Gender-Based Misconduct Policy

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Introduction:

Members of the university community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others, conforms to Biblical purity, and expresses godly love that does no wrong to others.

Central Bible University believes in a zero-tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

This policy uses as a guide and template Sokolow, B. A. (J.D), Lewis, S. W. (J.D.), & Schuster, S. K. (J.D.). (2011). NCHERM model Title IX compliance policy, grievance process and civil rights investigation protocol.

Section 1

Overview of Policy Expectations with respect to PHYSICAL SEXUAL MISCONDUCT:

Central students are expected to conduct themselves with sexual purity and guard against even the appearance of sexual impropriety. The Word of God is clear: "among you there must not be even a hint of sexual immorality … because these are improper for God's holy people" (Ephesians 5:3, NIV). Therefore, students are expected to abstain from sexual intimacy between people who are not legally married (as defined in the State of Missouri) to each other. More information about Central's expectation of sexual purity may be found in the Student Handbook.

Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex in educational programs or activities operated by recipients of Federal financial aid. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or any intellectual or other disability. The National Institute of Justice found that about 1 in 5 women and 6.1 percent of males are victims of completed or attempted sexual assault in college.

Sexual harassment and sexual violence are unacceptable – especially among a campus community of spiritually minded students seeking to become equipped for vocational church leadership and volunteer Christian ministry. In cases of sexual harassment and sexual violence, the university endorses the obligations mandated by the Department of Education to prevent and respond to sexual harassment and sexual violence.

Title IX requires the university to provide a notice of nondiscrimination, notice of the university's Title IX coordinator, and notice of grievance procedures. These are found in this document (Gender-Based Misconduct Policy).

The expectations of our community regarding sexual harassment and sexual violence can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence – without actions demonstrating permission – cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Overview of Policy Expectations with respect to CONSENSUAL RELATIONSHIPS:

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The university does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the university. For the personal protection of members of this

community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RA's and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Sexual Violence – Risk Reduction:

The following tips are presented with the following caveat. Central Bible University expects all students to adhere to the limits of sexual conduct and alcohol and drug policy established in the Student Handbook and Student Code. The choice to exceed the university's limits of sexual conduct and use of alcohol or drugs never makes the victim at fault for sexual violence.

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered.

- Make your limits known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in a position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.

- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus hearings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the university never assumes a student is in violation of university policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending upon the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

Sexual Misconduct Offenses covered by this Policy include, but are not limited to:

1. *SEXUAL HARASSMENT.* Sexual Harassment is:
    - unwelcome, gender-based verbal or physical conduct that is,
    - sufficiently severe, pervasive and objectively offensive that it,
    - unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the university's educational program and/or activities, and is
    - based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; genderbased bullying.

2. *NON-CONSENSUAL SEXUAL CONTACT*. Non-Consensual Sexual Contact is:

- any intentional sexual touching or making another touch you or themselves,
- however slight,
- with any object or body part,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force. I

If you are unsure if you have experienced Non-Consensual Sexual Contact you may find more information by contacting the VP of Student Development.

3. *NON-CONSENSUAL SEXUAL INTERCOURSE*. Non-Consensual Sexual Intercourse is: ·

- any sexual intercourse
- however slight,
- with any object or body part,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

If you are unsure if you have experienced Non-Consensual Sexual Intercourse you may find more information by contacting the Dean of Students.

4. *SEXUAL EXPLOITATION*. Sexual Exploitation occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- exposing one's genitals in non-consensual circumstances;
- inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Additional Applicable Definitions:

CONSENT: Clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

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 overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

- *Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
    - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction.
    - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at http://www.911rape.org.
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy. For reference to the pertinent state statutes on sex offenses, please see the Dean of Students.

