence

Physical violence by a person who is or has been in a social relationship of a romantic or intimate nature against another in that relationship.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety, to fear for the safety of others or to suffer substantial

emotional stress. A course of conduct means two or more acts, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to another person, or interferes with another person's property.

Consequences

Students who engage in sex-based discriminatory behavior are subject to disciplinary action which will depend upon the facts and circumstances of each particular situation, and a finding of responsibility for such behavior could result in dismissal from Liberty University. Since Liberty University takes such reports seriously, where the results of an investigation reveal a complaint of sexual harassment, sex-based discrimination, or sexual assault to be frivolous or groundless, or where false information or false accusations were knowingly made, the individual having made such a complaint or report, or who provided such false statements, may be subject to disciplinary action. The possible sanctions for violations of this Policy on Sexual Harassment, Discrimination and Assault include:

- Up to 30 points, community service, a possible fine ranging up to \$500, administrative withdrawal— a minimum of two semesters out, and a transcript notation as required by Virginia law.
- With the exception of cases involving sexual violence, a student can be subject to participation in Restorative Practices with a willing reporting party or a surrogate victim when appropriate.
- See policy nuances for LUSOL, LUCOM, LUO, and Graduate students regarding applicable sanctioning.