

Evangel University Title IX Policy

#SD0101

Abstract

This policy covers Evangel University Title IX Policy.

Title IX Policy

For Evangel University | 1111 N Glenstone Ave., Springfield, MO 65702

Formerly known as Policy and Procedures for Sexual Misconduct Offenses

Table of Contents

| | | |
|--------|--|----|
| I. | Introduction _____ | 2 |
| II. | Purpose _____ | 2 |
| III. | Policy Statement _____ | 3 |
| IV. | Jurisdiction/Scope of Policy _____ | 3 |
| V. | Contact Information for this Policy _____ | 4 |
| VI. | Sexual Harassment Definitions _____ | 4 |
| VII. | Resources and Reporting Options _____ | 7 |
| VIII. | Supportive Measures _____ | 10 |
| IX. | Emergency Removal and Administrative Leave _____ | 11 |
| X. | Time Limits On Reporting _____ | 12 |
| XI. | Confidentiality _____ | 12 |
| XII. | Filing a Formal Complaint _____ | 13 |
| XIII. | Title IX Resolution Procedures _____ | 14 |
| XIV. | Student Amnesty _____ | 15 |
| XV. | Notice of Non-Discrimination _____ | 15 |
| XVI. | APPENDIX A _____ | 16 |
| XVII. | APPENDIX B: _____ | 19 |
| XVIII. | APPENDIX C: _____ | 20 |

APPROVAL

Evangel University's Presidential Cabinet approves this policy.

I. INTRODUCTION

Title IX of the Education Amendments of 1972 ("**Title IX**") is a federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance at institutions such as Evangel University ("**Evangel**" or the "**University**").

Evangel is committed to encouraging and sustaining a living, learning and work environment that is free from discrimination, harassment, and related misconduct. Evangel is also committed to an inclusive community that respects and values all its members, including its undergraduate students, graduate and professional students, faculty, staff, contractors and visitors.

This policy (this "**Title IX Policy**" or this "**Policy**") is designed to actualize Evangel's commitment to a safe living, learning and working environment through its culture of equality, civility and respect for all. It is also intended to comply with the requirements of Title IX.

Capitalized terms used in this Policy are generally defined in Section VI and Appendix A but in some cases the definition is located within the Policy.

II. PURPOSE

Evangel University, owned and operated by the General Council of the Assemblies of God, is committed to respecting all employees, students and guests. Sexual harassment offenses are incompatible with Evangel's standards of Christian conduct, are civil or criminal acts that infringe on the rights of others and are strictly prohibited by the University. The core purpose of this policy is the prohibition of sexual harassment and retaliation. The University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, free from sexual discrimination, harassment and retaliation.

To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Evangel has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. The university values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

This Policy is designed to provide information on the University's educational, preventative and training programs relating to Title IX and the conduct prohibited under this Policy ("**Policy violation**"). This Policy also describes how Evangel will proceed once it is made aware of a report of an alleged Policy violation, including how it will evaluate those reports and the consequences of any finding that a Policy violation occurred. This Policy also provides information on how to file a grievance in connection with any process or decision made under it.

III. POLICY STATEMENT

The University prohibits and will not tolerate any form of Policy violation. Determinations of whether a Policy violation occurred will be made using the Preponderance of the Evidence Standard. This Policy applies to all operations of Evangel University.

The Policy also protects members of the Evangel community against Retaliation for participation in any process or resource described in it, including, without limitation, Complainants, Respondents, witnesses and Reporting Parties.

The Policy should be read in a way that is consistent with all applicable federal and state laws addressing discrimination, harassment, and related misconduct.

In addition, this Policy shall be applied in way that is consistent with the University's principles of academic freedom. Evangel University is committed to the free and vigorous discussion of ideas and issues, which the University believes will be protected by this Policy. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas — however controversial — in the classroom, residence halls, and other teaching and student living environments.

IV. JURISDICTION/SCOPE OF POLICY

This Policy is applicable to all University employees, students, or visitors to the University, as well as anyone participating in a University sponsored activity who engages in a Policy violation within the United States of America.

