

Covenant College Title IX Policy

I. Introduction

The mission of Covenant College is to explore and express the preeminence of Jesus Christ in all things. We strive to educate Christians to engage culture and cultures, to examine and unfold creation, and to pursue biblical justice and mercy in community. We hold strongly to the beliefs that humans are created in the image of God, and therefore should be treated with the utmost honor, dignity, and respect.

Therefore, it is the position of the College that sexual misconduct transgresses holy law and, in addition, is a form of illegal discrimination that is abhorrent to the College. Consequently, it is the obligation of each member of the Covenant College community—administrators, faculty, staff, and students – to adhere to this policy.

The College has enacted this Title IX and Sexual Misconduct Policy (the “Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the campus community in response to violations of this Policy.

II. Statement of Policy

It is the policy of Covenant College to maintain an environment that is free of all forms of discrimination and harassment for community members, including students, faculty, administrators, staff, or Third Parties working with the College or on its property.

Covenant College will not tolerate any form of discrimination and harassment on the basis of sex that interferes with an individual’s safety, academic or work performance, or creates an intimidating, hostile, or offensive living, work, or classroom environment. Consistent with Title IX of the Educational Amendments of 1972 and the Violence Against Women Act, and other applicable state and federal laws, this Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking. This Policy also prohibits retaliation against a person who reports, or who otherwise participates in good faith in any matter related to this Policy. All of the foregoing conduct shall be referred to as “Prohibited Conduct.”

Prohibited Conduct which occurs within the educational program or activity will be investigated through the Title IX grievance investigation process. Sexual misconduct or other sexually inappropriate behavior that occurs outside of the scope of the Title IX Policy will be handled through the disciplinary process for students through Student Development and for employees through Human Resources.

Scope of Policy

Covenant College will pursue disciplinary action for any community member, including students, employees, or Third Parties having any official capacity with the College or on its property who is found to be in violation of the Title IX and Sexual Misconduct Policy; regardless of whether the conduct occurred on or off campus.

The Title IX grievance investigation process specifically covers incidents that happen on campus or that are specifically part of the educational program or related activity, including internship programs, athletic travel, and conduct which occurs on any property owned, controlled, leased, or managed by the College.

When used in this Policy, **“Complainant”** refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment, or the individual who is identified as the subject of Prohibited Conduct. **“Respondent”** refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, or the individual alleged to have engaged in Prohibited Conduct. A **“Third-Party”** refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

Prohibited Conduct and Definitions Pertaining to the Policy

A. Discrimination

Discrimination is unequal, adverse treatment of an individual because of his or her protected legal status, such as race, color, age, gender, national origin, or disability. Such discriminatory behavior violates the law and is contrary to Covenant College’s Statement of Purpose, and it will not be tolerated.

B. Specifically Prohibited Types of Sexual Misconduct:

Sexual Misconduct is conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. The College prohibits the following specific conduct (defined below):

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| 1. Sexual Harassment; | 4. Domestic Violence; |
| 2. Sexual Assault; | 5. Stalking; |
| 3. Dating Violence; | 6. Retaliation |

Other conduct that is not specifically listed but has the essential elements of being based on sex or gender; is nonconsensual, or has the effect of threatening, intimidating, or coercing a person will be treated as Prohibited Conduct.

1. Sexual Harassment

“Sexual harassment” is an umbrella term which encompasses any unwelcome sexual advances, requests for sexual favors or acts, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

1. *Quid Pro Quo Harassment*. 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.
2. *Hostile Environment*. 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 College's education program or activity.
3. Incidents of Sexual Assault; Sexual Exploitation; Dating Violence; Domestic Violence; or Stalking (all further defined in the following points).

Covenant College strictly prohibits its faculty members, supervisors, and other employees from implying or suggesting that a student's submission to, or refusal to submit to, sexual advances or participation in sexual conduct is a condition of a grade, admission to a program, favorable recommendation, promotion, continued employment, or other educational decision.

Sexual harassment further includes unwanted touching or intimacy, insulting or degrading sexual remarks or conduct, epithets, sexual jokes, sexually oriented emails or messages, slurs or negative stereotyping based on gender, and the posting or display of sexually offensive or degrading materials on campus or any property owned by the College, or at any College-related function.

2. Sexual Assault

"Sexual Assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined in 20 U.S.C. 1092(f)(6)(A)(v).

