



Southwest
Baptist
UNIVERSITY

**Title IX Policies
and Procedures**

Title IX – Sexual Harassment, Discrimination, Violence

SBU prohibits domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. The University expects behavior from all members of the University family that demonstrates the highest standard of respect for people and property and that exemplifies the Christian commitment to loving one another. Certain behaviors are not acceptable according to this moral and ethical standard.

It is important to recognize that emotional, verbal, and economic abuse are part of the umbrella of domestic violence, dating violence, sexual assault, and stalking and can exist without the presence of physical abuse.

Definitions

Many of the following terms, unless cited differently, were taken from MO Rev Stat § 455.010 (2016):

Abuse — includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

- (a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;
- (b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;
- (c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- (d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

Following another about in a public place or places;

Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will; (455.010 RSMO):

Adult — any person seventeen years of age or older or otherwise emancipated; (455.010 RSMO);

Support Person of Choice — an individual whom complainants and respondents involving domestic violence, dating violence, sexual assault, and stalking have the privilege to have attend and support them through the investigation, resolution, and, if necessary, appeal processes. The selection of an "advisor of choice" is not limited to, but can include a friend, mentor, family member, attorney, or faculty member.

Bystander intervention — helpful and safe bystander interaction, especially if there is a risk of domestic violence, dating violence, sexual assault, or stalking. While there are many methods of invention to help a fellow student, a bystander must assess their personal safety before intervening. If intervention is reasonable, a few bystander interaction methods, but certainly not an exhaustive list, could include:

- a) Engaging in conversation that would divert the concern
- b) Using a distraction to deter the situation
- c) Asking another bystander(s) to assist you in disrupting the issue
- d) Telling University personnel

e) On the Bolivar campus, calling SBU Safety and Security (417) 328-1556

f) Calling 911

Child — any person under seventeen years of age unless otherwise emancipated; (455.010 RSMO)

Complainant — A complainant is anyone who reports an alleged incident of sexual misconduct or discrimination as described by policy.

Consent — SBU's Principles & Expectations apply to employees and students. All members of the University family should abstain from unbiblical sexual practices and behavior that may lead to a violation of God's standards on sexual activities. If sexual activity occurs outside the covenant of marriage, "Consent" means an affirmative, unambiguous, and voluntary agreement to engage in sexual activity. Consent requires a mutual understanding communicated that endorses an agreement to be sexually active at that given time. Consent to some form of sexual activity should not be interpreted as consent to other forms of sexual activity. Without consent, any sexual activity will be considered unwanted and without consent. Sexual activity will be considered non-consensual if the victim was unable to communicate consent due to coercion, incapacitation, physical abuse, or any other item causing impaired judgment.

RSMo 556.061(5). 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, or intoxication, 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.

Court — The circuit or associate circuit judge or a family court commissioner; (455.010 RSMO).

Dating Violence — The term "dating violence" means committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship" (SEC. 40002. 42 U.S.C. 13925).

Domestic violence — Abuse or stalking committed by a family or household member, as such terms are defined in this section (455.010 RSMO). The State of Missouri does not define domestic or dating violence. However, the State of Missouri does define assault (455.010(1) RSMo), and has interchangeably used domestic or dating violence when referencing a situation whereby a person purposely, knowingly, or recklessly caused fear or physical harm to another person within the same family or with another person in which an intimate or romantic relationship existed.

Ex parte order of protection — An order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it (455.010 RSMO).

Family or household member — Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time (455.010 RSMO).

Full order of protection — An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard (455.010 RSMO).

Order of protection — Either an ex parte order of protection or a full order of protection (455.010 RSMO).

Pending — Exists or for which a hearing date has been set (455.010 RSMO).

Petitioner — A family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505 (455.010 RSMO).

Respondent — A respondent is anyone in which a sexual misconduct or discrimination allegation report has been filed against. The family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503 (455.010 RSMO).

Sexual Assault — “The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (SEC. 40002. 42 U.S.C. 13925). In addition, sexual assault is causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress (see 455.010(1) RSMo).