For this Policy to apply, all the following conditions must be satisfied:

- A. The conduct meets the definition of a Policy violation under this Policy;
- B. The Policy violation occurred:
 - a. A complaint is filed by a student currently enrolled at the University, an employee currently employed by the University, an individual who is a current applicant to become a student or employee or Evangel or is otherwise participating in or an applicant to participate in a University program or activity.
 - b. on Evangel's campus; or

- c. during a University Education Program or Activity (includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by the University or a student organization that is officially recognized by Evangel).

Study-abroad, internships and other events that occur off-campus that are not part of a University Program or Activity, or happen outside the United States, are not covered by this Policy but may be subject to other University policies, codes of conduct or rules. Evangel reserves the right to address conduct that does not fall under this Policy through separate policies, codes of conduct or rules, such as, without limitation, in the Student Handbook, the Faculty Handbook, Employee Handbook or otherwise.

Individuals with workplace, academic, or other concerns not covered by this Policy have other resources to address them. For Employees, these may include their managers or the Director of Human Resources. For Students, this may include their advisors, administrators in their departments or schools.

In cases where Title IX does not apply, the university may adjudicate complaints based on established disciplinary procedures.

We encourage individuals to report sexual harassment 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 harassment offenses. This community includes, but is not limited to, students, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

V. CONTACT INFORMATION FOR THIS POLICY

The Evangel Title IX Office is responsible for administering this Policy through the Title IX Coordinator.

The **Title IX Coordinator**, Mark Entzminger, can be contacted by telephone at 417-865-2815, ext. 7997, by email at titleix@evangel.edu; or in person on Evangel's campus at Cantrell Student Union, Suite 106, 1111 N Glenstone Ave., Springfield, MO 65802.

If you are an Evangel applicant for employment, applicant for admissions, or visitor, there are resources to assist you with your concern or question. You may contact the office or department with whom you directly interacted, or you may contact the Title IX Coordinator. If you are an applicant for employment, you may also contact Evangel's Office of Human Resources. If you are an applicant for admission, you may also contact Evangel's Admissions Office.

VI. SEXUAL HARASSMENT DEFINITIONS

TITLE IX POLICY VIOLATIONS

A "Sexual Harassment violation" is an umbrella term that includes unwelcome conduct of a sexual nature that is committed without Consent, including Quid Pro Quo Sex-Based Harassment, Hostile Environment

Sex-Based Harassment, Sexual Exploitation, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and any form of Retaliation.

Quid Pro Quo Sex-Based Harassment means a University Employee explicitly or implicitly conditioning: employment or any employment related benefit, or a student's participation in any University Program or Activity, aid or services on submission to unwelcome sexual advances, requests for sexual favors or other unwelcome sexual conduct.

Hostile Environment Sex-Based Harassment means unwelcome sexual conduct that is determined by a Reasonable Person standard to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to University aid, benefits, services, and/or any University Program or activity. This type of harassment may occur electronically or in person. Conduct reported as Hostile Environment Sex-Based Harassment will be evaluated by examining the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior. An isolated incident, unless sufficiently severe, does not rise to the level of Hostile Environment Sex-Based Harassment. However, repeated conduct generally creates a stronger claim of Hostile Environment Sex-Based Harassment under this Policy. Hostile Environment Sex-Based Harassment is to be distinguished from behavior that, while unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory or supervisory responsibilities.

Sexual Exploitation means taking sexual advantage of another without Consent for one's benefit or the benefit of another party. Examples of Sexual Exploitation include threatening to disclose an individual's sexual orientation, gender identity, or gender expression unless the individual submits to sexual demands; observing or allowing others to observe sexual activity of others without their knowledge or Consent; or streaming images of sexual activity without the knowledge or Consent of those involved. Sexual Exploitation includes causing the Incapacitation of another person for the purpose of compromising that person's ability to give Consent to sexual activity.

A person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in Section [573.010 of the Missouri Revised Statutes](#), without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

Sexual Assault means any sexual act directed against another person without their Consent, including instances where the person is incapable of giving Consent. Sexual Assault includes:

- A. **Rape**, which means penetration without Consent, no matter how slight, of a person's vagina or anus with any body part or other thing, and oral penetration with a sex organ.
- B. **Fondling**, which means touching a person's body without Consent for the purpose of sexual gratification.
- C. **Incest** is sexual intercourse between persons who are related to each other within the degrees

wherein marriage is prohibited by Missouri law.

- D. **Statutory Rape**, which occurs when a person who is twenty-one years of age or older has sexual intercourse with another person who is less than seventeen years of age.

