

POLICY AND  
PROCEDURES FOR  
SEXUAL MISCONDUCT  
OFFENSES

**Evangel University**

2017-2018

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Reference materials and guiding documents for compliance gathered from:

<https://www.notalone.gov/schools/>, <http://atixa.org>,

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>, and

<https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act>.

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# Evangel University Sexual Misconduct Policy and Procedures

## I. POLICY

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### PURPOSE AND SCOPE

Evangel University, owned and operated by the Assemblies of God, is committed to respecting all employees, students and guests. Sexual misconduct offenses are not only incompatible with Evangel's standards of Christian conduct, but also are criminal acts that infringe on the rights of others and are strictly prohibited by the University. This policy applies to all University employees, students, or visitors to the University, as well as anyone participating in a University sponsored activity.

We encourage individuals to report sexual misconduct to the university, as well as to appropriate law enforcement officials, so that we may care well for our community members. Contact the [Title IX Coordinator, Deputy Coordinator, or Office of Public Safety](#) to report any sexual misconduct offenses.

As a university, Evangel is not a court of law and, as such, sexual misconduct is a policy offense that is determined by college administrators to have been more likely than not to have occurred (*preponderance of the evidence*). Offenses under this policy include, but are not limited to sexual harassment, non-consensual sexual intercourse, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. In campus resolution proceedings, legal terms like "guilt, "innocence" and "burdens of proof" are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources. The university works toward equity in all cases, conducting an [impartial campus resolution proceeding](#).

Evangel University has a zero tolerance policy for sexual misconduct offenses and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a report. Zero tolerance means that when an allegation of sexual misconduct 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 reporting party and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy is developed to reaffirm these principles and to provide recourse for individuals whose rights have been violated.

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### STATEMENT OF NONDISCRIMINATION

Evangel University does not discriminate based on race, ethnicity, national origin, sex, disability, age, veteran status, or any other protected legal status in matters of admissions, employment, housing, educational programs or activities. We operate in compliance with federal non-discrimination laws (Title IX of the Education Amendments of 1972, Title VI and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975). As a religious institution, the university is exempted from certain provisions and retains the right to make legitimate employment, admission, and educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX statute, 1<sup>st</sup> Amendment, and Religious Freedom Restoration Act).

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### TITLE IX COORDINATORS

The university's Title IX Coordinator oversees compliance of the sexual misconduct policy and reports directly to the President of the University. Questions about this policy or anyone wishing to make a report relating to sexual misconduct may do so by contacting the Title IX Coordinator (or deputy

coordinator). The coordinator may designate other appropriately trained individuals to receive and investigate reports complaints, as is appropriate.

**Title IX Coordinator:** Dr. Sheri Phillips, VP for Student Development, Office: Riggs Hall, 304, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 7316, [phillipss@evangel.edu](mailto:phillipss@evangel.edu)

**Title IX Deputy Coordinator (for employees):** Ocki Haas, Director of Human Resources, Office: Riggs Hall, 309, Phone: (417) 865-2815, ext. 7311, [haaso@evangel.edu](mailto:haaso@evangel.edu)

**Title IX Deputy Coordinator (for students):** Gina Rentschler, Director of Community Life, Office: Cantrell Student Union 203, (417) 865-2815, ext. 7317, [rentschlerg@evangel.edu](mailto:rentschlerg@evangel.edu)

Two coordinators oversee gender equity in athletics and disability accommodations:

Athletic Compliance Coordinator: Steven Gause, Assistant Basketball Coach, Office: Ashcroft Center, Phone: (417) 865-2815, ext. 7409, [gauses@evangel.edu](mailto:gauses@evangel.edu)

Section 504 Compliance Coordinator: Stephen Houseknecht, Coordinator for Disability Services, Office: Zimmerman 208, Phone: (417) 865-2815, ext. 8271, [houseknechts@evangel.edu](mailto:houseknechts@evangel.edu)

Immediate assistance is available 24/7 by calling the Evangel University Office of Public Safety at (417) 865-2815 ext. 7000, (on campus phone 911) or coming in person to Riggs Hall 208. An officer can assist in facilitating medical treatment, contacting a victim's advocate, support person, Title IX Coordinator, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Additionally, anonymous reports can be made by using the [online reporting form](#).

Inquiries concerning Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information, visit <http://wdcrocolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance. Contact Information: Office for Civil Rights, U.S. Department of Education; One Petticoat Lane, 1010 Walnut, 3rd Floor, Suite 320; Kansas City, MO 64106; Telephone: 816-268-0550; FAX: 816-268-0599; TDD: 800-877-8339; Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

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## APPLICABLE DEFINITIONS

**Advisor.** The reporting and responding parties may choose an individual, such as a friend, mentor, family member, attorney, etc. for support through resolution proceedings.

**Amnesty for Reporting Party.** To encourage reporting, the university offers an individual who reports a crime of sexual violence amnesty from policy violations related to the incident.