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling* - 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.
- B. *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Rape* - 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, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

D. *Sexual Assault with an Object* - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.

E. *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

Factors necessary for affirmative consent and incapacitation are detailed below under Additional Definitions.

3. Dating Violence

“Dating Violence” includes violence by a person who has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction. [34 USC 12291(a)(10).]

4. Domestic Violence

“Domestic Violence” is a felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred. [34 USC 12291(a)(8)]

5. Stalking

“Stalking” occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress. [34 USC 12291(a)(30)]

Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

6. Retaliation

Retaliation includes adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from seeking protection under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

Covenant College prohibits reprisals or retaliation against any person for:

1. alleging or complaining about discrimination or harassment,
2. for filing an internal complaint of discrimination or harassment, or
3. for filing an agency action or lawsuit alleging discrimination or harassment, or
4. for participating in a harassment investigation.

Any person who retaliates against a complainant will be subject to disciplinary action up to and including termination of employment (employee), and expulsion (student).

Complaints of retaliation should be reported in the same manner as complaints of discrimination or harassment.

Amnesty: Addressing Concerns for Reporting Due to Standards of Conduct Violations

In order to encourage Complainants and Witnesses to make reports of Sexual Misconduct under this Policy, the College will not pursue punitive action against an individual who may be hesitant to report sexual misconduct out of fear that they themselves or others may be accused of violating other College Standards of Conduct policies, such as drinking or use of substances at the time of the incident. Educational options and accountability may be explored, but no conduct proceedings or conduct record will result.

Pertaining to False Allegations:

Knowingly making false allegations of discrimination or harassment, or providing evidence during an investigation with knowledge that the evidence is false, is also a violation of College policy and will subject a person to disciplinary action up to and including termination of employment or expulsion.

C. Additional Definitions:

1. Consent

“Consent” is a voluntary, sober, fully-informed, clear, and active decision by individuals engaging in sexual activities. Consent can be given by words or actions, as long as those words or actions create a mutually understandable clear permission regarding active willingness to engage in (and the conditions of) sexual activity. You must have consent for each and every sexual act. Consent can be withdrawn at any time.

A sexual interaction is not consensual if it involves:

- Force, coercion (manipulation), threats, or intimidation
- Minors under the age of consent
- Individuals whose mental disabilities prohibit sound judgment
- Individuals physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption
- Individuals who are unconscious, asleep, unaware, or otherwise physically incapacitated

Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. Lack of consent may also be communicated through the use of non-verbal expressions or actions indicating resistance. Silence does not imply consent.

A prior sexual history between individuals does not constitute future consent nor consent to that same sexual activity with another person. Previous relationships or prior consent cannot imply consent to future sexual acts with any person. Consenting to one behavior only means that consent is given for that behavior at that point in time.

2. Force

“Force” is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent can never be obtained through the use of force.

For the use of force to be demonstrated, there is no requirement that an individual resisted the sexual advance or request. However, any evidence of resistance by an individual will be viewed as a clear demonstration of a lack of consent.

3. Coercion

“Coercion” is the use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent cannot be obtained through coercion. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail.

When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

4. Incapacitation

“Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act and/or is physically helpless.

This includes, but is not limited to:

- If the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring
- If the individual cannot understand the nature of the activity or communicate due to a mental or physical condition.
- If the individual was incapacitated due to the influence of drugs, alcohol, or medication, so that the individual could not understand the fact, nature, or extent of the sexual activity;

In particular, consent could not occur when the Respondent failed to acknowledge the Complainant’s incapacitation or; failed to take reasonable steps to determine the

Complainant’s incapacitation or; the Respondent’s own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant’s incapacity.

Being intoxicated by drugs or alcohol is not a defense to any violation of this Policy and does not diminish one’s responsibility to obtain consent. Refer to page 5 regarding Amnesty involving incidents involving Standards of Conduct violations.

III. On and Off Campus Reporting Options

Reporting

The College encourages the reporting of all perceived incidents of sexual misconduct, discrimination, or harassment regardless of the Respondent’s identity or position.

The College aims to support each individual in making decisions to report, and will respect an individual’s autonomy in deciding how to proceed to the extent possible. In this process, the College will balance the individual’s interest with its obligation to provide a safe and nondiscriminatory environment for all members of the College community.