Sexual Harassment — SBU is committed to maintaining high standards of professional ethics in a humane atmosphere in which individuals do not abuse their personal authority or power. All members of the University family are responsible for maintaining a positive working and learning environment. The faculty, staff, and students of SBU will not condone actions which a reasonable person would regard as either gender discrimination or sexual harassment.

Gender discrimination occurs when a person, due to their biological sex of being male or female are treated unequal. Gender discrimination also includes the unequal or unfavorable treatment of a person due to social behavior such as the nonconformance of biological roles.

Sexual Harassment is any unwelcome verbal or physical conduct based on any characteristic protected by law when: (1) the behavior can reasonably be considered to adversely affect the school or work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct." Conduct that "adversely affects the work environment," even though it may not be "severe or pervasive" as required under federal law may also be deemed harassment.

Procedure: Any person(s) who believes he or she has been the object of gender discrimination or sexual harassment by a co-worker, supervisor, manager, visitor, teacher, or student is encouraged to report the incident to the cabinet member in charge of his/her particular area, the human resources director, his/her supervisor, or any other member of the executive cabinet. (Note: The Vice President of Student Life is responsible for any student concerns.) An individual must not assume SBU is aware of his/her complaint. It is the individual's responsibility to report all complaints and concerns as soon as possible. Supervisors with any knowledge of harassment should report all complaints to the University Affirmative Action Officer (Director of Human Resources) immediately.

Stalking — Is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

- (a) “Alarm” means to cause fear of danger of physical harm; and
- (b) “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact (455.010 RSMO).

Policy and Procedures for Reporting Domestic Violence, Dating Violence, Sexual Assault, Rape, Stalking and Sexual Harassment

Policy

Applicants for admission and employment, students, parents of students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Southwest Baptist University are hereby notified that this institution does not discriminate on the basis of race, color, national origin, sex, age, disability or marital status in employment, admission, access to, or treatment in, its programs and activities, except to the extent permitted by religious exemptions recognized by law.

SBU prohibits quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. Any student who believes he or she has been a victim of any of these inappropriate actions is encouraged to report the incident to any member of the Title IX committee or the Title IX Coordinator, Mr. Eric Smith.

Any SBU personnel with any knowledge of sexual misconduct or any the above stated items should report all complaints to the Title IX Coordinator, Title IX Committee Member, Director of Human Resources, or Director of Safety and Security.

SBU students are encouraged to report incidents of quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment whether the incident happened to them or a fellow student.

Amnesty is provided for any SBU student who has become a victim or witness to any of the above stated sexual misconduct items or has experienced an alcohol related emergency. Students in this situation may not be sanctioned if the reporting student has indeed violated the University's Alcohol Policy (see Student Handbook).

Confidentiality — The University recognizes that maintaining the confidentiality of the person who files a complaint is of the utmost importance. While all discrimination complaints will be handled discreetly, there is not a guarantee that absolute confidentiality will occur.

Retaliation — Retaliation against a person who files a complaint, or persons who participate in related proceedings and investigative efforts, is prohibited. Any retaliation against a person filing a complaint will be subject to discipline in accordance with the institution's policies and procedures.

Reporting a Complaint

SBU has a dedicated Title IX team that strives to ensure Title IX compliance and care for individuals who are complainants or respondents.

Any student who believes he or she has been a victim or has knowledge of an incident of sex discrimination, quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment is encouraged to report the incident to official University personnel.

Title IX Coordinator: Eric Smith, Director of Tutoring and Disability Services, Title IX Coordinator, (417) 328-2094, eric.smith@SBUuniv.edu.

The Title IX Coordinator is responsible for: 1) overseeing education and training about discrimination and harassment to the university community; 2) overseeing the school's response to Title IX reports and complaints; 3) identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

In addition, individuals with complaints of quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment have the right to file a formal complaint with the United States Department of Education Office of Civil Rights (OCR). The Missouri OCR office address is following:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd Floor, Suite 320 Kansas City, MO 64106

Telephone: (816) 268-0550
Fax: (516) 268-0599; TDD (800) 877-8339
Email: OCR.KansasCity@ed.gov

Complaint Process

SBU is committed to investigating and determining a resolution for all reported incidents, especially those pertaining to quid pro quo harassment, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any domestic violence, dating violence, sexual assault, rape, acquaintance rape, stalking, and sexual harassment. An incident may be reported to a Title IX Committee member or directly to the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the Maxient system, telephone number, electronic address, or by mail to the office address listed for the Title IX Coordinator. An incident reported to one of the University officials will prompt the Title IX Coordinator to proceed with the following established process.