Dating Violence means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

Domestic Violence means any act of violence committed by: a current or former spouse or intimate partner of the complainant; a person with whom the complainant shares a child in common; a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; any other person against an adult or youth victim, protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

Retaliation means any adverse action or other form of negative treatment, including, but not limited to, intimidation, threats, coercion, discrimination or harassment, carried out in response to a report of possible a Policy violation or participation in any process or resource under this Policy. Retaliation is prohibited against any party involved under this Policy, including, without limitation, a Complainant, a Respondent, any other Reporting Party, witnesses, a Title IX Agent, a hearing officer or appellate officer. To constitute a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a Reasonable Person from further reporting, participation, or opposition. Charging an individual with a violation of a University policy, code of conduct or rule for making a materially false statement in bad faith in a report or Formal Complaint involving possible Policy violation, in any written statement or evidence relating to the same or for tampering with evidence does not constitute Retaliation. Similarly, charging an individual with a violation of a University policy, code of conduct or rule for aiding, facilitating, encouraging or concealing a violation of this Policy or any other policy, code of conduct or rule does not constitute Retaliation.

Violation of a Protective Measure means any person's deviation from express, written directives of a University official, which can be viewed as continued harassment.

OTHER DEFINITIONS

Additional definitions used throughout this Policy are located in **Appendix A**, which forms a part of this Policy.

VII. RESOURCES AND REPORTING OPTIONS

Immediate assistance is available 24/7 by calling the Evangel University Office of Public Safety at (417) 575-8911, (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, and/or Title IX Coordinator, as well as reporting the crime to local law enforcement (if requested).

Additionally, anonymous reports can be made by using the online reporting form (evangel.edu/tixreporting). Anonymous reports may prompt a need for the institution to investigate; however, the University may be limited in the investigation, its ability to apply Title IX procedures to the matter and/or outcome of such reports.

EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

- A. **Police.** Evangel encourages all individuals to report any incident that may involve criminal conduct to the Springfield Police Department regardless of where the incident occurs. A Title IX Policy violation may constitute a crime. In cases of a Policy violation involving a minor, all members of the Evangel community are required to report the situation to Springfield Police Department by calling 417-864-1810 (non-emergencies) or by calling 911 (for emergencies).
- B. **Evangel Public Safety Department** will respond to emergencies and non-emergencies to assist by intervening in cases of assault, taking reports of an assault, and/or investigating and participating in disciplinary action. This Department is responsible for notifying the campus community in a case of continuing danger, issuing a trespass order that requires an individual to stay away from campus or a particular area of campus when needed, and providing referrals and information including how to obtain a restraining order. Anonymous reporting — filing a report without one's name attached to it — is an available option with both the Evangel Campus Safety Department and the Springfield Police Department. Regardless of whether a Complainant pursues a criminal complaint, the University will take appropriate responsive action to ensure that the educational, residential and work environment at Evangel is free of unlawful discrimination and harassment, and, where appropriate, remedy the effects of unlawful discrimination and harassment.
- C. **Medical concerns.** Evangel also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus, at, among other places, Evangel's on-campus Counseling Center (417-865-2815 ext. 7222, area hospitals Cox North (417-269-3000), Cox South (417-269-6000), and Mercy (417-820-2000) or area counseling centers (see Resources for Students, below).

RESOURCES AND REPORTING OPTIONS

Evangel encourages all individuals to seek the support of on-and off-campus resources, regardless of when or where an incident occurs. These resources can provide guidance on reporting options and information about available resources.

At Evangel, there are two ways to address concerns about possible Policy violation: through Confidential Resources and Non-Confidential Reporting Options.

Confidential Resources. The following Evangel resources can provide counseling, information, and support in a confidential setting ("**Confidential Resources**"). These Confidential Resources will not share information about a report of a possible Policy violation without the individual's express written permission unless there is a continuing threat of serious harm to the Complainant to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). These Confidential Resources can also help an individual make a Report to the University.

Reporting to a Confidential Resource is not filing or making a Formal Complaint or providing Actual Notice of a possible Policy violation. There should be no expectation that any action will be taken if a person uses a Confidential Resource. University action against an individual for a possible Policy violation requires affirmative action by a Complainant by signing and submitting a Formal Complaint to the Title IX Office or the rare situation in which the Title IX Coordinator determines to file a Formal Complaint.

