

TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES

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VALUE AND RESPECT FOR ALL (CHARACTER)

The Missouri Baptist University (“MBU” or the “University”) community values the God-given dignity and worth of each individual. The University espouses the Biblical teaching that Man is the special creation of God, made in His own image. He created them male and female as the crowning work of His creation. The sacredness of a human person is evident in that God created mankind in His own image, and in that Christ died for mankind; therefore, every person of every ethnicity race possesses infinite value to God and is worthy of respect and Christian love (Baptist Faith & Message 2000, or current edition, Article III). This commitment to each individuals’ worth is expressed through truthful and respectful engagement about differing opinions, attitudes and cultures, and conduct that demonstrates the infinite value of each individual. Further, civil communications, interactions and resolutions of disagreements are essential to demonstrate the respect for and worth of each individual.

The MBU board, officers, administration, faculty and staff are committed to creating and maintaining a thriving academic community in which students can flourish, in body, mind and spirit. Disrespectful or harmful behaviors of a sexual behavior will not be tolerated, including, but not limited to physical or verbal abuse, threats, intimidation, harassment, hazing, coercion, and/or other conduct that threatens or endangers the physical or spiritual well-being of any person.

STATEMENT OF NONDISCRIMINATION POLICY

MBU prohibits unlawful discrimination and harassment against any member of its community based on an individual’s race, color, national origin, sex, age, disability, citizenship, veteran status, or genetic information with respect to matters of admissions, employment, housing, or regarding any part of its educational activities. This prohibition is essential to the University’s commitment to the value of every person. As a religious institution, MBU explicitly retains the right to make employment, admission, athletics and educational decisions on the basis of an individual’s religious beliefs and conduct consistent with biblical teachings, MBU’s Code of Conduct, the Baptist Faith and Message 2000 (or latest edition), MBU’s Bylaws, and other policies and procedures as interpreted and applied by MBU based upon its deeply held religious convictions. In furtherance of the foregoing, MBU affirms that God’s original and ongoing intent and action is the creation of humanity in two distinct sexes from conception as persons who are biologically male or female. The term “sex” in this policy refers to a person’s biological sex as male or female. Consistent with Title IX of the Educational Amendments of 1972 and other applicable state and federal laws, MBU considers sexual misconduct, including sexual violence, exploitation, and interpersonal violence such as stalking, dating violence or domestic violence to be prohibited sex discrimination. Violations of this policy may result in the imposition of sanctions, up to and including termination or dismissal.

SCOPE OF TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

The Sexual Harassment Grievance Process pertains to Sexual Harassment under Title IX, as defined by this Policy, committed by or against students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the University; or (2) the conduct occurs in the context of a University employment or education program or activity within the United States. For purposes of this Policy, “education program or activity” means where MBU exercised substantial control over both the Respondent and the context in which the sexual harassment occurs. This Policy applies to

all members of the MBU community, including students, faculty and staff (hereinafter “employees”), volunteers, visitors, and other guests of the University community, and to contractors, consultants, and vendors doing business or providing services to the University. The Policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct (i) occurs during a University-sponsored educational activity or program; (ii) adversely impacts the education or employment of a member of the University community; or (iii) otherwise threatens the health or safety of a member of the University community.

All members of the MBU community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of the University’s Title IX Sexual Harassment Policy can be accessed via the following link: <https://www.mobap.edu/title-ix/>. Hard copies are available at the Office of Student Development.

Complaints that do not fall under the scope of this Title IX process will be dismissed from consideration and review under this Policy. However, in the event the University has policies under which these dismissed claims may still be adjudicated, complaints against students will be handled through student conduct policies within the Spartan Virtues (Student Handbook).

Any complaints of sexual harassment against employees, including Complaints that fall within the scope of this Title IX Policy, will be handled under the applicable employment policies and procedures (Personnel Handbook).

DEFINITIONS

Sexual Harassment – Sexual Harassment is conduct based on sex that may be one or more of following:

1. An employee of the University conditioning provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., a quid pro quo), or
2. 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 University’s education program or activity; or
3. Sexual assault, stalking, dating/domestic violence, as defined herein.
 - *Sexual Assault* –Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
 - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
 - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
 - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
 - Touching of another person’s genitals or breasts under or over the clothing,
 - Touching of one person with the genitals of another person under or over the clothing.
 - *Domestic Violence* - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a

person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media.
- Dating Violence – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Complainant – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his or her participation in or attempt to participate in an educational program or activity of the University. A Complainant may be a student, an employee, or a third party.