I. To Whom This Process Applies

This process pertains to alleged conduct relevant to Title IX committed by any individual affiliated with Southwest Baptist University when:

- (1) the conduct is considered sexual harassment as defined by Title IX
- (2) the conduct occurs on Southwest Baptist University premises; and/or
- (3) the conduct occurs in the context of a Southwest Baptist University employment, education, or research program or activity in the United States

Conduct meets the qualification of sexual harassment according to Title IX if:

- An employee of SBU conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct – known as quid pro quo harassment.
- One experiences unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity
- One experiences sexual assault, dating violence, domestic violence, or stalking

Any individual, regardless of affiliation with Southwest Baptist University, may file a complaint.

II. Initial Assessment

When the Title IX Coordinator becomes aware directly by a potential complainant or a third party of an incident which may involve sexual harassment as defined above, an initial assessment meeting will be conducted to gain a basic understanding of the nature and circumstances of the report. At this meeting, the complainant alleging the incident will be provided with information about resources, procedural options, and an opportunity to discuss the University's policies.

A reasonable assessment of the safety of the individual and of the campus community will be made by the Title IX Coordinator and/or members of the Title IX Committee. The team will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible and as warranted by the facts and circumstances, the University will seek action consistent with the complainant's request.

III. Filing a Complaint

If the potential complainant wishes to proceed with a resolution process, they will submit a written Formal Complaint to the Title IX Coordinator. Formal Complaints may be submitted in person, by mail, or electronically, provided they contain a signature from the complainant. Upon receipt of a Complaint, the Title IX Coordinator will be responsible for making the following determinations:

- (1) Is the conduct considered sexual harassment as defined by Title IX? And
- (2) Did the conduct occur on Southwest Baptist University premises? **and/or**
- (3) Did the conduct occur in the context of a Southwest Baptist University employment, education, research program or activity in the United States?

If the answer to question 1 and/or 2 or 3 is no, the Title IX Office does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions 1 and 2 and/or 3 is affirmative, the Title IX Office has the authority to investigate and resolve the Complaint.

IV. Standard of Evidence

In all stages of the process, SBU will apply the preponderance of the evidence standard (more likely than not) when determining whether the University policy has been violated.

V. Advisors

Complainants and respondents are entitled to be accompanied and assisted by an advisor of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent Title IX Council panel hearing. A list of advisors is available to the parties, subject to their availability. There is no requirement that an advisor be chosen from this list or be an individual from the SBU community. Complainants and respondents may choose to have an attorney serve as their advisor, but accommodations, including scheduling of interviews or hearings will not be made for any advisors, including attorneys, if they unduly delay the process.

VI. Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances reported and requested by either the complainant or respondent with both parties agreeing to an Informal Resolution process. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a complaint has been resolved through an informal resolution process, the matter will be closed, and a formal grievance is no longer an option.

VII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the Title IX Office determines that a formal resolution process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the Title IX coordinator or their designee, may assume the role of a complainant.

A. Formal Resolution Process Brief Overview

1. A written and signed Formal Complaint is submitted to the Title IX Office and the respondent receives notice of the allegations.
2. An investigator is appointed by the Title IX Coordinator
3. The investigation is conducted, witnesses are interviewed, information is gathered, and an initial investigation report is prepared and shared with both parties.
4. Within ten (10) business days following receipt of the investigation report, both parties may provide a written response.
5. The investigation report is finalized and shared with the parties and the Title IX Coordinator.
6. The Title IX Coordinator appoints a Decision Maker to conduct a formal hearing.
7. The parties may submit a written statement and question for cross-examination to be considered by the Decision Maker.
8. The Title IX Coordinator provides the Decision Maker with the investigation report and any written statements from the parties.
9. Parties may appear before the Decision Maker to make an oral statement and to provide cross-examination of witnesses and the complainant and respondent. Cross-examination questions are brought by parties' advisors.
10. The Decision Maker decides which questions are relevant during the context of the cross-examination stage of the hearing.
11. The Decision Maker will convene to deliberate and render a decision, regarding whether the respondent has violated the University policy.
12. If there is a finding of responsibility for any violations, the Decision Maker will deliberate as to an appropriate sanction.
13. The Title IX Coordinator will prepare a written decision and rationale within five (5) business days, which will be shared simultaneously with the parties.

