

Sexual Misconduct Policy: Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment, Sexual Exploitation, and Stalking

Evangel University is committed to the respect of the human dignity of all employees, students and campus and strives to maintain a safe, Christian community free from all forms of sexual or physical intimidation and exploitation. Sexual assault, domestic violence, dating violence, sexual harassment, sexual exploitation, or stalking are not only incompatible with biblical standards of Christian conduct, but also are criminal acts that infringe on the rights of others. Evangel University has a zero tolerance policy for sexual violence and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a complaint under this policy.

This policy meets the federal guidelines by the U.S. Department of Education's Office for Civil Rights (OCR) for compliance with Title IX in addressing issues of sexual violence. It provides information concerning immediate assistance available on campus and in the community, compliance coordinators, confidentiality limits, rights of students involved, definitions of terms, filing a report, investigation and hearing process, sanctions, appeals, and the prevention education that the University offers. Reference material was gathered from: <http://www.cdc.gov/violencePrevention/RPE/index.html>, <https://www.notalone.gov/schools/>, and http://atixa.org/wordpress/wp-content/uploads/2012/01/ATIXA-Model-Policy_updated-0314.pdf.

In educational institutions, sexual violence and other forms of harassment are prohibited by federal law (Title IX and Title VI of the Civil Rights Act of 1964); thus, is strictly prohibited as a matter of Evangel University policy. As a religious institution, Evangel retains the right to make legitimate employment, admission, and educational decisions on the basis of an individual's religious beliefs and conduct, consistent with applicable law. Those who violate this policy will be subject to discipline, up to and including suspension, or termination/dismissal, according to severity of the incident. The investigation, hearing, and appeal policies identified are for violations of the sexual misconduct policy, not for general violations. Procedures for those may be found in the Community Accountability section of the Student Handbook.

Evangel encourages victims of sexual violence to report the incident to the university, as well as to law enforcement officials as soon as possible, so that we may care well for our community members.

A. Immediate assistance for students and employees

1. Counseling, Advocacy and Support Resources

On Campus Resources:

Counseling: Evangel has two Victim Advocates who are Licensed Professional Counselors and trained in responding to sexual assault victims: 1) Dr. Brian Upton, Director, uptonb@evangel.edu; and 2) Reba Woolverton, woolvertonr@evangel.edu. Their offices are located in Cantrell Student Union 106, (417) 865-2815, ext. 7222.

Health Services: The campus nurse practitioner is available for care and support. Her office is in the Student Union, 106, (417)865-2815, ext. 7280.

Pastoral Care: The campus pastor is available for spiritual care and support. His office is located in Spence Chapel, (417) 865-2815, ext. 7305.

Public Safety: Assistance is available 24/7 by calling the Evangel University Department of Public Safety at (417) 865-2815 ext. 7000. An officer can assist in providing assistance for medical treatment, contacting a victim's advocate, support person, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Community Resources:

The Victim Center: 819 N Boonville Ave, Springfield, 417-863-7273; 417-864-7233 (24 hour rape crisis line)

Police Department: Springfield PD: 321 E Chestnut Expressway, Springfield, MO, 417-864-1810

Hospitals:

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

Christian Counseling Clinics:

McGuire Counseling: 3101 S. Kimbrough, Suite C, Springfield, MO, 417-866-7773

Christian Counseling Services; 1740 S. Glenstone, Springfield, MO, 417-881-9800

Eaglecrest Counselling; 636 W. Republic, Bldg. G 100, Springfield, MO, 417-862-8282

All Things New Counseling; 1851 N. Commerce Drive, Nixa, MO; 417-848-5574

The Relationship Center; 2131 S. Eastgate Ave, Springfield, MO, 855-593-4357

Community Counseling Clinics:

Ozarks Counseling; 1550 E. Battlefield, Suite A, 417-869-9011 (sliding fees)

Forest Institute Murney Clinic; 1322 S. Campbell, 417-865-8943; (sliding fees)

Church Ministries:

James River Assembly Counseling: 6100 N. 19th Street, Ozark, 417-581-5433 (free)

2. Academic Accommodations and Interim Measures:

The university will work with the student reporting a sexually violent act to provide a safe environment. The student may ask to move residence halls, change on campus work schedules, alter academic schedules, withdraw from/retake a class without penalty, adjust chapel attendance requirements, and/or access academic support. Requests may be made to the Director of Community Life (DCL), Student Union 203, 417-865-2815, ext. 7317. The Public Safety Office can facilitate requests outside of regular work hours.