Emergency and Off Campus Reporting Options

The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Sexual Misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

Safety and Security have guards on duty twenty-four (24) hours a day. You may report crimes or other emergencies by calling:

Emergency Assistance	911
Dade County Police	706-657-3233
Hamilton County Police	423-209-7000
Campus Safety and Security	706-419-4105 (24/7 support)
Resident Director on Duty	706-450-7001 (24/7 support)
Keith McClearn, Director of Safety & Security	706.419.1229

On Campus Reporting Options

In order for the process to begin, the College must have actual knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the recipient. Making a report means telling the Title IX Coordinator, a Title IX Deputy Coordinator or Investigator, or a Responsible Employee what happened—in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened.

Covenant College has designated and specifically trained the following individuals to serve in an official capacity to investigate Title IX and Sexual Misconduct Issues on campus and between Covenant community members:

Designated Title IX Coordinator and Team

Name	Title IX Position	Phone	Email
Brad Voyles	Title IX Coordinator	706-419-1107	brad.voyles@covenant.edu
Becca Moore	Title IX Deputy Coordinator for Students	706-419-1262	becca.moore@covenant.edu
Rebekah McNair	Title IX Deputy Coordinator for Employees	706-419-1105	rebekah.mcnair@covenant.edu
Jon Wylie	Title IX Deputy Investigator	706-419-1108	jon.wylie@covenant.edu
Nesha Evans	Title IX Deputy Investigator	706-419-1106	nesha.evans@covenant.edu

Responsible Employees

All employees of Covenant College are considered to be a “Responsible Employee”.

A Responsible Employee is defined as any College employee (a) who has the authority to take action to redress sexual violence, (b) who has been given the duty of reporting incidents of sexual violence or any other misconduct by students or employees to the Title IX Coordinator or other appropriate school designee, or (c) whom a student, faculty member, or staff member could reasonably believe has this authority or duty.

Responsible Employees include students who serve as Resident Assistants. Student workers who are employed through the College’s work-study program are not considered Responsible Employees, but are highly encouraged to report any knowledge of sexual misconduct to a member of the Title IX team.

The Title IX Coordinator must be informed of all reports and complaints related to this policy. Once the Title IX Coordinator receives actual knowledge of a complaint, the The College is obligated to address Title IX issues about which a Responsible Employee had actual knowledge of an incident.

College counseling and health services employees as well as the Chaplain’s office are exempt from these reporting requirements.

IV. Confidentiality Requests and Privacy Concerns

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. While not legally bound by confidentiality, those involved in the Title IX proceedings will be discreet and respect the privacy of all individuals involved in the process to the extent permitted by law.

If an individual desires to report Prohibited Conduct to the College but requests to maintain confidentiality or to not pursue a formal Title IX Complaint investigation, the Title IX Coordinator will weigh the request against the College’s obligation to provide a

safe, non-discriminatory environment for all Covenant College community members, including the reporting individual. In making this determination, the Coordinator may consider the seriousness of the conduct, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. If the College determines that it cannot maintain a Complainant's confidentiality, the College will inform the Complainant individual prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality.

Confidential Resources for Support

Students are highly encouraged to seek professional care for both physical and mental health, regardless of seeking to make a Title IX or Sexual Misconduct Complaint.

Confidential Resources on Campus

On Campus Counseling

Priesthill Counseling Center
706-419-1275
healthservices@covenant.edu
M-F: 8:30 a.m.-4:30 p.m
Jackson Hall, 1st floor

Chaplain's Office

Rev. Grant Lowe, College Chaplain
grant.lowe@covenant.edu
706.419.1360

Stephanie Formenti, Chapel Office
stephanie.formenti@covenant.edu
706.419.1359

*These confidential resources are not required by current Title IX law to report claims of sexual misconduct without consent. A confidential report is required by state law to notify child protective services and/or local law enforcement of suspected abuse of a minor under the age of 18.

Confidential Resources Off Campus:

The Priesthill Center, the Student Development Office, and the Chaplain's Office have referral lists for counselors in the local Chattanooga area.

Partnership for Families, Children and Adults 423-755-2700 (24/7 support)
Sexual Assault and Relationship Violence Hotline & Clinic

*This is the recommended local facility for survivors of sexual assault. The Partnership has nurses who are well trained in conducting the forensic exam (rape kit) for evidence collection. All services are free.

Family Crisis Center of Walker, Dade,
Catoosa, & Chattooga Counties, Inc..