Sanction Statement:

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus code violations.*
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

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

Other Misconduct Offenses (That fall under TITLE IX when gender-based):

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy found in the Student Handbook);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
6. Violence between those in an intimate relationship to each other;
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

Privacy and Reporting Policy:

Institutions must clearly articulate who are “responsible employees” under Title IX for purposes of initiating notice and/or investigation, and those who have more discretion on how they act in response to notice of gender-based discrimination. Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the university and upon university policy. *According to the 2020 DOE Title IX update, the institution can designate certain university officials NOT to be mandated reporters. A list of these non-mandated reporters is provided to students through Student Services and listed alongside information about Title IX Coordinators. This list of non-mandated or “confidential” reporters includes the mental health professionals on campus, and anyone designated as a Campus Minister. This list can change upon approval of the Vice President of Student Services, and changes will be communicated and posted*.

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting, in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options and advice without any obligation to tell anyone unless you want them to. Other resources are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the university nor the law requires them to divulge private information that is shared with them except in certain circumstances, some of

which are described below. A victim may seek assistance from these university officials without starting a formal process that is beyond the victim's control, or violates her/his privacy.

To report confidentially:
If one desires that details of the incident be kept confidential, they should speak with off-campus mental health counselors, health service providers or rape crisis resources who can maintain confidentiality. In addition, you may speak on- and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential. If you are unsure of someone's duties and ability to maintain your privacy, *ask them before you talk to them*.

Reporting to those who can maintain the privacy of what you share:
You can seek advice from certain resources which are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These are individuals who the university has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is required, other than in the stated limited circumstances. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as RAs, faculty members, counseling interns, admissions officers, student activities personnel, and others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, & help you make decisions about who can help you best.

Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they will not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect your or other members of the community. If a student's personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

Non-confidential reporting options:
You are encouraged to speak to officials of the institution to make formal reports of incidents (Title IX Coordinator(s), deans, vice presidents, chief financial officer, or other administrators with supervisory responsibilities, and human resources). The university considers these people to be "responsible employees." Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

Sherry Wallis - Title IX Coordinator
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Federal statistical reporting obligations:

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus administration regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reports include but are not limited to directors, deans, department heads, advisors to students and student organizations, residence hall directors, residence assistants, athletic coaches, and local law enforcement agencies. The information that they share includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. *EVERYONE ON CAMPUS MUST REPORT INCIDENTS, BUT NOT EVERYONE HAS TO GIVE THE NAME OF THOSE INVOLVED (See the list of mandated reporters). This reporting protects the identity of the victim and may be done anonymously.*

Federal timely warning reporting obligations:

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

Common Questions and Answers:

Commonly asked questions regarding the university's sexual misconduct policy and procedures:

Does the information about a complaint remain private?

The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the accused student may lead to conduct action by the university.

In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain university administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the university, the Title IX Coordinator(s), and Vice President of Student Services). If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and there is evidence that a felony has occurred, local police may be notified. This does not mean charges will be automatically filed or that a victim must

speak with the police, but the institution may be legally required to notify law enforcement authorities. The institution must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?
No, not unless you tell them. Whether you are the complainant or the accused student, the university's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an accused student has signed the permission form at registration which allows such communication.

Will the accused student know my identity?
Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused student has the right to know the identity of the complainant/alleged victim. If there is a hearing, the university does provide options for questioning without confrontation, Zoom or using a room divider.

Do I have to name the perpetrator?
Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand the university's legal obligations depending on what information you share with different university officials). Victims should be aware that not identifying the perpetrator may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?
DO NOT contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Student Services Office, which can explain the university's procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor or seek other community assistance. See below regarding legal representation.

Will I (as a victim) have to pay for counseling or medical care?
The university does not provide these services. When accessing community services, payment for these will be subject to state/local laws, insurance requirements, etc. For assistance in identifying and accessing community services, please see the Student Services Office.

What about legal advice?
Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the District Attorney's office. You may want to retain an attorney if you are the accused student or are considering filing a civil action. The accused student may retain counsel at their own expense if they determine that they need legal advice

about criminal prosecution and/or the campus conduct proceeding. Both the claimant and the respondent can have an advisor during the entire process. If the student does not have an advisor, the Title IX coordinator can help them find one.