The university may be able to issue campus no-contact orders, change the alleged offender's living arrangements or course schedule, and assist with law enforcement reporting.

B. Compliance Coordinators

Because of its size, Evangel utilizes a shared system to assure Title IX compliance and care for students/employees who may have been victims of discrimination. The Title IX Coordinators are responsible for: 1) providing education and training about discrimination and harassment to the university community; 2) overseeing the school's response to Title IX reports and complaints; and 3) identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators may designate other appropriately trained individuals to receive and investigate reports complaints, as is appropriate.

Title IX Coordinator for employees: Ocki Haas, Director of Human Resources, Office Location: Riggs Hall, 309, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 7311, haaso@evangel.edu

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

Title IX Assistant Coordinator for Athletic Compliance: Steven Gause, Assistant Basketball Coach, Ashcroft Center, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 7409, gauses@evangel.edu

504 Compliance Coordinator: Laynah Rogers, Director of Academic Success, Office Location: Zimmerman 214, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 8273, rogersl@evangel.edu

C. Confidentiality

Evangel University encourages victims of sexual violence to talk to somebody about what happened – so that they can get the support they need, and so the university can respond appropriately. We understand that this can be difficult and we want students to be aware of the various reporting and confidential disclosure options available to them – so they can

make informed choices about where to turn should they become a victim of sexual violence. Evangel encourages victims to talk to someone identified in one or more of these groups.

1. Reporting and confidential disclosure options:

Different employees on campus have different abilities to maintain a student's desire for confidentiality.

a. Employees who maintain confidentiality

Professional counselors and the campus pastor are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Evangel has three licensed, professional counselors who provide mental-health counseling, and one campus pastor who provides spiritual counseling to students at Evangel. They are not required to report any information about an incident to the Title IX coordinator without a victim's permission, as long as they are working in a counseling capacity only. To talk with one of the counselors, go to the Wellness Center, Student Union 108. Two of the counselors, Dr. Brian Upton and Mrs. Reba Woolverton, are designated victim advocates and have specific training in providing assistance. The campus pastor has an office in Spence chapel.

b. Employees with Semi-confidentiality

Non-professional counselors/advocates are all faculty and staff members--other than personnel designated in sections (a) or (c). Students may talk with them in partial confidence, and they can assist students in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. Non-professional counselors/advocates are required to notify the Public Safety office that an incident occurred (for annual crime reporting purposes only) but they are not required to reveal personally identifying information, without consent. Disclosures to these employees will not trigger a university investigation into an incident against the student's wishes.

c. Employees required to report sexual violence

Responsible employees are required to report all the details of an incident (including the identities of both the victim and alleged offender) to one of the Title IX coordinators, or the Director of Community Life or Public Safety. All Community Life, Public Safety, Housing, Event and Conference Services, and Athletic personnel are considered responsible employees. When students tell a *responsible employee* about an incident of sexual violence, they can expect the university to take necessary precautions, investigate what happened, and work to resolve the matter within a reasonable time. To the extent possible, information will be shared only with people responsible for handling the College's response.

2. Limits of confidentiality:

While professional and non-professional counselors/advocates may maintain a student's request for confidentiality for purposes of Evangel, in special circumstances, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; and the requirement to testify if subpoenaed in a criminal case.