706-375-7630 (24/7)

National Sexual Assault Hotline:

1-800-656-HOPE (4673)

V. Supportive Measures and Remedies

Upon receipt of a Formal Complaint, the College will provide reasonable and appropriate Supportive Measures designed to eliminate any existing hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

Supportive Measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College, and regardless of whether a crime is reported to Campus Security or local law enforcement.

A Complainant or Respondent may request a “No-Contact Order” or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process.

The College will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of the Supportive Measures. The College will take immediate and responsive action to enforce a previously implemented Supportive Measure restriction if such restriction was violated.

Range of Supportive Measures

Supportive Measures will be implemented at the discretion of the College. Supportive measures may include, but are not limited to, the following list below, regardless of whether the Respondent is a student or an employee. Supportive measures may continue after a case is resolved if it is in the best interest of the Complainant, Respondent, or the campus community.

- Imposition of campus “No-Contact Order”;
- Rescheduling of exams and assignments;
- Providing alternative course completion options or change in class schedule;
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter;
- Increased security and monitoring
- Leave of Absence for employees

Emergency Removal

The College reserves the right to remove any member of the College community suspected or accused of violating this policy provided that the College's Threat Assessment and Management Team 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 appeal the decision immediately following the removal.

- Nothing in this subpart precludes the College from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with § 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

VI. Prevention, Awareness Programs and Training

Prior to registration, all students will be required to complete a Title IX educational training program and pass a quiz on the material before being allowed to finalize registration. During mandatory hall meetings in the first week of classes, Residence Directors and Resident Assistants will provide information to all students regarding sexual assault and misconduct awareness, as well as reporting options and supportive resources on campus. In addition to those specific discussions, the Office of Student Development will have literature available for members of the campus community dealing with sexual assault and misconduct. All employees will receive training on the Title IX policy at the beginning of each academic year. This training will include general description of the policy and their duties as employees. Human Resources will also share Title IX information with all new employees as part of their orientation and onboarding to the institution.

For further information regarding sexual assault and misconduct or other safety awareness programming, please contact the Office of Student Development.

VII. Resolution of Title IX Complaints

The following procedures will govern all investigations of complaints alleging violations of the Title IX Policy.

The process begins when a Formal Complaint is made to the Title IX Coordinator or Deputy Coordinator. A Formal Complaint should include the following information:

- The names, addresses and phone numbers of the individuals involved
- Specific acts alleged, including dates, times and locations
- Names and contact information of potential witnesses

The investigation will begin promptly following the receipt of the Formal Complaint. If an employee of the college is involved in the alleged discrimination, the complaint will be

investigated by the Assistant Title IX Coordinator for Employees. If the Assistant Title IX Coordinator for Employees is involved in the alleged discrimination, the complaint will be investigated by another investigator at the Title IX Coordinator's designation.

Disciplinary action at the College will normally proceed even if criminal proceedings have been initiated. College action will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, or that no criminal charges have been brought. If civil authorities are notified, students and employees can anticipate that the College may consult with and be in communication with such authorities.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

In all procedures involving allegations of violations of this policy, the standard of proof shall be "preponderance of the evidence" which means more likely than not; more probable than not.

With or without a Formal Complaint, the Title IX Coordinator or designee must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a Formal Complaint.

Additionally, the College does not restrict the ability of either the Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

Protection of the campus community is paramount, however; and the College may find it necessary to take appropriate disciplinary action with or without concurrence of the Complainant where there is a potential threat to the College community.

Rights of Respondent and Complainant

Complainants and Respondents shall both be provided with the following in connection with the resolution process of suspected or alleged violations of this policy:

Rights of Both Parties include:

- Right to be informed of the process and all available options for resolution (Informal and Formal)
- Right to review all reports involved in the investigation
- Right to Supportive Measures and access to campus resources
- Right to an Advisor of choice
- Right to a prompt, fair, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- Right to speak on their own behalf

- Right to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with FERPA)
- Right to a live hearing
- Right to object to a Title IX Coordinator, Title IX Investigator, Decision Maker(s), or any person in the informal resolution process based on conflict of interest and bias.
- Right to be informed of the outcome of the investigation and any proceeding simultaneously/contemporaneously and in writing (to the greatest extent possible and consistent with FERPA or other applicable law);
- Right to appeal final decision

Role of the Advisor of Choice

During any on-campus Title IX Investigation, both Parties are entitled to the same opportunities to have an Advisor of their choice present during this process. The purpose of the Advisor is to provide support. The Advisor may be a student, staff or faculty member, or external individual of choice. The Advisor may, but is not required to be, an attorney.