**Confidential Reporters.** Employees who are professional licensed counselors, pastoral counselors, medical professionals, and athletic trainers, acting within their licensure and role, are not required to report any information about an incident to the Title IX Coordinator without permission.

**Coercion.** Unreasonable pressure to engage in sexual activity. Coercion includes elements of pressure, duress, cajoling, and compulsion. When someone makes clear that they do not want an activity, that they want to stop, or that they do not want to go past a certain point, continued pressure beyond that point can be coercive and is not consensual.

**Consent.** Consent under this policy, is: clear; knowing; and voluntary words or actions that give permission for a specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions

create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.

*Note: Consent to one form of activity cannot automatically imply consent to any other form of sexual activity; someone who is incapacitated cannot consent. Previous relationships or past consent does not imply future consent. Consent can be withdrawn once given, as long as that withdrawal is clearly community (once consent is withdrawn, activity must stop reasonable immediately). Coercion, force, or threat of either invalidates consent. In order to give consent, one must be of legal age.*

**Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

**Incapacitation.** A state where persons cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. There are two forms of incapacity, mental and physical. Mental incapacity results from cognitive impairment, such as developmental disability. Temporary mental incapacity can result from conditions such as epilepsy, panic attacks, and flashbacks. Physical incapacity results from a physical state or condition, such as sleep, unconsciousness, involuntary physical restraint, or alcohol or other drug consumption.

**Reporting Party.** The person alleging a violation of the sexual misconduct policy. Person/s reporting violations on behalf of a recipient are referred to as “third-party reporters”; information they bring is referred to as “third-party reports”.

**Responding Party.** The person alleged to have committed a sexual misconduct offense.

**Responsible employee.** Any university employee, excluding a “[confidential reporters](#)” has the duty to report incidents of sexual misconduct offenses.

**Standard of Proof.** The university uses **preponderance of the evidence** (“more likely than not”) as a standard for proof of whether a policy violation occurred

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## SEXUAL MISCONDUCT OFFENSES

Sexual misconduct offenses are determined based on policy violations. Further information concerning legal descriptions and statutes of sex offenses, according to Missouri law, can be found in [Appendix 1](#). Specific offenses under the university’s sexual misconduct policy include sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), intimate partner violence, sexual exploitation, and stalking.

### SEXUAL HARASSMENT

Sexual harassment is: unwelcome; sex-based; and verbal, written, online, and/or physical conduct. It is a form of sex discrimination covered by Title IX and takes three forms: Hostile Environment Harassment, *Quid Pro Quo* Harassment, and/or Retaliatory Harassment.

A **Hostile Environment** is created when sexual harassment is

- Severe, or
- Persistent or pervasive, and
- Objectively offensive, such that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the university’s education or employment programs.

Examples may include: a student repeatedly sending sexually oriented jokes, even when asked to stop, causing one student to avoid the other; a professor engages in discussions with students about past sexual experiences, irrelevant to course material, and requires student to respond even though they are uncomfortable and hesitant; an “ex” spreads false stories about sex life with former partner to the clear discomfort of the other.

A hostile environment can be created by persistent/pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

**Quid Pro Quo** Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, and
- By a person having power or authority over another, and
- When submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating, evaluating, or providing a benefit to an individual’s educational or employment progress, development, or performance.

Examples may include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual request; to condition a benefit on submitting to sexual advances.

Often, sexual harassment involves relationships of unequal physical power or unequal power of authority, and, therefore, can contain elements of coercion and threat. Consequently it is University policy to strongly discourage any consensual relationship involving a subordinate employee or student that could lead to alleged or actual sexual harassment.

### **Retaliatory Harassment**

Retaliation is any adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

An example may include: a student alleges sexual misconduct by another student and the institution begins an investigation. The responding party is angry at the reporting party and while the investigation is ongoing, the responding party spreads rumors and pictures of the reporting party on social media. This action likely constitutes both hostile environment and retaliatory harassment.

### **INTIMATE PARTNER VIOLENCE**

A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner.

- Violence can be physical, economic, emotional psychological, and/or sexual, or threats of actions that influence another person
- Any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound a person who is or was in a social relationship of a romantic or intimate nature with the victim. Existence of relationship will be determined based on the reporting party’s statement and with consideration of: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse/violence or the threat of such abuse/violence.

## NONCONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is defined as:

- any intentional sexual touching,
- however slight,
- with any object (or body part),
- by a person upon another person,
- without [consent](#) and/or by [force](#) (physical violence, threats, intimidation, coercion, or incapacitation).

Sexual contact includes: intentional contact with breasts, buttock, groin, or genitals; or touching another with any of these body parts; or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

## NONCONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is defined as:

- any sexual intercourse,
- however slight,
- with any object (or body part),
- by a person upon another person,
- without [consent](#) and/or by [force](#) (physical violence, threats, intimidation, coercion, or incapacitation).

Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration.