Respondent – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the University in any respect.

Consent – Consent is 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 behavior. Consent to one form of sexual behavior cannot automatically imply consent to any other forms of sexual behavior. Previous relationships or prior consent cannot imply consent to future sexual behavior. Consent cannot be given by someone who under the age of 17. Consent cannot be given by someone who is incapacitated. (Mo. Rev. Stat. § 566.030; Mo. Rev. Stat. § 566.032; Mo. Rev. Stat. § 566.034).

TITLE IX COORDINATOR

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX, ensuring appropriate education and training, coordinating investigations, responses, and resolution of all reports pursuant to this Policy. In his or her discretion, the Title IX Coordinator may also designate Deputy Title IX Coordinators to assist in the discharge of these duties.

Any questions or concerns regarding the University's application of this Policy may be addressed to the Title IX Coordinator.

The Title IX Coordinator may be reached in person during regular office hours, or by telephone, written correspondence, email, or other electronic communication at any other time.

Title IX Coordinator

Dr. Benjamin Lion
Vice President for Student Development and Dean of Students
Missouri Baptist University
One College Park Drive
St. Louis, Missouri 63141
Benjamin.Lion@mobap.edu
314-392-2211
<https://www.mobap.edu/title-ix/>

RESOURCES AND INFORMATION FOR VICTIMS OF SEXUAL HARASSMENT

In the event that you (or someone you know) is the victim of sexual assault or relationship violence, the University strongly encourages you to seek prompt medical attention and to preserve evidence in the event the Complainant chooses to pursue a complaint. The University will maintain and publish information containing resources and guidance for victims of sexual assault, relationship violence and stalking. Such information will be maintained in Appendix A of this Policy, in the University's Annual Security Report and the Spartan Virtues Student Handbook, and any other means identified by the University administration to make the information readily available to the campus. Copies will also be maintained by the MBU Title IX Coordinator, who will make such information available to any interested person.

HOW TO REPORT POTENTIAL VIOLATIONS OF THIS POLICY

The University encourages the reporting of all incidents of Sexual Harassment, and is committed to assisting victims who wish to make a report under this Policy. Reporting Sexual Harassment can promote healing for the victim, and may also help prevent future incidents of a similar nature from occurring. The University recognizes the decision to make such a report is a deeply personal and often difficult decision. Victims are not required to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or to the Title IX Coordinator.

REPORTING OPTIONS

Report to the Title IX Coordinator or Designated Responsible Employee

Individuals who believe they have been subjected to, or are aware that another individual has been subjected to, Sexual Harassment in connection with a University education program or activity, and who wish to report a potential violation of this Policy should notify any of the following University contacts:

Title IX Coordinator

Dr. Amber Henry – Interim Title IX Coordinator
Associate Vice President for Extended Learning
Missouri Baptist University
One College Park Drive
St. Louis, Missouri 63141
Amber.Henry@mobap.edu
(636) 481-3214

Designated Responsible Employees

The University has designated certain employees as “Designated Responsible Employees” for reporting violations of Title IX Sexual Harassment policy. These employees include, but are not limited to, officers in Public Safety, the Associate Dean of Students overseeing the Office of Community Accountability, Associate Vice Presidents, and Vice Presidents. Any person may report sexual misconduct to a Designated Responsible Employee regardless of whether he or she was the one who directly experienced the sexual misconduct.

Vice President Level

- Dr. Andy Chambers, Provost and Senior Vice President for Academic Affairs, Andy.Chambers@mobap.edu
- Bryce Chapman, Vice President for Vice President for Enrollment, Marketing and University Communications, Bryce.Chapman@mobap.edu
- Oran Woodworth, Vice President for Business Affairs, Oran.Woodworth@mobap.edu

Associate and Assistant Vice President Level

- Dr. Melanie Bishop, Associate Vice President for Graduate Affairs, Melanie.Bishop@mobap.edu
- Dr. Amber Henry, Associate Vice President for Extended Learning, Amber.Henry@mobap.edu
- Dr. Lydia Thebeau, Associate Vice President for Academic Affairs & Accreditation, Lydia.Thebeau@mobap.edu
- Dr. Thomas Smith, Associate Vice President & Director of Athletics, Tom.Smith@mobap.edu
- Brittany Sansagraw, Assistant Vice President, Brittany.Sansagraw@mobap.edu

Others

- Kim Grey, Associate Dean of Students overseeing the Office of Community Accountability, Kim.Grey@mobap.edu
- Officers in Public Safety, Public Safety Building located adjacent to Muncy Gym, and can be reached at 314-744-5355

Reports can be made through email, phone, in person, mail, or through the [online form](#).