Resources for Students: Evangel's Counseling Center 417-865-2815 ext. 7222

Resources for Anyone:

- A. National Sexual Assault Hotline 800-656-HOPE (4673)
- B. The Victim Center 417-863-7273 or 417-864-7233
- C. McGuire Christian Counseling 417-866-7773
- D. Ozark Counseling Center 417-869-9011

Non-Confidential Reporting Resources. Individuals are encouraged to make a non-confidential report of a possible Policy violation. Making a non-confidential report of a possible Policy violation means that the Title IX Coordinator will contact the Complainant to offer resources and support and identify the appropriate action to respond to the report as outlined in this Policy. Only a report to the Title IX Coordinator or the Title IX Deputies will trigger the University's obligation to respond to an allegation of a Policy violation.

The Title IX Office oversees the investigation and resolution of all allegations of Policy violations covered by this Policy. To make a non-confidential report of a Policy violation or to discuss any aspect of this Policy, individuals are encouraged to contact:

Title IX Coordinator: **Rev. Mark Entzinger**, Vice President for Student Development, Office: Student Union, Suite 106, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 7997, entzmingerm@evangel.edu.

Title IX Deputy Coordinator (for employees): **Robert Bartels**, Director of Human Resources, Office: Riggs Hall, 309, Phone: (417) 865-2815, ext. 7311, bartelsr@evangel.edu

Title IX Deputy Coordinators (for students): Cantrell Student Union 106

- A. **Gina Rentschler**, Director of Student Programming, (417) 865-2815, ext. 7317, rentschlerg@evangel.edu
- B. **Steve Gause**, Dean of Students, (417) 865-2815, ext. 7409, gauses@evangel.edu

Two coordinators oversee gender equity in athletics and disability accommodations:

Athletic Compliance Coordinator: **Scott Metcalf**, Assistant Athletic Director, Office: Ashcroft Center, Phone: (417) 865-2815, ext. 7409, metcalfs@evangel.edu

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

Independence and Conflict of Interest: The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. Members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest, or misconduct by the Title IX Coordinator, contact the University's President by sending an email to president@evangel.edu.

Any individual can make a report under this Policy to these above-listed individuals (each such individual referred to as a "**Title IX Agent**"). In addition, all University faculty and staff are required to share information with the Title IX Office. A report may be made in person, in writing, by telephone, by e-mail, or anonymously. Any report involving a minor or an allegation of Statutory Rape will be shared with law enforcement agencies and child protective services.

Upon receipt of a report of a possible Policy violation, the Title IX Office will contact the Complainant to discuss reasonable Supportive Measures to provide for the safety of the parties and the campus community and options for addressing the report.

To file a police report for possible criminal conduct, contact Evangel University Public Safety (417-575-8911) who will provide support if desired when contacting the Springfield Police Department (417-864-1810) (non-emergencies) or 911 (emergencies).

Employees are expected to be discreet but are required by the University to promptly consult with the Title IX Coordinator, sharing known details of the incident, by telephone, email or an online reporting form. An Employee's receipt of information will not automatically trigger the University's obligation to respond to an allegation of a Policy violation. Only a report to the Title IX Coordinator or a Title IX Agent will trigger the University's obligation to respond to an allegation of Policy violation.

All other members of the Evangel community (including Students) are also encouraged to report such incidents.

Evangel Employees with questions regarding these duties, please promptly contact the Title IX Office, 417-865.2815 ext.7997 or titleixcoordinator@evangel.edu, for clarification.

VIII. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the University offers and may put in place, without fee or charge, after receiving Actual Notice of a possible Policy violation. Supportive Measures are designed to restore or preserve access to the University's Programs and Activities, protect the safety of all parties and the University's educational, residential and work environment, or deter Policy violations, while not being punitive in nature or unreasonably burdening to any party. Supportive Measures are available to the Complainant, Respondent, witnesses and Reporting Parties, and any other persons involved in the processes described in this Policy.

Supportive Measures are available regardless of whether the matter is reported to the University for the purpose of initiating any formal proceeding and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Formal Complaint, at the time Supportive Measures are requested or at any later time. Any Complainant that requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint pursuant to this Policy.