What about changing residence hall rooms?
If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. If you want the accused student to move, and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal or informal university complaint. No contact orders can be imposed and room changes for the accused student can usually be arranged quickly.

Other accommodations available to you might include:

- Assistance from university support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Assistance with alternative course completion options;
- Academic support services such as tutoring;
- Other accommodations for safety as necessary

What should I do about preserving evidence of a sexual assault?
Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the Hospital Emergency Room, before washing yourself or your clothing. Some hospital's have a Sexual Assault Nurse Examiner (SANE: a specially trained nurse) at the hospital who is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). The university may be able to help identify someone who can accompany you to the hospital and to law enforcement and provide transportation. If a victim goes to the hospital, local police may be called, but she/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Victim: The hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you

have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

The university's primary concern is for your safety. Any other rules violations will be addressed separately from the sexual violence allegation. The use of alcohol or drugs never makes the victim at fault for sexual violence. The severity of the infraction will determine the nature of the university's response, but whenever possible the university will respond educationally rather than punitively to the use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?

The use of alcohol and/or drugs by either party will not diminish the accused student's responsibility. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by an accused student

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the Dean of Students who can help you to define and clarify the event(s), and advise you of your options.

Clery Act, VAWA & SAVE:

Information regarding laws and policies adopted at the federal and state levels is given in writing during freshmen orientation and is made available to any student through the Student Services Office. The safety and security of our students from physical, psychological and sexual violence is a top priority and any incident will be investigated to the best of our abilities.

Section 2

Respect for the Community:

Philippians 2:1-5 “Therefore if there is any encouragement in Christ, if there is any consolation of love, if there is any fellowship of the Spirit, if any affection and compassion, make my joy complete by being of the same mind, maintaining the same love, united in spirit, intent on one purpose. Do nothing from selfishness or empty conceit, but with humility of mind regard one another as more important than yourselves; do not merely look out for your interests, but also to the interests of others. Have this attitude in yourselves which was also in Christ Jesus.”

Students are encouraged to create and protect positive, appropriate relationships with friends, family, significant others, and fellow students. Learn how to say "no" politely, but with determination. Be a good steward of your time; fun and fellowship are essential, but the reason you are here is to study and prepare for ministry. Set boundaries for yourself and share them with your friend(s), family, and especially your roommate. Clear communication of boundaries is crucial. Likewise, you should honor the boundaries that have been set by others. Be mindful and respectful of other people’s preferences. Not everyone will find your jokes funny or your comments beneficial; you should make every effort to put the needs of others before yourself.

Unity and Diversity:

Central Bible University does not unlawfully discriminate based on race, color, sex, age, disability, nationality, or ethnic origin in employment, admissions, financial aid, or participation in University programs. God created us in His image, male and female, with a spectrum of colors and languages spread across the globe. It is not wise, nor is it acceptable to dishonor someone based on these differences; instead, we should celebrate those differences, attributing our diversity to the God who created us. No acts of prejudice or racism or disrespect will be excused for any reason. All incidents, regardless of the perpetrator, should be reported. And more importantly, the community should not accept or condone any such divisiveness. Speak up for each other; promote unity wherever you go. Psalm 133:1 says, “Behold, how good and how pleasant it is For brothers to dwell together in unity!”

Civil Rights Grievance and Investigation Process:

Definitions

1. SEXUAL HARASSMENT: Unwelcome, gender-based verbal or physical conduct is sufficiently severe, pervasive and objectively offensive that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the university’s educational program. The unwelcome behavior may be based on power differentials (quid pro quo), the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.
2. DISCRIMINATION: Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual’s race, color, national

origin, sex, disability, or age that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities.

3. DISCRIMINATORY HARASSMENT: Detrimental action based on an individual's race, color, national origin, sex, disability, or age that is so severe, pervasive and objectively offensive that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities.
4. RETALIATORY HARASSMENT: Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding.