The Advisor may attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant or Respondent. For all cases, the Advisor may not speak on behalf of the individual during, or participate directly in, meetings or other proceedings prior to the Live Hearing.

At a Live Hearing, the Advisor is exclusively permitted to cross-examine the Parties and witnesses when directed to do so. If either Party does not have an Advisor for the Live Hearing, the College will provide a designated representative to serve as an Advisor. Either party may choose not to have an Advisor present. However, any Party who declines an Advisor will not be allowed to cross-examine the other party or related witnesses at the Live Hearing.

It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Hearing Officer, Appeal Officer, Title IX Coordinator, Deputy Coordinators, and Investigators will not discuss the case with any Advisor.

Reasons for Dismissal of Complaint:

The College 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 the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

- Dismissal of a Title IX Complaint does not preclude action under another provision of the College's Standards of Conduct

Official Process and Procedures for Investigation and Resolution of Complaints:

Prior to any intake meeting, appropriate Supportive Measures will be communicated and both Parties will be made aware of the ability to have an Advisor of their choosing present.

Concurrently, the Coordinator will select Title IX Investigators to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Coordinator will select Investigators based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved.

Intake Meeting for Complainants:

Upon receipt of a Formal Complaint, the Title IX Office (Coordinator or designated Investigators) will conduct an Intake Meeting with the Complainant.

At that meeting, the Coordinator or Investigators will provide:

- Notification of the right to be assisted by individuals at the College in contacting law enforcement or seeking medical care
- A written copy of the Title IX and Sexual Misconduct policy and procedures
- A list of Supportive Measures detailed above
- A review of the Rights of Complainants and Respondents detailed above
- Notification of on and off campus resources, including counseling, the chaplain's office, local resources, and legal assistance options
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- An explanation the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 business day of a decision to proceed through the process

As described in Section IV, the Complainant has the right to request that the Title IX office not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX office take no formal action in response to the report. If the Complainant makes such a request, the Coordinator will balance the request with his/her dual obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent.

Respondent Intake Meeting:

Upon receipt of a Formal Complaint, the Title IX Office (Coordinator or designated Investigators) will conduct an Intake Meeting with the Respondent.

The Investigators will provide written notice to Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

The intake with the Respondent will include:

- A written copy of the Title IX and Sexual Misconduct policy and procedures
- A list of Supportive Measures detailed above
- A review of the Rights of Complainants and Respondents detailed above
- Notification of on and off campus resources, including counseling, the chaplain's office, local resources, and legal assistance options
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- Explain the College's policy prohibiting retaliation
- An explanation the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 business day of a decision to proceed through the process

The Respondent will be given the opportunity to provide a written statement pertaining to the incident in question to be submitted to the Title IX Coordinator or Investigators.

Informal vs. Formal Resolution Decision

The Coordinator will determine whether the report may proceed through Informal Resolution, or must proceed through Formal Resolution.

If the Coordinator determines that the complaint may appropriately be resolved through Informal Resolution, the Coordinator will ask the Complainant and Respondent, separately, whether they would agree to pursue resolution of the complaint informally. Any resolution reached through an informal process will be confirmed in writing and provided to the parties.

If either party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through Formal Resolution.

Informal Resolution

Informal Resolution is a voluntary and remedies-based resolution designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that

meets the needs of the parties while still maintaining the safety of the campus community. Where an initial assessment concludes that Informal Resolution may be appropriate, the College will consider and implement Supportive Measures as outlined above. The Informal Resolution process may not be used to resolve allegations that an employee sexually harassed a student.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the respondent, and/or indirect action by the Title IX Office. Depending on the form of Informal Resolution used, it may be possible for a complainant to maintain anonymity. The College will not compel a party to engage in mediation, or to participate in any particular form of Informal Resolution. The decision to pursue Informal Resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in Informal Resolution is voluntary, and either party can request to end Informal Resolution at any time. Additionally, the Title IX Coordinator can end Informal Resolution if the Coordinator determines it is no longer the appropriate avenue for resolution for a given report. If Informal Resolution is stopped prior to completion, information that is shared with or documented by the facilitator of the Informal Resolution will not be shared with the Investigator if Formal Resolution is initiated. A party's willingness to participate in Informal Resolution will not be considered as evidence in a formal resolution.