The Title IX Coordinator, or their designee, will contact a Complainant after receiving notice of a possible Policy violation to (1) discuss the availability of Supportive Measures and (2) explain that Supportive Measures are available with or without the filing of a Formal Complaint. The Title IX Coordinator will consider the Complainant's wishes with respect to the implementation of Supportive Measures.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the University community. The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures under this Policy.

To determine the appropriate Supportive Measures to be implemented, the University will conduct an individualized assessment based on the unique facts and circumstances of the situation. Supportive Measures will not be disciplinary or punitive in nature and will not unreasonably burden or interfere with the other party's activities at and/or engagement with Evangel. Whether a possible Supportive Measure would unreasonably burden a party is a fact-specific determination that accounts for the nature of activities, programs, opportunities, benefits and in which an individual is participating at, or receiving from, Evangel.

Depending on the circumstances, Supportive Measures can be for a short or extended period of time. Examples of Supportive Measures include:

- A. Referral to counseling and/or health services (students) or to HR (employee assistance program)

- B. Education for the campus community
- C. Altering housing situation (resident students)
- D. Altering class or work arrangements, as applicable, for students or employees (on campus)
- E. Providing campus escorts, increased security monitoring by the university's Public Safety Office
- F. Implementing contact limitations between the parties
- G. Offering to communicate on behalf of the parties regarding possible adjustments to academic deadlines and schedules, chapel attendance, etc. (students)
- H. Timely Warnings, if required
- I. Interim suspension: **See IX Emergency Removal and Administrative Leave** below.

The university will keep supportive measures as confidential as possible, provided it does not impair the institution's ability to provide those accommodations. The University will implement measures in a way that does not reasonably burden the other party unless an emergency removal is advised. For a full list of supportive measures please contact the Title IX Coordinator.

IX. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

Nothing in this part precludes Evangel from removing a respondent from a University education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Violation of an interim suspension is grounds for permanent 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 sole discretion of the Title IX officer, alternative coursework or other options may be pursued to ensure as minimal an impact as possible on the respondent.

EMERGENCY REMOVAL OF A STUDENT RESPONDENT. The Title IX Office will make the decision to remove a Student from a University's Education Program or Activity based on an individualized assessment and risk analysis and in consultation with the appropriate individual(s); Associate Dean of Students, Director of Public Safety, Director of the Counseling Center and/or the Chief Academic Officer. If the University makes such a decision, the Student will be provided with notice and an opportunity to challenge the decision within eight (8) business hours following notice of the removal.

EMERGENCY REMOVAL OF AN EMPLOYEE. The Title IX Office will make the decision to remove an Employee based on an individualized assessment and risk analysis in consultation with the appropriate individual(s); Chief of Staff, Director of Public Safety, Director of the Counseling Center and/or the Chief Academic Officer. The University, in its discretion and based on the circumstances, will determine whether any administrative leave is imposed with or without pay or benefits. For sake of clarity, the definition of Employee is inclusive of all Faculty, and this provision applies to the Faculty.

EMERGENCY REMOVAL OF A THIRD PARTY. The University may, in its discretion, issue a temporary *persona non grata* to any third-party restricting such persons from Evangel's campus and interaction with specified persons at Evangel, upon a report of a possible Policy violation and/or during the pendency of a Formal Complaint. The University, in its discretion and based on the circumstances, will determine how the temporary *persona non grata* status impacts the third party's relationship with the University.

X. TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Evangel's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, change of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures/remedies, and/or engage in informal or formal action.

XI. CONFIDENTIALITY

Evangel recognizes that confidentiality is important. Breaches of confidentiality compromise Evangel's ability to investigate and resolve claims of Policy violations. All parties involved in a matter subject to this Title IX Policy are encouraged to respect the confidentiality of the persons and circumstances involved and should discuss the matter only with those persons who have a genuine need to know.

While Evangel is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- A. When Evangel is required by law to disclose information (such as in response to a subpoena or court order).
- B. When disclosure of information is determined by the Title IX Office, a Title IX Agent, a hearing office or appellate officer to be necessary for conducting an effective investigation or hearing.
- C. When confidentiality concerns are outweighed by Evangel's interest in protecting the safety or rights of others.
- D. When a Formal Complaint is filed.