B. Investigation

The Title IX Coordinator will notify the respondent of the complaint in writing. The Title IX Coordinator will appoint an investigator(s) to the matter. The role of the investigator(s) will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the Title IX Coordinator as well as the Decision Maker appointed to oversee the live hearing. The investigator(s) has/have the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

i. Witnesses

Both the complainant and respondent are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the SBU community.

Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether the alleged conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

ii. Additional Evidence

Both the complainant and the respondent are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, video footage, etc. Any documentation shared by the complainant or the respondent with the investigator will be provided to the other party. The investigator may also consider additional documents, items or other relevant information.

Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and is not relevant to the determination of whether there is a policy violation.

Pattern Evidence. Evidence of an occurrence or occurrences of prohibited conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar prohibited conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare, and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially like the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

Prior Sexual History of the Parties. An individual's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Sexual History Between the Parties. Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a prior sexual relationship, and the existence of consent is at issue, the sexual history between the parties *may* be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual, and this should be a factor in considering relevance.

C. Investigation Report

The investigator will produce a written report that contains the relevant information and facts learned during the investigation and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.

The investigation report will be shared with the Title IX Coordinator, as well as the complainant and the respondent to review before it is finalized. Within ten (10) business days, the complainant and respondent may offer additional comment, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. When the report is finalized, it will be delivered to both parties and the Title IX Coordinator. The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process.

D. Hearing Process and Deliberations

The Decision Maker will receive the complaint, notice to parties, and investigation report in advance of the hearing. Complainants and respondents may submit a written statement to the Decision Maker, as well as any potential questions for cross-examination which must be submitted to the Title IX Coordinator twenty-four (24) hours before the hearing.

- i. **Prior to the hearing**
 - a. Each party may have an advisor present with them throughout the hearing process who can ask questions on behalf of the party, and who may cross exam witnesses.

- b. The university will provide an advisor for either the complainant or the respondent if the party does not bring one, and an advisor agreement will be shared to each party.
 - c. The Title IX Coordinator will share the hearing guidelines and setup of the hearing with both parties
 - d. Witnesses that each party previously identified in the investigation period will be invited to participate in the hearing. *Note: only testimony given during the live hearing will be considered, therefore it is vital that each party and relevant witnesses attend the live hearing when called.*
- ii. **During the Hearing**
- a. The Decision Maker ensures that each party has an advisor to representing them. If not, SBU will provide one for the relevant party.
 - b. Recording equipment is turned on by SBU personnel. SBU is the only entity allowed to record hearings.
 - c. The Decision Maker calls the meeting to order.
 - d. The complainant may make an opening statement of no more than 5 minutes (may be made by the advisor on behalf of the party)
 - e. The respondent may make an opening statement of no more than 5 minutes (may be made by the advisor on behalf of the party)
 - f. Witnesses are individually called and cross-examined by complainant and then by the respondent.
 - g. Steps for cross-examination:
 - i. Party consults with advisor to determine question.
 - 1. Parties will not be permitted to ask questions directly.
 - 2. Questions challenging credibility are allowed (if relevant).
 - 3. If a party or witness does not appear, or refuses to submit to cross examination from the other party's advisor, then the Decision-Maker must exclude any statements given by said party.
 - ii. Advisor asks the question – All relevant questions and follow up questions will be posed by the advisor.
 - iii. Decision maker determines whether question is relevant.
 - iv. If question is deemed relevant, other party answers.
 - v. If question is deemed not relevant, decision maker provides reason, and the questioning proceeds with the next question
 - h. After questioning and cross-examination by both parties the complainant may give a closing statement of no more than five (5) minutes.
 - i. The respondent may give a closing statement of no more than five (5) minutes.
 - j. The Decision Maker begins deliberations as to whether a preponderance of evidence exists to hold the respondent responsible.

iii. The Sanction and Decision

Following the Live Hearing if the Decision Maker determines that the respondent is responsible for one or more violations of the University Policy, he or she will then deliberate as to an appropriate sanction. The Decision Maker will be permitted to consider prior policy violations in determining an appropriate sanction.