SEXUAL HARASSMENT OF A STUDENT BY ANOTHER STUDENT:
Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, pervasive and objectively offensive that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities.

SEXUAL HARASSMENT OF A FACULTY/STAFF MEMBER BY A STUDENT:
Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member by a student that is so severe, pervasive and objectively offensive that it substantially interferes with employment or living conditions or deprives the individual of employment access or benefits.

SEXUAL HARASSMENT OF A STUDENT BY A FACULTY/STAFF MEMBER:
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty or staff member toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
- Such conduct is so severe, pervasive and objectively offensive that it interferes with or limits a student's ability to participate in or benefit from the university's educational program and activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty and staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions. Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution.

COMPLAINTS CONCERNING DISCRIMINATION AND/OR HARASSMENT:
The university does not permit discrimination or harassment in our programs and activities on the basis of gender, race, color, national origin, sex, disability, or age. Students who believe they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this policy to report these concerns. This process involves an immediate initial investigation to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the university will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the university's nondiscrimination policy has been violated. If so, the university will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

Students who wish to report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to CBU's Title IX Coordinator(s):

Sherry Wallis - Title IX Coordinator and Dean of Students (660-263-3900 ext. 147)
Don Sanders - Deputy Title IX Coordinator in St. Louis (660-263-3900 ext. 136)
Dave MacMillan - Deputy Title IX Coordinator in Cincinnati (660-263-3900 ext. 205)
Eric Bingaman - Deputy Title IX Coordinator in Columbus (660-263-3900 ext. 202)

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)
400 Maryland Avenue, SW Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

FORMAL AND INFORMAL GRIEVANCE PROCEDURE FOR STUDENT COMPLAINTS:
This procedure is intended to apply to student civil rights grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. All other grievances by students against students or employees against students will be addressed through the student conduct procedures located in the Student Handbook. The CBU community benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns that students may have about the implementation of policies and procedures that govern the institution.

INFORMAL DISPUTE RESOLUTION EFFORTS: A USEFUL FIRST STEP BEFORE FILING FORMAL COMPLAINTS:
For grievances other than sexual harassment and sexual violence, before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with

faculty, staff, or administrators, including following procedures for formal appeal. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the student should contact the individual's direct supervisor to attempt to resolve the complaint. If these efforts are unsuccessful, the formal complaint process may be initiated. The university does not require a student to contact the person involved or that person's supervisor if doing so is impracticable, or if the student believes that the conduct cannot be effectively addressed through informal means. For cases involving allegations of sexual harassment, students may follow an informal process but are not required to work out the problem directly with the alleged perpetrator. Students may end an informal process at any time and begin the formal stage of the complaint process. For cases involving allegations of sexual assault, informal procedures will not be used to resolved sexual assault complaints. The formal process will be followed for all cases involving allegations of sexual assault.

FORMAL GRIEVANCE PROCESS:

The university's student conduct officers are designated to formally investigate student grievances, address inquiries and coordinate the university's compliance efforts regarding student complaints and grievances. Notice of a formal complaint can be made in person or orally to an appropriate official, but the university strongly encourages submission of grievances in writing, by email attachment as a MS Word or PDF document, in other written form to the university's Title IX Coordinator, and Student Conduct Administrators (Dean of Students or Associate Dean of Students. See earlier in this document (Gender-based Misconduct Policy) for the university's Title IX Coordinators' contact information.

The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

The grievant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved and/or the supervisor is impracticable, the grievant should state the reasons why.

Upon receipt of a grievance the Student Conduct Administrator will open a formal case file and will assign a case officer who will direct the investigation and confer with the Title IX Coordinator on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions.The Student Conduct Administrator will then take the following steps:

- In coordination with the campus Title IX Coordinator, initiate any necessary remedial actions;

- Determine the identity and contact information of the complainant (whether that be the initiator, the alleged victim, or a university proxy or representative);
- Identify the correct policies allegedly violated;
- Conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint;
- If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action;
- Meet with the complainant to finalize the complaint and
- Prepare the notice of charges on the basis of the initial investigation;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Present the findings to the accused individual, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome.