Although rare, there are times when Evangel may not be able to honor a reporting student's request in order to provide a safe, non-discriminatory environment for all students. When weighing a request (for confidentiality or for no investigation/discipline to be pursued), the Title IX Coordinator (or designee) will consider a range of factors, including:

- The increased risk that the accused individual will commit additional acts of sexual or other violence, such as: whether there have been other sexual violence complaints about the same individual; whether the accused individual has a history of arrests or records from a prior school indicating a history of violence; whether the accused individual threatened further sexual violence or other violence against the victim or others; or whether the sexual violence was committed by multiple accused individuals;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the reporting student is a minor;
- Whether the university possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and
- Whether the reporting student's statement reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the university determines that the accused student(s) pose a serious and immediate threat to the campus community, the public safety staff may be called upon to issue a **timely warning** (see *Campus Safety and Crime Statistics* in Student Handbook) to the community. Any such warning would not include any information that identifies the victim.

3. Maintaining confidentiality:

In most cases, the university will be able to respect a student's request for confidentiality. Even if the student requests confidentiality, the university will take immediate action, as necessary to protect and assist the reporting student. While confidentiality will be maintained to the extent permitted in the course of the investigation, no disciplinary actions can be taken against the accused individual unless the person bringing the complaint consents to be identified to the accused individual. Care and concern for the reporting student and equitable due process for the accused individual will be paramount throughout the investigative process.

D. Rights of the Students Involved

1. The student reporting a sexual violence allegation (Complainant) has the right to:

- Make a complaint which will initiate the student discipline process.
- A timely student conduct meeting after filing a complaint (cases reported just prior to the end of a semester may be delayed by the semester break).
- An advisor (support person of her or his choice, which can include a parent, friend, or attorney) who will assist the student, with the understanding that the advisor will not be able to speak or take an advocacy role during the proceedings.
- Not have his or her irrelevant past sexual history discussed during the student conduct meeting.
- Confront opposing information*.
- Provide witnesses and information pertaining to the case.
- Be informed as soon as possible of the outcome of the hearing.
- Confidentiality of the student discipline process to the extent possible (see above).
- Request accommodations and/or interim measures, such as moving residence halls, changing on-campus academic or work schedules, withdrawing from/retaking a class without penalty, adjusting chapel attendance requirements, securing a no-contact order, and/or accessing academic support
- Request that the accused be moved (if in the same residence hall) pending a judicial hearing.
- On-campus emergency counseling with a member of the Counseling Center staff. The right to seek confidential assistance from a member of the Counseling Center staff or the campus pastor
- Seek off-campus medical and counseling services.
- File a police report and take legal action separate from and/or in addition to student conduct process.
- Not be subject to student conduct sanctions for alcohol or drug use where the sexual assault involves consumption of alcohol or drugs in a manner that violates college policy.

2. The student accused of a sexual violence incident (Respondent) has the right to:

- Receive written notice of the charges.
- A timely student conduct meeting after being notified of the complaint (cases reported just prior to the end of a semester may be delayed by the semester break).
- An advisor (support person of her or his choice, which can include a parent, friend, or attorney) who will assist the student, with the understanding that the advisor will not be able to speak or take an advocacy role during the proceedings.
- To pursue his or her educational experience while the student conduct process is still pending, free from harassment by the complainant or individuals connected to the complainant. Anyone who feels he or she has been inappropriately contacted should immediately contact the dean of students.
- Not have his or her irrelevant past sexual history discussed during the student conduct meeting.
- Not be required to give incriminating evidence (the college may make negative inferences from the accused student's decision to not give testimony).
- Confront opposing information*.

- Provide witnesses and information pertaining to the case.
- Be informed as soon as possible of the outcome of the student conduct meeting.
- Confidentiality of the student conduct process to the extent possible (see above).
- On-campus emergency counseling sessions with a member of the Counseling Center staff. The right to seek confidential assistance from a member of the Counseling Center staff or the campus pastor
- Seek outside counseling support.
- Not be subject to student conduct sanctions for alcohol or drug use where the sexual assault involves consumption of alcohol or drugs in a manner that violates college policy.