XII. FILING A FORMAL COMPLAINT

A Complainant may choose to file a Formal Complaint against a Respondent to request initiation of the *University's Formal Title IX Resolution Procedures* to address a report of a possible Policy violation. When filing a Formal Complaint, the Complainant should contact the Title IX Office and sign the University's Formal Complaint form. This may be done in person, or by email by contacting the Title IX Coordinator.

A Complainant's signature on a Formal Complaint is a mandatory prerequisite to Evangel's initiation of any investigation of a possible Policy violation and to initiate the University's Formal Title IX Resolution Procedures. The wishes of a Complainant who does not want to initiate the processes under this Policy will generally be respected. However, the Title IX Coordinator has discretion to file a Formal Complaint of reported Policy violation, even if the Complainant does not want to participate in the process and/or does not want to file a Formal Complaint, if the Title IX Coordinator determines that the reported possible Policy violation poses a threat to the health, safety and well-being of the Evangel community.

When the Title IX Coordinator receives a Formal Complaint, they will review it to determine whether this Policy applies and/or any other University policy, code of conduct or rule.

If the Title IX Coordinator determines the reported conduct is addressed by this Policy, they will initiate the University's Formal Title IX Resolution Procedures. If the Title IX Coordinator determines the reported conduct is not covered by this Policy, they may address it according to another University policy, code of conduct or rule.

If the Title IX Coordinator investigates the matter under this Policy based on the allegations in the Formal Complaint but, during the investigation, later determines that this Policy does not apply to the conduct, the University will dismiss the Formal Complaint for Title IX purposes and instead may pursue the matter under another University policy, code of conduct or rule.

As described in the University's Formal Title IX Resolution Procedures, if the Title IX Coordinator determines at any time that a Formal Complaint of possible Policy violation will not be adjudicated under the Title IX Resolution Procedures, either party may appeal that decision.

In its discretion and in consultation with Evangel's Director of Human Resources and/or the Dean of Students, as appropriate, the Title IX Office may consolidate multiple Formal Complaints or reports of other Policy violations for resolution under the Formal Title IX Resolution Procedures. Consolidation might involve a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that are temporally or logically connected (even where some of that alleged conduct is not Policy violation or where the above conditions are not met with respect to some of the alleged conduct). If Formal Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all information being considered; including as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The decision to consolidate Formal Complaints is not subject to appeal.

FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties who knowingly provide false evidence, tamper with/destroy evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

XIII. TITLE IX RESOLUTION PROCEDURES

INFORMAL RESOLUTION PROCEDURES

Informal Resolution is a process that usually does not include an investigation or hearing under the *University's Formal Title IX Resolution Procedures*. Remedies available through Informal Resolution may include appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator. Informal Resolution may include conflict coaching, facilitated discussion, mediation or other practices or sanctions which are disciplinary in nature against the Respondent.

Evangel will enforce any signed resolution agreement between the parties as part of the Informal Resolution process.

With regard to employees, Informal Resolution is never available to resolve allegations that an Employee engaged in Policy violation with a student. However, Informal Resolution is available when both parties are Employees.

The Informal Resolution process can be initiated after a Formal Complaint is made. Informal Resolution is only available when both parties provide written confirmation to the Title IX Coordinator that they wish to utilize Informal Resolution to resolve the Formal Complaint, and what process they wish to utilize as part of the resolution.

Because Informal Resolution is voluntary, Evangel will not mandate a specific remedy or require any party to participate in the process. Either party or the University can request an end to the Informal Resolution process at any time because: (i) one of the parties fails to participate; (ii) one of the parties is alleged to have new violations of University policy – including this Policy – towards the other party; or (iii) both parties agree in writing that the matter disclosed in the Formal Complaint has been resolved to their satisfaction.

At any time before the parties have signed an agreement to a resolution, any party has the right to withdraw from the Informal Resolution process to resolve and resume the Title IX Formal Resolution Process with respect to the Formal Complaint. Once an Informal Resolution is signed by both parties, the Title IX Coordinator will communicate that the matter has been resolved with both parties.

FORMAL TITLE IX RESOLUTION PROCEDURES

Evangel's Formal Title IX Resolution Procedures ("**Formal Resolution**") involve (i) an investigation; (ii) advisors for all parties involved; and (iii) a hearing. The Formal Resolution process may be initiated by the Complainant or a Respondent.