Where the accused individual is found not responsible for the alleged violation(s), the investigation should be closed. Where the accused individual accepts the finding that s/he violated university policy, the Student Conduct Administrator(s) will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator(s). The university will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. In the event that the accused individual rejects the findings in part or entirely, the Student Conduct Administrator will convene a hearing under the university's respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The Student Conduct Administrator(s) may give evidence. The hearing will determine whether there is a preponderance of evidence that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Student Conduct Administrator has final decision making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, the Student Conduct Administrator will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator. The university will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. Appeal proceedings as described in this code will apply to all parties to the complaint.

ELABORATION ON STUDENT PARTICIPATION IN THE GRIEVANCE PROCESS:

The Student Conduct Administrator will contact or request a meeting with the initiator of the formal grievance, and the complainant (if different people). The investigator also may contact or request a meeting with relevant university staff, students, or others as part of the investigation. The complainant may request to meet and discuss the allegations of the grievance with the Student Conduct Administrator and may offer any documentation, witnesses, or other materials in support of the complaint. Both the complainant and respondent have the option to have an advocate during a meeting with the Student Conduct Administrator to discuss the documentation submitted by the student in support of the grievance. If either the complainant or the respondent do not have access to an advisor the Title IX Coordinator will help to provide one.

The complainant must advise the case officer of the identity of an advocate or witness at least two (2) business days before the date of the meeting with the case officer. During a meeting with the case officer, an attorney acting as a lawyer may not serve as the student's advocate or formally represent the student. These procedures are entirely administrative in nature and are not considered legal proceedings. No audio or video recording of any kind other than as required by institutional procedure is permitted, nor is formal legal representation allowed. At the Student Conduct Administrator's discretion, the case officer may remove anyone disrupting the meeting from the discussion. All these same opportunities and privileges extend to all parties to the complaint.

TIME FRAME AND GROUNDS FOR FILING AN APPEAL REQUEST:

In the event that an accused individual accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Student Conduct Administrator's post-investigation can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Student Conduct Administrator for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the Student Conduct Administrator may be appealed by petitioning the Student Conduct Administrator. Accused students or complainants must petition within 5 business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Student Conduct Administrator (SCA). The SCA will share the appeal with the other party (e.g., if the accused student appeals, the appeal is shared with the complainant, who may also wish to file a response), and then the SCA will draft a response memorandum (also shared with all parties). All appeals and responses are then

forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately.

The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence, only. The reconsideration of the hearing body is not appealable.

If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the original hearing officers (as in cases of bias), the appeals officers or committee may order a new hearing on the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

Appellate boards reviewing an appeal based upon an assertion of substantive error review the Student Conduct Administrator's decision in order to determine whether it was supported by substantial information. Substantial information means such relevant information as a reasonable mind might accept as adequate to support a conclusion. In making such a determination, the appellate board will not substitute its judgment for the judgment of the student conduct board. Instead, the appellate board respects the credibility judgments made by the student conduct board and reviews the student conduct board's determination only to see whether there was information before the student conduct board that supported the result it reached.

If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the student conduct administrator, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The determination of whether sanctions are proportionate will be viewed as a "stand alone" outcome. The impact of the sanction is different than the sanction itself. The other impacts on

the student's life are not withstanding. For example: A violation of the university's policy where the sanction is a one-year suspension is not "disproportionate" because of graduation status, time in the semester, pending internship/job/externship/graduate school, and/or application.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- Sanctions imposed are implemented immediately unless the student conduct administrator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days* from hearing of the appeal. The committee's decision to deny appeal requests is final.