If the results of the Live Hearing substantiate any part of a complaint filed under this policy, immediate and appropriate corrective and/or disciplinary action will be taken. If the evidence shows that the reported allegation is more likely true than not true, then this type of violation is considered potentially a dismissible offense.

The Decision Maker prepares the written outcome decision and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the sanction and rationale. Within five (5) business days, the report of the Decision Maker will be provided simultaneously to the complainant and the respondent.

E. The Appeal Process

The complainant and respondent have the right to appeal final determination of responsibility and/or the resulting sanction based on the limited grounds of

- A procedural irregularity that affected the outcome of the matter.

- New evidence emerges that was not reasonably available at the time the determination was made, and this new evidence may affect the outcome of the matter.
- The Title IX Coordinator, Investigator, of Decision-Maker had a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals are heard by an Appeal Officer appointed by the Title IX Coordinator. The Appeal Officer may not fulfill any other role in the preceding process. The Appeal Officer's responsibility will be strictly limited to determining if there was substantial procedural irregularity that materially affected the outcome, new evidence not reasonably available at the time of the hearing that may affect the outcome, and/or The Title IX Coordinator, Investigator, of Decision-Maker had a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If any of these circumstances are found by the Appeal Officer, the appeal will be granted. If the appeal is denied, the matter is closed.

If the appeal is granted:

- (1) due to a substantial procedural error, the matter will be heard by a new Decision Maker.
- (2) due to the discovery of new evidence not reasonably available at the time of the initial hearing, the matter will be returned to the same Decision Maker which originally heard the matter for reconsideration in light of the new evidence.
- (3) due to The Title IX Coordinator, Investigator, of Decision-Maker having a conflict of interest or bias for or against the complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the relevant parties will be replaced, and the matter will be investigated, heard by the newly appointed individuals.

In the event of a reconsideration, the Appeal Officer will give the Decision Maker instructions regarding the nature and extent of its reconsideration. The Decision Maker will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Decision Maker or the sanction imposed by the Decision Maker will be final and not subject to further appeal.

VIII. Withdrawal of a Complaint

The complainant may request to withdraw a Complaint at any time. The University reserves the right to decide whether to approve or deny this request but will strongly consider the complainant's wishes.

IX. Timeframe for Completion of Investigation and Disciplinary Process

The University cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process with utmost expediency. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the Title IX Coordinator for good cause. The University's overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

Sexual Assault Recommended Response

In the event of sexual assault, the victim should be aware of the following procedures:

1. Report the incident
 - a. Bolivar Police; 345 South Main Avenue; (417) 326-5298
 - b. A victim that is a student should inform the Vice President of Student Life; Goodson Student Union; (417) 328-1827 (A member of the residence life staff may serve as a liaison for a student/victim residing in a residence hall). Employees should inform one of the following designated reporting officials: President, Provost, Vice-President for Administration, Vice President of Student Life, Athletic Director, or Director of Safety and Security.
 - c. A victim at the Springfield Campus should notify the Springfield Police at (417) 864-1810. In addition, the center director or building coordinator should be notified.
 - d. A victim at the Mountain View Campus should notify the Mountain View Police at (417) 934-2525. In addition, the center director should be notified.
 - e. A victim at the Salem Campus should notify the Salem Police at (573) 729-4242. In addition, the center director should be notified.
2. Seek medical assistance [student health center: (417) 328-1888], [Ambulance: (417) 326-7000], [Citizen's Memorial Hospital Room: (417) 326-0301].
3. Consider the importance of preserving evidence.
4. Seek counseling on or off campus. SBU Counseling Center: (417)-328-1404.
5. Complainant and respondent are encouraged to communicate with their local police. If either party needs assistance with contacting or notifying the police, assistance will be offered. Complainant may decline notifying proper authorities, but are encourage to notify police.
6. Consider pressing charges.
7. University officials will cooperate with local officials.
8. If the accused is a student, university disciplinary measures may also be taken at the appropriate time with both the accused and the accuser informed of the outcome.
9. Consider requesting changes regarding academic and living situations. Changes will be made if requests are received that may be reasonably accommodated. Requests for changes should be addressed to the Vice President of Student Life.
10. The accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
11. Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (the institution's final determination and any sanction against the accused).
12. Refer to the student guidelines and expectation section of the handbook to learn discipline and sanctions related to sexual assault.