* The right to **confront opposing information** does not mean that students have the right to directly confront, question or speak to witnesses. The right to confront opposing information means that the respondent and the complainant (when applicable) have the right to:

- View one another's written statements submitted to the investigator prior to the conduct meeting.
- Be verbally informed during the conduct meeting of relevant and material information (that directly relates to the alleged violation and could influence the decision making process), opposing information communicated to or discovered by the investigator during the course of the investigation.
- Be verbally informed during the conduct meeting of relevant and material, opposing information communicated by any witness during the conduct meeting.

E. Definitions

1. Consent

Unambiguous, willful, and voluntary participation or cooperation in an act; or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if the individual is a minor or otherwise considered incapacitated:

- a) The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
- b) The individual is unconscious, asleep, or suffering from shock; or
- c) The individual is under the age of eighteen and therefore legally unable to give consent; or
- d) The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.

For the purposes of the University, use of alcohol by an alleged offender neither diminishes personal responsibility nor is considered a mitigating factor in disciplinary sanctions when a violation is found to have occurred.

Note: "No" means "No"; "No" can be expressed or implied, it does not have to be spoken; "Yes" means "No" if conditions a, b, c, or d listed above exist.

2. Domestic Violence/Dating Violence

Domestic violence Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by 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 Missouri.

Dating violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship will be determined based on a consideration of the following factors:

- i. The length of the relationship.
- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

Missouri Statutes that deal with domestic/dating violence fall under the Domestic Assault statutes (<http://www.moga.mo.gov/STATUTES/C566.HTM>)

3. Sexual Assault

Any non-consensual sexual physical contact that involves the threat or use of force or violence, or any other form of coercion or intimidation; any sexual physical contact with a person who is unable to give consent. It includes the crimes of rape, forcible fondling, statutory rape and incest, as defined by the 2013 Violence Against Women Act and Missouri Revised Statutes (<http://www.moga.mo.gov/STATUTES/C566.HTM>) .

4. Sexual Harassment

Any unwelcome action of a sexual nature, including unwelcome sexual advances, requests for sexual favors or acts, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, which results in sexual discrimination or a hostile environment. It occurs where work, academic, or personal relationships are inappropriately and intentionally sexualized, and encompasses such conduct as:

- The explicit or implicit solicitation or use of sexual favors as a basis for actions affecting an individual's welfare, grades or advancement as a student or employee.
- Repeated sexual advances, requests for sexual favors and physical contacts of a sexual nature which impedes another's work or academic performance.
- Repeated demeaning verbal or visually expressive behavior of a sexual nature, which creates a hostile work, learning or living environment.
- Unwelcome sexual conduct resulting in the acceptance of such conduct becoming a term or condition of an individual's academic standing, continued employment, or employment advancement.

Any form of sexual harassment stated above will be cause for complaint. 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.

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.

5. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress. In Missouri, stalking is further defined as: A person who purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

F. Filing a Report of Sexual Violence

A complainant may report to responsible employees or Title IX coordinators to pursue a university investigation or directly to Springfield City Police to initiate a criminal investigation. The complainant is also welcome to talk with professional counselors and/or non-professional counselors/advocates (see Section D.1) to confidentially report an incident or for assistance in deciding whether to file a complaint with the university or local law enforcement. However, once a complainant decides to formally report sexual violence, the counselor or advocate should direct the student to meet with the Director (Roger Moore) or Assistant Director (Andrew Englert) of Public Safety, who will begin a preliminary investigation. If an incident has just happened, a public safety officer will assist the individual in securing immediate care and reporting to local law enforcement, if desired. The public safety officer will contact the Director of Community Life (Gina Rentschler) to initiate the campus conduct process and the Title IX Coordinator (Dr. Phillips) who oversees policy compliance. The campus conduct process is completely separate from any civil/legal proceedings

1. Complaints against non-Evangel community members

If a complaint is made against a person who is not a member of the university community, then the Director of Public Safety will assist the student in working with the Springfield Police department, if requested.