At the conclusion of an Informal Resolution, the Complainant and the Respondent have two business days to change their mind about the resolution of the case. If either the Complainant or Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the request not be received in writing (including electronically), or does not submit within two business days, the Informal Resolution will be considered final and binding.

The Title IX Office will maintain records of all reports and conduct referred for Informal Resolution. If the Respondent is found responsible for any violations of this policy in the future, information regarding the prior report processed through Informal Resolution may be used in the sanctioning phase for the subsequent report, provided that the Respondent is granted the opportunity to address the prior report as well.

While the College will seek to honor confidentiality of the parties' communications with the facilitator during the Informal Resolution process to the extent necessary to facilitate the resolution, the College may be required to produce records created during this process in response to a judicial subpoena or a FERPA educational record request.

Formal Resolution

If the Coordinator determines that the Complainant's report must proceed through Formal Resolution or either Party indicates the desire to proceed through Formal Resolution, the Coordinator will notify both Parties, in writing, of the decision.

The Coordinator will notify the Parties, in writing, of the name of the designated Investigators at the time the Coordinator issues the notice of Formal Resolution. Both Parties will have 2 business days to object to the Investigators selected on the basis of bias or conflict of interest. If either Party objects, the Coordinator will evaluate whether the objection is substantiated. The Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either Party. The decision of the Title IX Coordinator is final and not subject to appeal.

The Investigators, in consultation with the Coordinator, will establish and notify the Parties of a preliminary timeline and process for conducting the Investigation and report the timeline to the Parties.

Each stage of Formal Resolution proceeds as follows:

1. Preliminary Investigation

The purpose of a Preliminary Investigation is to identify and gather all relevant facts; and to provide the Parties with an opportunity to develop, and respond to, the allegations and evidence presented.

Step One: Initial Fact-Gathering Interviews

The Investigators will interview both Parties and relevant witnesses, including fact and expert witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. The Investigators will prepare a summary of each interview ("Interview Summary").

The Investigators will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed the summary.

If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response directly to the Investigators within 3 business days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement.

The Investigators may use evidence including but not limited to police reports, text messages, emails, communication from social media platforms, video or audio recordings, witness statements, campus reports, and all other appropriate reports, recordings, etc.

Step Two: Rebuttal Fact-Gathering

The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during Initial Fact-Gathering. The Parties and witnesses can expect that, in these follow-up interviews, the Investigators will seek responses to specific allegations or evidence.

To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigators will conduct additional interviews and gather additional evidence. Rebuttal Fact-Gathering may be repeated as necessary to ensure a complete gathering of evidence and testimony.

The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Report.

The Parties may submit a written request for additional investigation including follow-up interviews, new witnesses, or new evidence to consider.

Step Three: Preliminary Report

The Investigators will prepare a Preliminary Report which will entail a summary of the objective evidence gathered in the course of the Preliminary Investigation. The Preliminary Report must be sent to the parties as well as the designated advisors. The Parties will have 10 days to respond.

The Investigators will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College's policies; however the Investigators can include a recommendation of findings and conclusions. The Investigators will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered as part of the investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence whether obtained from a Party or other source.

When the Investigators determine that the Preliminary Investigation is complete, the Investigators will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation; if so, the Investigators will conduct additional investigation consistent with the procedures outlined above. If neither of the Parties requests additional investigation, the Investigators will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigators will review the request(s) in consultation with the Coordinator.

2. Final Report

Once the Coordinator has agreed that the Preliminary Investigation is complete, the Coordinator will provide the Final Report to the Parties for review. Neither the Complainant nor the Respondent (or their advisors) may copy, remove, photograph,

print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

The Final Report will include the following: the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties' responses throughout the Formal Resolution proceeding.

This standard of proof is that the evidence presented during the investigation is "preponderance of the evidence" of responsibility.

Once the Investigators are satisfied that the Final Report is complete, the Investigator will submit the Final Report including the recommended findings and conclusions regarding responsibility of the Respondent to the Coordinator. The Coordinator will review and state the determination and sanctions on the Final Report. The Coordinator will send the Final Report to both Parties for their review and both Parties will have ten days to respond.