## SEXUAL EXPLOITATION

Occurs when one person 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 exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but not limited to:

- Invasion of sexual privacy or engaging in voyeurism;
- Prostituting another person;
- Unauthorized sharing/distributing digital, video or audio recording of nudity or sexual activity;
- Exceeding boundaries of consent to sexual activity;
- Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## STALKING

A pattern of conduct which may include communication by any means, with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed. May include:

- a) Nonconsensual communication including, in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages,

postings of pictures or information on websites, written letters or notes, gifts, or any other communications that are undesired and/or place another person in fear;

- b) Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the person being targeted by the behaviors;
- c) Surveillance and other types of observation, whether by physical proximity or electronic means;
- d) Trespassing or vandalism;
- e) Non-consensual touching;
- f) Direct physical and/or verbal threats against a person being targeted or that person's friends, family members, or animals;
- g) Gathering information about another from that person's family, friends, co-workers, or classmates;
- h) Manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the target of the behaviors; and
- i) Defamation and slander of the person being targeted.

## OTHER MISCONDUCT OFFENSES

Any other University policies may fall within the Sexual Misconduct Policy when a violation is motivated by the actual or perceived membership of the reporting party's sex, including, but not limited to:

1. **Bullying**--repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;
2. **Discriminatory Behavior**--actions that deprive other community members of educational or employment access, benefits or opportunities on the basis of sex (See also *Nondiscrimination Policy*). Discrimination may also be seen in unwelcome verbal or physical conduct, such as:
  - epithets, slurs, denigrating jokes or negative stereotyping;
  - threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers health or safety;
  - written or graphic material that degrades or shows hostility or aversion;
  - pranks or horseplay intended to embarrass or humiliate;
  - imposing submission to unwelcome verbal or physical conduct;
3. **Hazing**--acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (See also *Hazing Policy*);
4. **Intimidation**--implied threats or acts, whereby someone uses power or influence to place another person in reasonable fear of harm through threatening words and/or other conduct.
5. **Retaliation**--An individual's adverse action against another person because that person has filed a complaint or participated in providing relevant information an investigation.
6. **Threat**--A direct threat of bodily injury that causes someone to do something they would not have done absent the threat.

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## SANCTIONS

Individuals can generally expect violations of sexual misconduct to fall in these categories; however, the university has sole discretion to implement sanctions based on situations, as necessary. Definitions of these sanctions are found in the respective student or employee handbooks.



## STUDENT SANCTIONS

- Warning or Alert \*
- Probation \*
- Suspension \*+
- Dismissal \*+

\* Behavioral actions may include, but not limited to: alcohol/drug assessment and/or treatment, community service, confiscation of prohibited property, counseling, educational assignments, fines, housing review, loss of privileges, mentoring, restitution, STI testing

+ Academic actions may also include withholding diploma, revocation of degree, transcript notation

## EMPLOYEE SANCTIONS

- Verbal Warning \*
- Written Reprimand \*
- Suspension without Pay \*
- Suspension with Pay \*
- Revocation of Tenure \*
- Termination \*

\* Additional actions may include, but not limited to required: counseling, training, education, confiscation of prohibited property, performance improvement plan, HR employee file notation

## SANCTIONING FOR SEXUAL MISCONDUCT

Any person found responsible for a **sexual discrimination, sexual harassment, or sexual exploitation** offense will likely receive a recommended sanction ranging from a warning to dismissal (for students) or warning to termination (for employees), depending on a the severity of an incident, and previous disciplinary violations.\*\*

Any person found responsible for a **non-consensual sexual contact, or interpersonal violence** offense will likely receive a recommended sanction ranging from probation to dismissal (students) or suspension to termination (employees), depending on severity of an incident, and previous disciplinary violations.\*\*

Any person found responsible for a **non-consensual sexual intercourse** offense will likely receive a recommended sanction ranging from suspension to dismissal (students) or suspension to termination (employees), depending on severity of an incident, and previous disciplinary violations\*\*

*\*\*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officer nor any appeals officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.*

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## OPTIONS FOR REPORTING: CONFIDENTIAL, FORMAL, & EMERGENCY REPORTING

Evangel University encourages individuals to report sexual misconduct offenses and to talk to somebody about what happened for support and so the university can respond appropriately. We understand that this can be difficult and want individuals to be aware of the reporting and confidential disclosure options available to them – so they can make informed choices about where to turn.

Generally, when university employees are told of sexual misconduct, they are expected to immediately report allegations of suspected sexual onduct to appropriate officials, with some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for an individual to report crimes and policy violations and to expect action taken. The following options are available:

### CONFIDENTIAL REPORTING

If an individual would like to talk with someone but wants details of an incident to be kept confidential, there are resources on-campus and off campus. On-campus resources are:

- a. Licensed professional counselors and staff (the Wellness Center, Student Union 108)
- b. Nurse practitioner and staff (the Wellness Center, Student Union 108)
- c. Support advocates (the Wellness Center, Student Union 108; during evening hours, contact a Public Safety Officer, who can immediately contact an advocate/counselor)
- d. Campus pastor (Spence Chapel; during evening hours, contact the Public Safety Office, 417-865-2815, ext. 7000, who can immediately contact the pastor)
- e. Athletic trainer (Mabee Fitness Center)

These employees will maintain confidentiality, according to their licensure, except in extreme cases of immediate threat or danger, or abuse of a minor. These employees will submit anonymous, aggregate statistical information for Clery Act purposes unless they believe it to be harmful to a specific person.