Notice of Non-Discrimination Policy

Applicants for admission and employment, students, parents of students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Southwest Baptist University are hereby notified that this institution does not discriminate on the basis of race, color, national origin, sex, age, disability or marital status in employment, admission, access to, or treatment in, its programs and activities, except to the extent permitted by religious exemptions recognized by law.

Any person having inquiries concerning Southwest Baptist University's compliance with the regulations implementing Title VI, Title VII, Title IX, Section 504, and the Age Discrimination Act of 1975 is directed to the Vice President for Administration, 1600 University Avenue, Bolivar, MO, 65613, (417) 328-1511.

Any student having inquiries concerning Southwest Baptist University's compliance with regulations implementing the American with Disabilities Act or Section 504 of the Rehabilitation Act is directed to SBU's 504/Special Services Coordinator, 1600 University Avenue, Bolivar, MO, 65613, (417) 328-2094.

Any person may also contact the Office for Civil Rights, U.S. Department of Education, regarding the institution's compliance with the regulations implementing Title VI, Title IX, Section 504, or the Age Discrimination Act of 1975. The Office of Civil Rights website is <http://www.ed.gov/about/offices/list/ocr/index.html>.

Rights and Options After Filing a Complaint of Sexual Violence/Assault, Domestic Violence, Dating Violence or Stalking

The following information provides a summary of a student's rights and options after filing a complaint of sexual violence/assault, domestic violence, dating violence, or stalking under the University's Sexual Violence/Assault Policy.

University Resources

Counseling: SBU has designated counselors (female and male) trained in responding to sexual assault victims. Their offices are located within the Student Union. You may visit or call the Counseling Services at (417) 328-1404 with questions. If necessary, a counselor may be reached after hours at (417) 298-2164.

Health Services: The Director of Health Services is available for care and support generally from 8 a.m. to 4 p.m. Monday through Friday in the Meyer Wellness Center, (417) 328-1888.

Safety and Security: Assistance is available 24/7 by calling the Southwest Baptist University Safety and Security Department at (417) 328-1556. An officer can provide assistance for medical treatment, contacting a counselor, support person, local resources, as well as reporting the crime to local law enforcement (if requested).

General Information

Physical issues surrounding the complaint: It is extremely important that you preserve evidence as it may be necessary to prove the complaint you are making or needed to obtain a protection order or prosecute a crime. In the case of physical violence, including sexual violence/assault, domestic violence, and dating violence, you should go directly to the emergency room and should not bathe, urinate, douche, brush teeth, drink liquids, or change clothes until after you are examined and, if necessary, a rape examination is completed.

Once you have made a complaint, you have several options, including, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action
- Requesting that no further action be taken

If requested, the Title IX Coordinator or designee will assist you in contacting SBU's Safety and Security or local law enforcement regarding the incident. You may decline to notify such authorities.

If you have obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, please provide such information to the Title IX Coordinator or designee. The University will take all reasonable and legal action to implement the order.

Institutional Expectations and Procedures

Investigation procedures regarding sexual harassment and sexual violence/assault policies are used for complaints of sexual violence/assault, domestic violence, dating violence, and stalking. These procedures include:

- Providing a prompt, fair, and impartial resolution of your complaint

- Conducting an investigation that promotes safety and accountability by University officials who have received training on these issues
- Communicating to you and the accused the right to have a support person accompanying during all aspects of the investigation and resolution process. The support person of choice is there for support only and may not be a spokesperson or advocate on your behalf and must agree to not interfere with the process.
- Ensuring that both you and the accused will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals
- Prohibit retaliation by the accused or anyone else against you for making a complaint

Possible Sanctions or Protective Measures

Interim Measures: At any time during the investigation, the Title IX Coordinator or designee may impose interim remedies or protections for the parties or witnesses. These may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements.