The Formal Resolution process pertaining to alleged Policy violations is contained in the *Title IX Formal Resolution Procedures*.

STANDARD OF PROOF IN ALL CASES. All matters that proceed to the Formal Resolution shall be determined based on the Preponderance of the Evidence Standard. Respondents shall be entitled to a presumption that they did not engage in the alleged Policy violation unless a Preponderance of the Evidence supports a finding that the Policy violation occurred.

XIV. STUDENT AMNESTY

The safety and well-being of the Evangel community is extremely important. Evangel recognizes that Students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) in situations involving possible Policy violations may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages Students to report possible Policy violations. Except as expressly provided in Section XIII of the Policy, A Reporting Party acting in good faith who discloses any incident of a possible Policy violation to college officials or law enforcement will not be subject to Evangel's applicable student code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the possible Policy violation. Evangel will respect and protect the privacy of Students and Employees who voluntarily seek assistance.

Amnesty is not available to any student organization or group. Amnesty is not available to University Employees.

XV. NOTICE OF NON-DISCRIMINATION

While this Policy only covers certain behavior, we invite the Evangel community to become acquainted with Evangel's Non-Discrimination Policy:

EVANGEL UNIVERSITY NON-DISCRIMINATION POLICY

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, Violence Against Women Act-VAWA). 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, 1st Amendment, and Religious Freedom Restoration Act).

XVI. APPENDIX A:

DEFINITIONS:

ACTUAL KNOWLEDGE means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

ADVISOR. A person chosen by a party or appointed by the University to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

AMNESTY. To encourage reporting, the University offers an individual who reports a crime of sexual harassment amnesty from policy violations related to the incident.

CODE OF FEDERAL REGULATIONS (CFR): Official location of Department of Education regulations which govern the University's actions related to Title IX. Managed by the National Archives and Records Administration (efcr.gov | Title 34, Subtitle B, Chapter I, Part 106, Subpart D)

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. In evaluating whether Coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

COMPLAINANT means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

CONFIDENTIAL RESOURCE. Employees who are professionally licensed counselors, pastoral counselors, medical professionals, and athletic trainers, acting within their licensure and role, are not required to report any information disclosed about an incident to the Title IX Coordinator without express written permission. Exceptions apply for sexual misconduct and abuse against minors.

CONSENT to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Coercion and force, or threat of either, invalidates consent.

Consent is not present in the following circumstances:

- A. When one of the parties is not voluntarily engaging in an activity or is coerced, such as using physical force, the threat of physical or emotional harm, undue pressure, isolation, or confinement;
- B. When a person is Incapacitated;
- C. When a person is sleeping, unconscious or otherwise unable to communicate an unwillingness to engage in an activity; or
- D. When a person lacks the ability to make or understand the decision because they suffer from a mental disease or condition that renders them incapable of appraising the nature of the activity.

The perspective of a Reasonable Person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give Consent and whether Consent was given and/or withdrawn.

EDUCATION PROGRAM OR ACTIVITY Locations, events, or circumstances where Evangel exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

FINAL DETERMINATION/FINDING. A conclusion by the standard of proof, preponderance of evidence, that conduct more likely did or did not occur as alleged (as in a "finding of fact").

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.").

FORMAL COMPLAINT is a document signed and submitted by a Complainant, or signed by the Title IX Coordinator, alleging a Policy violation against a Respondent and requesting that the University launch an investigation into the allegation of Prohibited Conduct. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

FORMAL GRIEVANCE PROCESS. A method of resolution designated by the University to address conduct which complies with the requirements of the Title IX regulations.

HEARING DECISION-MAKER/PANEL. Individuals who have decision-making and sanctioning authority within the University's Formal Grievance process.

INCAPACITATION A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

- A. Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state)
- B. Inability to communicate coherently physically or verbally, particularly with regard to consent (e.g., slurred or incoherent speech)
- C. Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
- D. Physical symptoms (e.g., vomiting or incontinence).

INTIMATE PARTNER VIOLENCE: A term commonly used to apply to either Dating Violence or Domestic Violence.

MANDATED REPORTER All University employees are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, unless they are confidential employees.

NOTIFICATION OR NOTIFIED: Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local address of the parties as indicated in official institutional records, or emailed to the parties' university-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

PARTIES. Includes the Complainant(s) and Respondent(s), collectively.