Off-campus (this list includes some, but not all) confidential resources available:

- **The Victim Center:** 819 N Boonville Ave, Springfield, 417-863-7273; 417-864-7233 (24/7 rape crisis line). The Center will provide a **victim's advocate** (and go to a hospital, at the request of the victim) and a number of additional resources.
- **Christian Counseling Clinics—**  
 McGuire Counseling: 3101 S. Kimbrough, Suite C, Springfield, MO, 417-866-7773 (4.8 miles)  
 Christian Counseling Services; 1525 E Republic Rd, Springfield, MO, 417-881-9800 (5.0 miles)  
 The Relationship Center; 2131 S. Eastgate Ave, Springfield, MO, 855-593-4357 (5.2 miles)  
 Eaglecrest Counseling: 636 W. Republic, Bldg. G 100, Springfield, MO, 417-862-8282 (7.7 miles)  
 All Things New Counseling; 1851 N. Commerce Drive, Nixa, MO; 417-848-5574 (11.4 miles)
- **Community Counseling Clinics—**  
 Ozarks Counseling; 614 South Avenue, Springfield, MO; 417-869-9011 (sliding fees) (2.1 miles)

## EMERGENCY REPORTING

Immediate assistance is available 24/7 by calling the Evangel University Office of Public Safety at (417) 865-2815 ext. 7000, (on campus phone 911) or coming in person to Riggs Hall 208. An officer can assist in facilitating medical treatment, contacting a victim's advocate, support person, Title IX Coordinator, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Off-campus emergency resources are:

- Police Department: Springfield PD--321 E Chestnut Expressway, Springfield, MO, 417-864-1810
- Hospitals—all provide sexual assault exams for victims (TO PRESERVE EVIDENCE:  
<https://www.rainn.org/get-information/aftermath-of-sexual-assault/preserving-and-collecting-forensic-evidence>  
 Cox South: 3801 S. National Ave., Springfield, MO, 417-269-6000  
 Cox North: 1423 N. Jefferson, Springfield, MO, 417-269-3000  
 Mercy: 1235 E Cherokee St, Springfield, MO, 417-820-2000

## FORMAL REPORTING

Individuals who report sexual misconduct to employees (other than to confidential reporters) can expect action to be taken by the [Title IX Coordinator and/or Deputy Coordinators](#). If a person reports an offense but does not wish for his or her name to be shared, does not want an investigation to take place, does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predatory behavior, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the

University to honor that request, the University will offer interim actions to the victim and the community, but will not otherwise pursue formal action.

Formal reporting still affords privacy to the reporting party, and only a small group of officials who need to know will be told. The reporting party will be notified as to who, if anyone would be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Reports can be made via email, phone or in person to the [Title IX Coordinator or Deputy Coordinator](#).

## II. REPORTING A SEX-BASED OFFENSE

The university encourages individuals, or third-party witnesses, to report sexual misconduct incidents to the [Title IX Coordinator \(or Deputy Coordinator\)](#), [Office of Public Safety](#), and/or appropriate [law enforcement officials](#) (if desired). We will take appropriate action when informed of an allegation.

Additionally, anonymous reports can be made by victims and/or third parties using online reporting posted at <https://www.evangel.edu/offices/student-development/public-safety/>. Anonymous reports may prompt a need for the institution to investigate; however, the university may be limited in the investigation and outcome of such reports.

To provide support, the reporting party and responding party may have an [advisor](#) present during reporting, investigative, and resolution procedures.

When the Title IX Coordinator or Deputy Coordinator receives a report of an alleged violation of the sexual misconduct policy, an initial assessment will be done to consider the nature of the report, the safety of the campus community, and the reporting party's preference for resolution. The reporting party will receive information about the resolution process options, information about their rights as a reporting party, and campus and local support resources.

At the conclusion of the initial assessment, and in consultation with the Title IX Coordinator, interim measures may be put in place.

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### INTERIM MEASURES

A Title IX officer may provide interim measures to address the short-term effects of a sex-based offense, and/or retaliation, while an inquiry, investigation, and/or resolution is in process. Interim measures, if needed and are appropriate, are designed to redress harm to the alleged victim and the community and to prevent further violations. The university will keep interim measures and actions as private as possible. These measures, may include, but are not limited to:

1. Referral to counseling and/or health services (students) or to HR (employees)
2. Education for the campus community
3. Altering housing situation (resident students)
4. Altering work arrangements for students or employees (on campus)
5. Providing campus escorts through the university's Public Safety Office
6. Implementing contact limitations between the parties
7. Offering adjustments to academic deadlines and schedules, chapel attendance, etc. (students)
8. Interim suspension
  - The university may interim suspend an individual/s pending completion of an investigation and resolution, particularly when, in the judgment of the Title IX officer, the safety or well-being of any member(s) of the campus community may be

jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question.