At least 10 days after sending the Final Report, The Coordinator will meet with the Complainant and Respondent individually. At the meeting the Coordinator will communicate the decision of the Coordinator on the findings and the sanctions.

If there is no objection by either party, the case is concluded.

If either party contests the decision on the findings, the Coordinator will schedule a live hearing of the case.

No less than three business days prior to the hearing, the Parties must submit any new evidence that they want considered or provide a signed statement that there is no new evidence. Parties must also notify the College of the name of their designated advisor three days prior to the Live Hearing.

3. Live Hearing

Once the Coordinator has received a request for a Live Hearing, the Coordinator will set the date and time of the hearing, appoint a Decision Maker(s) consisting of trained decision maker(s) and notify the parties of the hearing date and option to call witnesses to the proceeding. Either party may request the hearing be held virtually. The Live Hearing will be recorded with either audio or video and records will be maintained for 7 years.

The Live Hearing will have a Decision Maker(s) who will ultimately make the determination by majority decision as to whether or not, by the Preponderance of the Evidence standard of proof, the Respondent is responsible for the alleged Title IX Policy violation. The Coordinator will provide the Decision Maker(s) all information related to the situation. The Hearing will also have a Hearing Officer to maintain decorum and facilitate the Hearing proceedings.

Live hearings include the opportunity for the Parties to present their opening and closing statements as well as to present their factual position, and for the Decision Maker(s) to question the Parties and witnesses presented. Both Parties will also have the right to cross-examine the other Party and witnesses, exclusively through the chosen Advisor. If a

party does not have an advisor present at the live hearing, the College will provide an option of an advisor of the school's choosing to conduct cross-examination on behalf of that party. Either party may choose not to have an Advisor present. However, any Party who declines an Advisor will not be allowed to cross-examine the other party or related witnesses at the Live Hearing.

Cross-examination will be conducted exclusively through the designated Advisor. 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 question, the Decision Maker must first determine whether the question is relevant and/or appropriate and explain any decision to exclude a question.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions

The Decision Maker(s) will determine whether the alleged policy violation occurred and, if applicable, will impose the appropriate sanction(s). Both Parties will receive the written determination.

4. Appeals

A Complainant or Respondent may appeal the decision made by the Decision Maker by submitting a written appeal statement to the Coordinator within three business days of the date the hearing report is sent to the parties. The three grounds for appeal are:

(A) Procedural irregularity that affected the outcome of the matter

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) 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.

Appeals for cases arising under this policy will be heard by the Vice President for Academic Affairs, Vice President of Finance, or designee. The Coordinator is responsible for selecting one of these persons to consider appeals.

If the designated appellate person determines that a ground for appeal is substantiated, the case will be returned to the Coordinator. Otherwise, the decision of the Decision Maker(s) stands. When a case is returned to the Coordinator, the Coordinator may decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), send the case to the original Decision Maker(s) for reconsideration, send the case to a new Decision Maker(s) with the same or different charges, and/or (re)implement any aspect of the disciplinary process.

6. Sanctions

Sanctions are the outcomes if the Respondent is found responsible. Potential sanctions include, but are not limited to:

1. **Expulsion-** Permanent severance of the student's relationship with the College. This severance includes being barred from campus.
2. **Immediate Suspension-** The student may be required to leave the campus immediately if, in the opinion of the Title IX Coordinator, the student's presence on campus would be detrimental to the institution. Suspension without a hearing shall continue until the disciplinary process is completed. Best efforts will be made to schedule and complete the disciplinary process as promptly as possible.
3. **Limited Suspension-** A student may be denied any participation for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.
4. **Disciplinary Probation-** Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.
5. **Counseling-** a student may be required to participate in mental health counseling with the counselor of the student's choosing. The Counselor may confirm participation, but not the content of the meetings.
6. **Mentor Discipleship-** a student may be required to meet weekly with a mentor to discuss appropriate sexual conduct and personal responsibility
7. **Appropriate Sexual Behavior Education-** student may be required to complete an assigned curriculum addressing appropriate and consensual sexual conduct
8. **Reprimand (either oral or written)-** official warning or reproof sent to a student and retained in the student's file declaring that further similar conduct will result in immediate and increasing levels of disciplinary action. This may include continuation of supportive measures instituted during the grievance process
9. **Employee discipline -** the resolution of a Title IX complaint involving an employee may prompt official discipline from the College according to the Employee Handbook