SPECIAL GRIEVANCE PROCESS PROVISIONS:

1. Attempted violations - In most circumstances, the university will treat attempts to commit any of the violations listed in the Student Conduct Code, Student Handbook, and this policy as if those attempts had been completed.
2. University as Complainant - As necessary, the university reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.
3. False Reports - The university will not tolerate intentional false reporting of incidents. It is a violation of the Student Conduct Code to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
4. Immunity for Victims and Witnesses - The university community encourages the reporting of Conduct Code violations, especially sexual misconduct. Sometimes, victims or witnesses are hesitant to report to university officials or participate in grievance processes because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the university pursues a policy of offering victims of sexual misconduct and witnesses limited immunity from being charged for policy violations related to the sexual

misconduct incident. While violations cannot be completely overlooked, the university will provide educational rather than punitive responses, in such cases.

5. Bystander Engagement - The welfare of students in our community is of paramount importance. At times, students on and off- campus may need assistance. The university encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the campus security). The university pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.
6. Parental Notification - The university reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, the university will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The university also reserves the right to designate which university officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.
7. Notification of Outcomes - The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. However, the university observes the legal exceptions as follows: Complainants and respondents in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation. The university may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a university policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The university will release this information to the complainant in any of these offenses regardless of the outcome.
8. Alternative Testimony Options - For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be offered, such a placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the accused individual, such as by Zoom. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.
9. Past Sexual History/Character - The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent

written request, and must be reviewed in advance of the hearing by the Student Conduct Administrator. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Student Conduct Administrator may supply previous complaint information to the investigators, the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:

a. The accused was previously found to be responsible;
b. The previous incident was substantially similar to the present allegation;
c. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

STATEMENT OF THE RIGHTS OF THE ALLEGED VICTIM:

The following rights are provided in accordance with all applicable policies and procedures found in the Student Handbook, Student Conduct Code, and the Gender-based Misconduct Policy. The university provides equal rights to both the complainant and the accused student (see the university's statement of the accused student's rights).

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to university administrators;
- The right to be treated with respect by university officials;
- The right to have an advisor to accompany and assist in the campus hearing process according to student conduct hearing procedures and policies.
- The right not to be discouraged by university officials from reporting an assault to both on-campus and off- campus authorities;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within 24 hours of the end of the conduct hearing; The right to be informed by university officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
    - Change of an on-campus student's housing to a different on-campus location;
    - Assistance from university's support staff in completing the relocation;
    - Arranging to dissolve a housing contract and pro-rating a refund;
    - Exam (paper, assignment) rescheduling;
    - Taking an incomplete in a class;
    - Transferring class sections;
    - Temporary withdrawal;
    - Alternative course completion options.

- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
- The right to bring an advisor to all phases of the investigation and campus conduct proceeding;
- The right to give testimony in a campus hearing by means other than being in the same room with the accused student;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to have the university compel the presence of student, faculty and staff witnesses, and the opportunity to ask questions, indirectly through and at the discretion of the hearing chair, of witnesses, and the right to challenge documentary evidence.
- The right to be present for all testimony given and evidence presented before the conduct body;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to a conduct panel comprised of representatives of both genders;
- The right to have university policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

STATEMENT OF THE ACCUSED STUDENT'S RIGHTS:

The following rights are provided in accordance with all applicable policies and procedures found in the Student Handbook, Student Conduct Code, and the Gender-based Misconduct Policy. The university provides equal rights to both the complainant and the accused student (see the university's statement of the complainant's rights).

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to university administrators against the accused student;
- The right to be treated with respect by university officials;
- The right of both accuser and accused to have the same opportunity to have other present (in support or advisory roles) during a campus disciplinary hearing;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to be notified of available counseling, mental health, or students services both on campus and in the community;
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of bias;
- The right to have the university compel the presence of student, faculty and staff witnesses, and the opportunity to ask questions, indirectly through and at the discretion of the hearing chair, of witnesses, and the right to challenge documentary evidence.
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;
- The right to have university policies and procedures followed without material deviation;
- The right to have an advisor to accompany and assist in the campus hearing process according to student conduct hearing procedures and policies.
- The right to a fundamentally fair hearing, as defined in these procedures;

- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the hearing;
- The right to a conduct panel comprised of representatives of both genders;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.