- When an interim suspension is imposed, the individual/s will be given opportunity to meet with a Title IX officer prior to imposition, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX officer has sole discretion to implement or stay an interim suspension under this policy on and to determine its conditions and duration. Violation of an interim suspension is grounds for dismissal (students) or termination (employees).
- During an interim suspension, an individual/s may be denied access to university housing, campus email, intranet, facilities, activities, and/or events for which the individual might otherwise be eligible. At the discretion of the Title IX officer, alternative coursework or other options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide those accommodations or measures.

When an employee (other than confidential employee) is informed of an incident, he or she must report the allegation to the Title IX Coordinator or Deputy Coordinator, who will initiate a Title IX inquiry. The preliminary inquiry is to determine if there is reasonable cause to believe an offense has occurred. When reasonable cause is identified, the university will initiate an investigation that is thorough, reliable, impartial, prompt and fair to both parties. This investigation determines whether the university's Sexual Misconduct Policy has been violated. If so, the university will promptly implement an effective remedy designed to end the conduct, prevent its recurrence and address its effects. The university aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended for appropriate cause by the Title IX Coordinator with notice to the parties.

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## SYNOPSIS OF REPORTING, INVESTIGATION, AND PROCEEDINGS TIMELINE.

The university utilizes a [civil rights single investigator model](#) to resolve allegations of sex-based offenses. The process is intended to be equitable for all parties involved. If, at any time, it is determined that "reasonable cause" does not exist to move forward in the process, the case will be closed. In general, the parties can expect the following:

- 1. Initial report and assessment.** Contact can be made directly to the [Title IX Officer](#) or can be received by any employee and will be forwarded to a Title IX officer (Coordinator or Deputy Coordinator) to identify any necessary [interim measures](#).
- 2. Preliminary inquiry and finding.** Title IX officer reviews the report and determines if there is reasonable cause to proceed (typically 1-3 days in duration). Based on the preliminary finding, Title IX officer may initiate an informal resolution or may ask for an investigator to be appointed.
- 3. Informal Resolution.** For allegations that do not involve sexual violence, the Deputy Coordinator may facilitate conversations among the reporting party and the responding party to try and resolve the conflict, if both parties are willing. If informal resolution successfully concludes, the matter resolved and no appeal is available. If informal resolution fails or is not appropriate, an investigator is appointed.
- 4. Formal investigation.** Investigator meets with all parties (ranges from days to weeks, depending on complexity of allegations, typically 10-14 days). The reporting party and responding party are regularly apprised of the status of the [investigation](#) as it unfolds.

5. **Investigation summary.** The investigator will document statements from reporting party, responding party, and any applicable witnesses to produce a timeline of the evidence. Both parties will have opportunity to review their summary and add additional information or clarification, prior to a formal resolution.
6. **Formal Resolution.** After input from both parties, the investigator will finalize the investigative summary, make a determination as to preponderance of the evidence, and forward it to the appropriate party (typically completed 10-14 days from the end of the investigation barring necessary extensions).
7. **Finding/Sanction.** Deputy coordinator (and/or designees) determines appropriate sanctions according to the policy, will share the findings and explain sanctions to both parties at approximately the same time in writing, typically within seven (7) days.
8. **Appeal,** if desired (See *Requesting an Appeal* section of the policy). [Appeals](#) may be requested, with a three-day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7-10 days for a final resolution to be reached.

### III. RESOLUTION PROCEDURES

A Civil Rights Investigation Model preserves confidentiality and promotes consistency by utilizing personnel specifically trained in investigating, hearing, and resolving allegations of sex-based offenses. These procedures apply to any member of the university community (employees and students) involved in sex-based offenses. Any person can report an alleged offense, including faculty, students, staff, administration, guests, visitors, etc. All allegations of offenses not involving sex-offenses will be addressed through procedures elaborated in the respective student, faculty or employee handbooks.

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#### INFORMAL RESOLUTION

Reasonable effort will be made to help resolve conflict among students and/or employees. For conflict that is ongoing, we encourage the person impacted to keep a written log of the conflict, which can aid in later investigation and resolution. Whenever possible and safe, we encourage the reporting party and the responding party to try and resolve the conflict. A Title IX officer can facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation is not used when a report concerns sexual violence, a Title IX officer determines a situation ineligible, or the parties are reluctant to participate in good faith. The university does not require a reporting party to contact the responding party if doing so is impracticable, or if the reporting party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the formal process any time.

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#### FORMAL RESOLUTION

The Title IX Coordinator typically refers reports of sexual misconduct to the applicable [Title IX Deputy Coordinator](#), (employees: [Director of HR](#); students: [Director of Community Life](#)) who is designated to formally examine reports, address inquiries, and coordinate the university's compliance efforts concerning reports. A Title IX Coordinator/Deputy Coordinator has authority to involve an applicable administrative personnel or other trained employees.