2. Complaints against university employees

If a complaint is made against a person who is a university employee, the Title IX coordinators (Director of Human Resources and the Vice President for Student Development) will work with the student for resolution in accordance with policies governing employee conduct.

3. Complaints against students

If a complaint is made against a person who is a university student, the following procedures will be followed (See also Section C. Confidentiality for further information):

G. Investigation Process

The Director of Community Life (DCL) will appoint an investigator for allegations of sexual violence. One of the core values of the Evangel community is **truth** and members of this community are expected to tell the full and complete truth in all disciplinary proceeding. If other violations are exposed in the process of investigation, the investigator, and Student Affairs panel (if needed) will exercise discernment and discretion in appropriately responding to the violations. The investigator will take the following steps, if not already completed by the Title IX Coordinator or designee:

1. Initiate any immediate steps to protect complainants pending the final outcome of an investigation, if requested, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules, no-contact order, etc.
2. Determine identity, contact, and pertinent information of the complainant (and the alleged victim if the complainant is not the primary victim).
3. Conduct an immediate **preliminary investigation** to identify an initial list all policies that may have been violated, to review the history of the parties involved, the context of the incident, any potential patterns and the nature of the complaint;
 - o If the complainant is reluctant to pursue a formal complaint, determine whether: independent evidence could support the complaint without the participation of the complainant. Notify the complainant of whether the university intends to pursue the complaint regardless of the complainant's involvement, and inform the victim of rights in the process, along with the option to become involved, if desired at a later date.
 - o If the complainant wants to pursue a formal complaint, explain how the judicial proceeding works, along with possible outcomes.
4. If indicated by the preliminary investigation and authorized by the Title IX Coordinator or DCL, conduct a **comprehensive investigation** (a thorough, reliable and impartial investigation that includes developing a strategic plan--witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student) to determine if there is reasonable cause to believe that the respondent violated university policy, and to determine what specific policy violations should serve as the basis for the complaint.
 - o Meet with the complainant to finalize complainant's statement, which will be drawn up by the investigator or designee as a result of this meeting.
 - o Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during, or after the responding student is interviewed, at the discretion of the investigator.
 - o Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy.
 - o Obtain all documentary evidence and information that is available.
 - o Obtain all physical evidence that is available.
 - o Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline.
 - o Make a finding based on a preponderance of the evidence (more likely than not).

A comprehensive investigation usually takes between one day and two weeks, depending on the situation.

5. Present the investigation report and findings to the respondent, who may:
 - a) Accept the findings,
 - b) Accept the findings in part and reject them in part, or
 - c) Reject all findings
6. Share the findings with the Director of Community Life and update the complainant on the status of the investigation and the findings outcome.

H. Interim Suspension

The DCL, in consultation with the Vice President for Student Development may impose restrictions and/or separate a student from the community pending the conclusion of the investigation and/or hearing when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve university property, and/or to prevent disruption of, or interference with, the normal operations of the university.

Interim actions can include separation from the institution or restrictions on participation in the community for no more than seven (7) business days pending the scheduling of a campus hearing on alleged violation(s). [A student who receives an interim suspension may request a meeting with the VP for Student Development or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing].

During an interim suspension, a student may be denied access to on-campus housing and/or campus activities. As determined appropriate by the VP for Student Development (or designee), this restriction may include classes and/or all other privileges for which the student might otherwise be eligible. At the discretion of the VP for Student Development and with the approval of, and in collaboration with, the appropriate personnel, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

I. Findings

1. If the respondent is found “not responsible”

The investigation will be closed. The complainant, if any, may request that the Director of Community Life (DCL), or the Title IX Coordinator, if applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely at the discretion of the DCL or Title IX Coordinator, and is granted only on the basis of new information that may have come to light.