REMEDIES. Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.

PREPONDERANCE OF THE EVIDENCE STANDARD means that the evidence presented to show possible Policy violation has a greater than fifty percent (50%) chance to be true. In other words, if a reported Policy violation can be demonstrated to be more likely true than not true, the burden of proof is met to establish a violation under this Policy.

REPORTING PARTY is a person who reports a possible Policy violation.

REASONABLE PERSON means how a typical person, with ordinary prudence, would act in certain circumstances.

RESPONDENT means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

RESOLUTION. The result of an informal or Formal Grievance Process.

SANCTION. A disciplinary consequence imposed by the University on a Respondent found to have violated this policy.

SEXUAL HARASSMENT. The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence (aka - Intimate Partner Violence – see Policy – VI. Sexual Harassment Definitions.)

SUPPORTIVE MEASURES are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the University offers, and which may put in place, without fee or charge, after the Title IX Coordinator receives Actual Notice of possible Policy violation. Supportive Measures are designed to restore or preserve access to the University's Programs and Activities or to employment at Evangel, protect the safety of all parties and the University's educational, residential and working environment, or deter Policy violation, while not being punitive in nature or unreasonably burdening any party.

TITLE IX COORDINATOR. The official designated by the University to ensure compliance with Title IX and the University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

XVII. APPENDIX B:

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 harassment, sexual abuse, sexual solicitation, harassment, and stalking and are found in the **Missouri Statutes 565 and 566** (see: <https://revisor.mo.gov/main/Home.aspx>).

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;

Domestic Assault

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

Sexual Offenses

- Rape in the first degree [566.030](#) Sexual harassment, first degree [566.093](#)
- Rape in the second degree [566.031](#) Sexual harassment, second degree [566.095](#)
- Statutory rape, first degree [566.032](#) Sexual abuse, first degree [566.100](#)
- Statutory rape, second degree [566.034](#) Sexual abuse, second degree [566.101](#)
- Sexual solicitation [556.103](#)

Sexual Harassment

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

Stalking

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

XVIII. APPENDIX C:

SANCTIONING GUIDE:

Factors considered when determining a sanction/responsive action may include, but are not limited to: Nature, severity of, and circumstances surrounding the violation(s), the Respondent's disciplinary history, Previous allegations or allegations involving similar conduct, Sanctions/responsive actions to bring an end to sexual harassment and/or retaliation, Sanctions/responsive actions to prevent future recurrence of sexual harassment/retaliation, Remedy effects of sexual harassment/retaliation on Complainant and the community, Impact on the parties, Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either at outcome of any appeal or expiration of the window to appeal when appeal is not requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any university policy, procedure, or directive will result in more severe actions.

Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified time. Terms of the probation may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. During a suspension, respondent is not authorized to attend university-sponsored events.

Dismissal: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend university-sponsored events. This status may be noted permanently as a Conduct Dismissal on the student's official transcript.

Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.

Revocation of Degree: The University reserves the right to revoke a degree previously awarded for fraud, misrepresentation, and/or other violation of Evangel's policies, procedures, or directives in obtaining the degree, or for other serious violations committed prior to graduation.

Other Actions: In addition to or in place of the above sanctions, other actions may be assigned.

Employee Sanctions

The following are the usual sanctions that may be imposed upon employees singly or in combination.

Warning – Verbal or Written, Performance Improvement Plan/Management Process, Required Training or Education, Probation, Denial of Pay Increase/Pay Grade, Loss of Oversight or Supervisory Responsibility/Demotion, Delay of tenure track progress, Suspension with/without pay, Termination, The University may assign any other sanctions as deemed appropriate.

LONG-TERM REMEDIES/OTHER ACTIONS

In addition to any sanctions implemented, the Title IX Coordinator or Decision-Makers may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to: Referral to counseling and health services, Referral to the Employee Assistance Program, Education to the individual and/or the community, Permanent alteration of housing assignments, Permanent alteration of work arrangements for employees, Provision of campus safety escorts, Climate surveys, Policy modification and/or training,

Provision of transportation accommodations, Implementation of long-term contact limitations between the parties, Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the Recipient to the Respondent to ensure no effective denial of educational access. The university will maintain the privacy of any long-term remedies, actions, or measures, provided privacy does not impair the university ability to provide these services.