When an informal resolution fails, is not appropriate, or if the reporting party or university wishes to pursue a formal resolution, the Title IX Coordinator will appoint a trained investigator (from the Department of Public Safety) to conduct the investigation, usually within two business days of determining that a formal resolution should proceed. Investigations are completed normally within 10-14 business days of the completion of a preliminary inquiry. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations.

[Investigations](#) will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying information. At any point during the investigation, if it is determined there is no reasonable cause to believe university policy was violated, a Title IX officer has authority to terminate an investigation and end proceedings. Where the responding party is found *not responsible* for the alleged violation(s), the investigation will be closed. An investigator will make a determination as to whether it is more likely than not that a policy violation occurred.

## FINDING AND SANCTIONS

The Title IX Deputy Coordinator (and/or applicable designees) will review the investigative report with findings based on *preponderance of the evidence* (more likely than not), to determine appropriate sanctions, consistent with university policy, and will share the findings/sanctions with the Title IX Coordinator, and the responding and reporting parties (and advisor/s), typically within seven days. Both parties will receive written notification of the outcome. In cases involving sex-based violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of a final decision is delivered to the parties without undue delay between the notifications. It also explains [appeals](#) options and procedures for appeal, as well as any changes to the results that could occur before the appeal decision is finalized.

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## PARTICIPATION OF ADVISORS IN THE RESOLUTION PROCESS

The reporting party and responding party are entitled to an advisor (support person) of their choosing to guide and accompany them throughout the process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses who is both eligible and available. Certain individuals are disqualified from serving as an advisor, including witnesses, administrators involved in the process or who supervise one of the parties, anyone who may be strategically chosen to deprive another party of their likely advisor, etc. At the request of either party, the university can offer suggestions of campus advisors who could be available.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, resolution, and/or appeal. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The university cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide one. The university does not provide funds for advisors. The following links are only offered for information and are not recommendations.

Reporting parties may wish to contact organizations such as:

- The Victim Center (<http://www.thevictimcenter.org>)
- The Greene County Prosecuting Attorney's Office/ Victim Witness Program (<http://www.greencountymo.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association



Responding parties may wish to contact organizations such as:

- FACE-Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- SAVE-Stop Abusive and Violent Environments (<http://www.saveservices.org> )

Advisors are subject to the same campus rules, whether attorneys, faculty members, staff, students, parents, etc. The university expects an advisor to adjust his or her schedule for attendance at scheduled university meetings. The university does not typically change scheduled meetings to accommodate an advisor's inability to attend but will work with a party to identify a time conducive to meeting, within reason. A party may elect to change advisors, and is not locked into using the same advisor throughout.

The parties must advise the investigator or Title IX Coordinator of the identity of their advisors prior to the first meeting. The parties must provide subsequent notice to the investigators if they change advisors at any time. No personal audio or video recording of any kind other than as required by university procedure is permitted during meetings with campus officials.

Advisors may not present on behalf of their advisee in a meeting or interview and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview with the investigator conducting that interview or meeting. This pre-meeting will allow advisors to clarify questions and allows the university an opportunity to clarify the advisor's role.

Advisors are to refrain from interference with the university investigation and resolution. If the advisor disrupts or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, a Title IX officer will determine whether the advisor may be reinstated, replaced by a different one, or whether the party will forfeit an advisor for the remainder of the process.

If the parties wish to review the investigative summary with their advisors, the university provides a consent form that authorizes such sharing. The parties must complete this form before the university is able to share records with an advisor. The parties may view the investigative summary in the presence of a Title IX Coordinator, Deputy Coordinator, or Investigator only and may not make copies or photos of the record. Advisors are expected to maintain the privacy of the records shared with them by the university. These records may not be used for purposes not explicitly authorized by the university.

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## REQUESTING AN APPEAL

In the event that the responding party accepts the findings of an investigation, those findings cannot be appealed. Sanctions imposed from the formal resolution process can be appealed by any party according to specific grounds, as documented in [Appendix 3: Appeals](#).

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## STATEMENT OF RIGHTS

See the listing of rights afforded to the [reporting party](#) and [responding party](#) in Appendix 4 and 5.

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## ADDITIONAL NOTES

University students and employees are responsible for knowing the information, policies and procedures outlined in this document. The university reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Check the student or employee portal for the updated versions of all policies and procedures. If government

regulations change in a way that impact this document, this document will be construed to comply with government regulations in their most recent form. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally. Revised 06-30-2015.

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## **SPECIAL RESOLUTION PROCESS PROVISIONS**

### **AMNESTY FOR REPORTING PARTY**

The university encourages individuals to report sexual misconduct offenses. Sometimes, individuals are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as drinking at the time of the incident. It is in the best interests of this community that individuals choose to report and that witnesses come forward to share what they know. To encourage reporting, the university offers victims (and witnesses) of sexual violence amnesty from policy violations related to the incident. The university may provide educational and/or supportive options to those who offer their assistance to others in need.

### **ATTEMPTED VIOLATIONS**

In most circumstances, university will treat attempts to commit any of the violations listed in the sexual misconduct policy as if those attempts had been completed.