2. If the respondent is found “responsible”

The respondent has four options:

a. Accept a finding of “responsible” AND accept the recommended sanctions

Should the respondent accept the finding, the investigator will recommend appropriate sanctions for the violation, having consulted with the DCL and/or Title IX Coordinator, as appropriate. If the respondent accepts the recommended sanctions, the sanctions are implemented by the DCL and the process ends. There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the respondent decide to reject the sanctions within the time period, the option below will apply. This outcome will not be subject to appeal.

b. Accept a finding of “responsible” AND reject the recommended sanctions

If the respondent accepts the finding, but rejects the recommended sanctions, there will be a judicial hearing (see Section I) within seven days, barring exigent circumstances, on the sanction(s) only.

c. Accept the findings in part and reject in part

Where the respondent rejects in part the finding that he or she violated policy, there will be a judicial hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a respondent responsible for a violation, the university will follow the sanctioning process detailed in sub-sections below. If the Panel

finds the responding student “Not Responsible” on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-sections below.

d. Reject the findings completely

Where the respondent rejects the finding that he or she violated university policy, a formal hearing will be convened within seven business days, barring exigent circumstances.

J. Hearing Provisions

All hearings under this sub-section will be conducted by a three member Student Affairs (comprised of faculty and/or staff members) panel, as well as the Director of Community Life (DCL), who have been trained to hear sexual violence cases. We expect the panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the respondent, the complainant, and any witnesses convened. Both the respondent and the complainant will have the right to raise issues of concern about the impartiality of a judicial panel member. The VP for Student Development has the sole discretion to decide whether a panel member can be impartial and will remove anyone she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the students involved.

1. Notice of Hearing

Once a determination is made that reasonable cause exists for the DCL to refer a complaint for a hearing, generally 48 hour (2 day) advance notice of the hearing will be given to students involved. Notice will be in writing and may be delivered by one or more of the following methods: in person by the DCL (or designee); and/or emailed to the student’s University/College-issued email account. Once emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- Include the alleged violation and notification of where to locate the Code of Student Conduct and University procedures for resolution of the complaint; and
- Direct the individual receiving the notice to contact the DCL (or designee) within 24 hours if there is a class conflict.
- Identify any additional information that will be required.

2. Hearing Guidelines

The DCL will appoint one panelist as the Chair for the hearing. The complainant and respondent have the right to be present at the hearing; however, they do not have the right to be present during deliberations. The respondent may not question the complainant or witnesses but will have the opportunity to confront opposing information (see Section D, **Opposing Information*). If a respondent refuses to answer questions based on Fifth Amendment privilege or chooses not to attend the hearing, the Student Affairs Panel will proceed and make the best decision they can regarding outcome and sanctions. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the DCL. Formal rules of evidence are not observed. The panel Chair and/or the DCL may limit the number of character witnesses presented or may accept written affidavits of character instead. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the student is the complainant, respondent, or witness, alternative testimony options may be provided. The panel may agree to placing a privacy screen in the hearing room or allowing testimony from another room via technology. These options are intended to help make the complainant, respondent, or witness more comfortable and are not intended to work to the disadvantage of any party.

If a student cannot attend the hearing due to an unavoidable and essential conflict, it is that student’s responsibility to notify the DCL no less than two (2) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum two (2) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless Evangel chooses to pursue the allegation on its own behalf, as determined by the VP for Student Development or DCL. The DCL (or designee), the Chair and the Panel will conduct panel hearings according to the following guidelines:

- a. Hearings are closed to the public, and will only include relevant students (and advisors, if desired), witnesses, and panel members.
- b. The panel will meet with participants in the following order: complainant, respondent, witnesses.
- c. The panel members may ask questions of the complainant and respondent to clarify or confirm the investigative report, or to request additional information. After the three groups have spoken, the panel may recall a participant for further clarification.
- d. Before deliberations begin:
 - The chair will give panel members the opportunity to ask the respondent questions, and give the respondent an opportunity to make a final statement. The chair will then excuse the respondent from the panel.
 - The chair will give panel members the opportunity to ask the complainant questions, and give the complainant an opportunity to make a final statement. The chair will then excuse the complainant from the panel.