Sanctions: If there is a finding that a violation has occurred, sanctions may include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and referral of the perpetrator for discipline to be imposed pursuant to applicable procedures depending on the alleged perpetrator's status as an employee, student, faculty member, or third-party.

Confidentiality

If you request confidentiality or ask that a complaint not be investigated, the University will take reasonable steps to investigate and respond to the complaint consistent with the request. However, the University's ability to respond may be limited in such cases, and the University may not be able to grant such a request when the accused poses a continuing threat to the University community.

If you wish to discuss an incident with complete confidentiality, you can contact a Designated Counselor who will maintain confidentiality and not forward the report for investigation without your consent (unless required to do so by law).

For counseling, request a confidential counseling appointment with a licensed counselor from: Counseling Services, (417) 328-1404.

Options for Changing your Current Situation

Pending final outcome of an investigation, you may be allowed to change your academic, living, transportation, or work situation if options to do so are reasonably available. Upon your request, the University will work with you on such changes. This may occur regardless of whether you choose to make a complaint to campus security or local law enforcement.

Resources Available

SBU prohibits domestic violence, dating violence, sexual assault, rape, acquaintance rape, and stalking. The University expects behavior from all members of the University family that demonstrates the highest standard of respect for people and property and that exemplifies the Christian commitment to loving one another. The following are available resources addressing these issues:

- 911
- Bolivar Police Department — (417) 326-5298, 624 South Albany Avenue, Bolivar, MO 65613
- House of Hope, Bolivar — (417) 777-8137, Hotline: (417) 399-6744, Website: <http://www.pchouseofhope.org>
- Harmony House, Springfield — (417) 837-7700, Hotline: (800) 831-6863
- Joyful Heart Foundation — Website: <http://www.joyfulheartfoundation.org>
- National Domestic Violence Hotline — Website: <http://www.thehotline.org/>, Phone Hotline: (800) 799-SAFE (7233)
- RAINN (Rape, Abuse, and Incest National Network) — Website: <http://www.rainn.org/get-help/national-sexual-assault-hotline>, Phone Hotline: (800) 656-HOPE (4673), Online Hotline: <https://ohl.rainn.org/online/>
- National Suicide Prevention Hotline — Website: <http://www.suicidepreventionlifeline.org>, Phone Hotline: (800) 273-TALK (8255)
- Stalking Resource Center, National Center for Victims of Crime — Website: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>
- Information on Safety Planning — <http://www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning>
- Information on Stalking Laws: <http://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws>
- Womenshealth.gov; Office on Women’s Health, US Department of Health and Human Services Information on Stalking — <https://www.womenshealth.gov/violence-against-women/types-of-violence/stalking.html>
- Love is Respect — Website: <http://www.loveisrespect.org/>, Phone Hotline: (866) 331-9474, Online Hotline: <http://www.loveisrespect.org/get-help/>
- Bystander Intervention — Website: <http://onestudent.org/>, Video: <https://www.youtube.com/watch?v=lycYPmzisfk>
- SBU Counseling Services — <http://www.SBUniv.edu/campus-life/student-services/counseling.php>
- SBU Student Handbook — <http://www.SBUniv.edu/resources/documents/student-handbook.pdf#search=student%20handbook>
- SBU Health Center — <http://www.SBUniv.edu/campus-life/student-services/health-center.php>, Phone: (417) 328-1888
- SBU Safety and Security — <http://www.SBUniv.edu/safety/>, Phone: (417) 328-1556
- Citizens Memorial Hospital, Bolivar — Website: <http://citizensmemorial.com/index.html>, Phone: (417) 326-6000
- National Dating Abuse Helpline — Website: <http://www.loveisrespect.org/>
- National Coalition of Anti-Violence Programs — Website: <https://avp.org/get-help/>
- One Love Danger Assessment App — Website: http://www.joinonelove.org/my_plan_app