### **CONFLICTS OF INTEREST AND BIAS**

The university is committed to ensuring that its resolution processes are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. Petitions should be made to the Title IX Coordinator.

### **FALSE REPORTS**

The university will not tolerate intentional false reporting of incidents. It is a violation of the Evangel code of student conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### **NOTIFICATION OF OUTCOMES**

Outcomes in a resolution process is part of an education record of the responding party and is protected from release under a federal law, FERPA. However, the university observes certain legal exceptions:

- Parties in sexual misconduct proceedings have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The university may release publicly the name, nature of the violation and sanction for any person found in violation of a university policy that is a "crime of violence," including: arson; burglary; robbery; criminal homicide; sexually violent offenses; assault; destruction, damage, vandalism of property; intimate partner violence; stalking; and kidnapping/abduction. Any information that could lead to the identification of the reporting party will not be released.

### **NOTIFICATION OF PARENTS**

The university reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or violation of this sexual misconduct policy. Where a



student is non-dependent, the university will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The university also reserves the right to designate which university officials have a need to know about individual conduct reports pursuant to Family Educational Rights and Privacy Act.

#### PAST SEXUAL HISTORY/CHARACTER

Past sexual history/character of a party will not be admissible by the other party in the proceedings unless such information is highly relevant, (such as, pertaining to past or subsequent interactions between the parties that offer context, establishing a pattern of behavior, and/or predatory conduct).

#### RECORDKEEPING

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator indefinitely in the electronic Title IX Coordinator database.

#### TRAINING FOR THOSE IMPLEMENTING THESE PROCEDURES

Personnel tasked with implementing these procedures, e.g.: Title IX Coordinator, Deputy Coordinators, investigators, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to this sex-based offenses policy and procedures, confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

#### UNIVERSITY-INITIATED PROCEEDINGS

As necessary, university reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of sexual misconduct offenses.

#### WITNESS PARTICIPATION IN AN INVESTIGATION

Witnesses are expected to cooperate with and participate in the university's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in the process.

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### ADDITIONAL FEDERAL OBLIGATIONS

#### ANNUAL SECURITY REPORT (ASR)

In addition to Title IX requirements, the Clery Act requires the university to submit an Annual Security Report with only statistical data concerning crimes in the past year. All campus employees are deemed Campus Security Authorities and have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes. Personally identifiable information is confidential, but statistical information must be passed along to campus public safety regarding incident type and location (on or off-campus, in the surrounding area) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime.

#### FEDERAL TIMELY WARNING REPORTING

Individuals reporting a sexual misconduct offense should be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

## SEXUAL VIOLENCE PREVENTION EDUCATION

The university takes measures to provide a safe campus environment for its students and employees. We offer prevention and awareness programs to promote awareness of sexual violence. Ongoing annual training is also presented and monitored to encourage participation. The programs include:

- Annual review of the Evangel University Sexual Misconduct Policy which prohibits all forms of sexual violence and harassment, as stated in the student and employee handbooks;
- Title IX compliance training
- Green Dot bystander intervention training
- Sexual Harassment and Rape Prevention (SHARP) training
- One Love program--Understanding healthy relationships and relationship violence
- Recognizing signs of abusive behavior
- Alcohol and drug abuse prevention program

## APPENDIX 1: MISSOURI STATE CRIMINAL DEFINITIONS AND PENALTIES

These legal definition links are provided as a service for individuals who wish to report criminal behavior to the Springfield Police Department.

In the state of Missouri, sexual violence statutes include domestic assault, rape, statutory rape, sexual misconduct, sexual abuse, sexual solicitation, harassment, and stalking and are found in the Missouri Statutes 565 and 566 (see: <http://www.moga.mo.gov/mostatutes/statutesAlpha.html>).

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### CONSENT

In Missouri statute [556.061.14](#) consent is defined as: "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- a. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- b. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- c. It is induced by force, duress or deception;

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### DOMESTIC ASSAULT

- Domestic assault, first degree [565.072](#).
- Domestic assault, second degree [565.073](#).
- Domestic assault, third degree [565.074](#).
- Domestic assault, fourth degree [565.076](#).

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### SEXUAL OFFENSES

- Rape in the first degree [566.030](#)
- Rape in the second degree [566.031](#)
- Statutory rape, first degree [566.032](#)
- Statutory rape, second degree [566.034](#)
- Sexual misconduct, first degree [566.093](#)
- Sexual misconduct, second degree [566.095](#)
- Sexual abuse, first degree [566.100](#)
- Sexual abuse, second degree [566.101](#)
- Sexual solicitation [555.103](#)

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### SEXUAL HARASSMENT

- Harassment, first degree [565.090](#)
- Harassment, second degree [565.091](#)

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### STALKING

- Stalking, first degree [565.225](#)
- Stalking, second degree [565.227](#)

## APPENDIX 2: INVESTIGATIVE STEPS

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigator will take the following steps (not necessarily in order):

- Coordinate with Title IX Coordinator or designee to initiate any necessary [interim actions](#);
- Determine identity and contact information of the reporting party;
- Meet with reporting party to identify alleged policy violations; If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10-14 business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Once information gathering is complete, prepare an investigative summary, which generally includes findings of fact and analysis under relevant university policies.
- Obtain a limited consent from each party to share a draft report (personal identifying information redacted, unless pertinent to the investigation) with the parties and allow them an opportunity for written comments concerning details in the report before a report is finalized;
- Finalize report and make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Send completed report to the Title IX Coordinator (or designee) for resolution.