3. Deliberations and Decisions

All procedural questions are subject to the final decision of the Chair. After the hearing, the panel will deliberate in private and determine, by majority vote, whether it is more likely than not that the respondent has violated the behavioral standards. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). After a finding is reached, the DCL is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The panel Chairperson and the DCL, will communicate the findings of the panel to the respondent and the complainant, typically within seven (7) days. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the student as indicated in official University/College records; or emailed to the student's University/College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the university and maintained according to the University's record retention policy.

K. Sanctions

For complete information on potential sanctions for sexual misconduct violations, go to the Student Handbook, *Community Accountability* section IV.D. The university has established minimum sanctions for sexual violence, up to and including dismissal, depending on the severity of the offense. These sanctions are completely separate from any potential legal measures that a complainant may initiate.

L. Appeals

Both the complainant and the respondent may seek review of a decision in a sexual violence case by making an appeal. Appeals must be in writing and submitted to the Student Development office during regular business hours (Monday through Friday, 8 a.m. to 4:30 p.m.) within three (3) business days of the decision. If an appeal is received from either the complainant or the respondent, the Director of Community Life will notify, in writing, the non-appealing student within two business days of receipt of the appeal that an appeal has been filed.

Only one request for an appeal may be submitted by either the complainant and/or the respondent.

1. Criteria

An appeal must be in writing and consist of a statement outlining and supporting the specific grounds on which the student is appealing. The only things that will be considered in an appeal will be to determine whether a new decision should be considered due to:

- a) A process or procedural error was made that was significantly prejudicial to the outcome of the decision;

- b) New information that was not available or known to the student appealing at the time which, when considered, may materially alter the outcome. Note: Information that the appealing student chose not to present at the time of the hearing is not considered new information; or
- c) Sanctions that were imposed are so severe — considering the nature of the violation, student attitude, previous history, impact of the student's behavior on the community and other specific circumstances — that they demonstrate an abuse of discretion by the hearing panel. (Note: the complainant may use the same grounds to appeal that sanctions imposed are not severe enough).

It is not enough to simply assert one of the grounds for appeal. A written statement accompanying appeal must provide information that specifically supports grounds upon which the student bases an appeal. If appeal does not contain sufficient information to support grounds upon which the student bases the appeal, review of the appeal will be denied.

2. Preliminary Review of Appeal

The Vice President for Student Development will grant or deny review of decisions in panel hearings based on the student's written appeal. The decision to grant or deny review of the original decision will be made within three business days following receipt of appeal. The VP will either:

- a) Deny the Review: If the student's written appeal fails to meet the criteria outlined above, it will not be reviewed and the original decision and sanctions will stand.
- b) Grant the Review: If the student's written appeal satisfies the appeal criteria, a review of the original decision will be granted, in which case the VP (or designee) will communicate to the non-appealing student this decision and provide the non-appealing student an opportunity to view a copy of the appeal. Within three calendar days of such notification, the non-appealing student may submit a written statement to the provost that he or she wishes to be considered by the Vice President.

3. Appeal Consideration and Decision

The VP for Student Development may request input from the chair of the panel hearing board in considering the appeal. A decision will be communicated no later than ten business days following the decision to grant a review of the original decision. A decision will be communicated in writing to both appealing and non-appealing students. The decision will:

- a) Uphold Original Decision: Where review of the original decision does not demonstrate a different decision is warranted, the original decision will be upheld; or
- b) Modify Original Decision: Where review of the original decision demonstrates support for the appeal and a different decision is warranted, the VP will modify the original decision. This decision may include sanctions being decreased, modified, or revoked. Only in instances when the complainant appeals the decision may sanctions be increased.

The decision on the appeal is final, and no other office will accept or review appeals following the decision.

M. 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 (including rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment, and stalking). Ongoing annual training is also presented and monitored to encourage participation. The programs include:

- A 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
- Bystander intervention training
- Sexual Harassment and Rape Prevention (SHARP) training
- Understanding healthy relationships
- Recognizing signs of abusive behavior
- Alcohol and drug abuse prevention