Investigations and/or resolutions will not typically be altered or precluded on the grounds that civil or criminal legal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the university may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The university will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

## APPENDIX 3: REQUESTING AN APPEAL

Sanctions imposed from the formal resolution process can be appealed by any party according to grounds, below. All sanctions imposed will be in effect during an appeal unless a specific request is made to the Title IX Coordinator (or designee) to delay implementation, but the presumptive stance is that sanctions will go into effect immediately. Graduation, study abroad, internships, conferences, etc. do NOT in and of themselves constitute exigent circumstances, and individuals may not be able to participate in those activities during their appeal. In cases where an appeal results in resumption of privileges or reinstatement to the university, all reasonable attempts will be made to restore the individual to his/her prior status, recognizing that some opportunities lost may be irreparable.

All parties may seek review of a decision in a sex-based offense case by making an appeal to the appropriate appeals officer.

For **students**: the Vice President for Student Development.

For **staff**: the Vice President for Business and Finance.

For **faculty**: the Vice President for Academic Affairs, unless otherwise noted in the Faculty Handbook.

### Grounds for appeal.

- a) A procedural [or substantive] error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- b) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
- c) The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

### Criteria for Appeal.

- a) Appeals must be in writing and submitted to the Office of Student Development (Title IX Coordinator) for processing, during regular business hours (Monday - Friday, 8 a.m. to 4:30 p.m.) within three (3) business days of the decision. After this time, the decision is final. The Title IX Coordinator will provide the document to the appropriate appeals officer
- b) Clear error or compelling justification must be shown, as findings/sanctions are presumed to have been decided reasonably and appropriately during the original hearing. It is not enough to simply assert one of the grounds for appeal. The written appeal must provide information that specifically supports grounds upon which the individual bases the appeal. If an appeal does not contain sufficient information to support the grounds upon which the appeal is based, review of the appeal will be denied.
- c) Only one request for an appeal may be submitted by either party.

Based on written requests/responses or on interviews as necessary, the appeals officer will send a letter of outcome for the appeal to all parties. In response to a request, the appeals officer can take one of three possible actions: 1) the officer may dismiss an appeal request as untimely or ineligible, 2) grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or 3) modify a sanction.

A written decision concerning the appeal will be provided in person and/or mailed to the mailing address of the respective party as indicated in university records and emailed to the parties'

university-issued email accounts. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- The appeals officer will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The appeals officer decision to deny an appeal request is final.

## APPENDIX 4: RIGHTS OF THE REPORTING PARTY

An individual reporting a sex-based offense (reporting party) has the right to:

- Investigation and appropriate resolution of all credible reports or notice of sex-based offenses made in good faith to university officials;
- Notification in advance, when possible, of any public release of information regarding incident;
- Have no personally identifiable information released to the public, without his or her consent;
- Respectful treatment by university officials;
- Be fully informed and have university policies/procedures followed without material deviation;
- Formal resolution of any reported misconduct involving violence;
- Support from university officials in reporting sex-based offenses;
- Be informed of options to notify law enforcement authorities (and for assistance by campus authorities to notify such authorities), or to not to report, if desired;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- Notification of possible interim measures to redress violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (excludes name of the alleged victim/reporting party, who is always revealed);
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Regular updates on the status of the investigation and/or resolution;
- Have report heard by Title IX officers who have received annual sex-based offenses training;
- Preservation of privacy, to the extent possible and permitted by law;
- Meetings and interviews that are closed to the public;
- Bring an advisor of the reporting party's choosing to all phases of investigation and resolution;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

## APPENDIX 5: RIGHTS OF THE RESPONDING PARTY

The individual accused of a sex-based offense (responding party) has the right to:

- Investigation and appropriate resolution of all credible reports of sex-based offenses made in good faith to university officials;
- Notification in advance, when possible, of any public release of information regarding report.
- Respectful treatment by university officials;
- Be fully informed and have university policies/procedures followed without material deviation;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- Notification of possible interim measures to redress alleged violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (excludes name of the alleged victim/reporting party, who is always revealed);
- Be fully informed of the nature of the reported violation and possible sanctions, policies and procedures of the campus resolution process, and timely written notice of all alleged violations;
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Have reports heard by Title IX officers who have received annual sex-based offenses training;
- Meetings, interviews and hearings that are closed to the public;
- Bring an advisor of the responding party's choosing to all phases of investigation and resolution;
- A fundamentally fair resolution, as defined in the sex-based offenses policy and procedures;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- A decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.