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and explain the process for filing a Formal Complaint. Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supporting measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

Confidential Reporting

Although the University encourages students and employees to bring reports of Sexual Harassment to the attention of the University for further investigation pursuant to this Policy, individuals who wish to maintain confidentiality may contact the following resources:

- Athletic Trainers for student athletes, 314-744-5379, 1st Floor Sports & Recreation Center
- Health Services, Spartan Row, 314-392-2241
- Counseling Services by Dr. David Bailey, Director of Counseling Services, Spartan Row, 503 room 202

Unlike reports of Sexual Harassment made to other University officials (which must be reported to the Title IX Coordinator), absent the student's consent and/or situations where they perceive a serious risk or threat of injury to any person or property, reports to or conversations with Athletic Trainers (student athletes only, Health Services, Counseling Services (listed above) will not be reported to the Title IX Coordinator or other University officials for further investigation pursuant to this Policy.

Students and employees can also report crimes confidentially using Public Safety's anonymous crime tip line by calling (314) 744-7620 and/or may speak confidentially with the following:

- Off-campus rape crisis counselors
- Off-campus members of the clergy and chaplains

The University will keep confidential the identity of Complainants, Respondents, and witnesses involved in Title IX hearings, except when disclosure is required by law or as necessary to carry out the purposes of this Policy.

Other Reporting Options and Resources

There are times when the University may need to report an incident reported pursuant to this policy to local law enforcement. These circumstances may include, but are not limited to, incidents that potentially impact the health and safety of the Complainant and/or the University community. Complainants also may decide to notify local, state, or federal law enforcement directly themselves or may request that the University assist with off-campus reporting. The University will not wait for conclusion of a criminal investigation or proceeding to resolve complaints or begin the investigation and adjudication process described in this policy. The University will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. This may result in temporary delays of the University's investigation and adjudication process while law enforcement evidence is gathered, but the University will resume the investigation and adjudication process described in this policy when law enforcement has finished its evidence gathering. Any delays in the investigation and adjudication process described in this policy will not impact any accommodations and/or interim measures the University has provided to promote the safety and well-being of the complainant or the community.

Off-Campus Law Enforcement Contact Information:

Creve Coeur Police Department, Criminal Investigations Unit
314-432-8000

Limited Amnesty

The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time an incident of sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual violence to campus officials. A bystander or Complainant reporting in good faith or a victim reporting sexual violence to University officials or law enforcement will not be subject to disciplinary procedures for violations of the University's alcohol and drug policies occurring at or near the time of the sexual violence. The University may initiate an assessment or educational discussion, or pursue

other non-disciplinary options regarding alcohol and/or other substance abuse, in an effort to support the future health and well-being of its students.

Offer and Provision of Supportive Measures:

Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Complainant to discuss the availability of a variety of supportive measures. Supportive measures should also be offered to the Respondent as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the University's education programs and activities, protect the safety of all parties and the educational environment, or deter Sexual Harassment. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a Formal Complaint is filed, and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

Emergency Removal and Administrative Leave

The University reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the University determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, he or she will be provided with notice by the Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

Likewise, a non-student employee Respondent may be placed on administrative leave during the pendency of the grievance process described in applicable employee policies and procedures (Personnel Handbook).

FILING A FORMAL COMPLAINT OF SEXUAL HARASSMENT

In the event that a Complainant wishes for the University to proceed with an investigation and hearing into the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. The Complainant must be participating in or attempting to access a University education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, by email, or via the University's online form (a link to the online form will be provided by the Title IX Coordinator following the initial intake meeting). It must be signed by the Complainant but the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the University responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for survivor autonomy.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

Dismissal of Formal Complaints

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may be still be investigated and resolved pursuant to another University policy (as noted above), Formal Complaints of Sexual Harassment brought pursuant to this policy *must* be dismissed if:

1. The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
2. The conduct did not occur in connection with a University education program or activity;
3. The conduct did not occur against a person in the United States.

Furthermore, the Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint *may* be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations within;
2. Respondent is no longer enrolled or employed by the University;
3. Specific circumstances prevent the University from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply. Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal. To the extent the behavior alleged in the Formal Complaint could constitute a violation of another University policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate University official.

Prohibition of Retaliation

There will be no retaliation against or adverse treatment of any individual who in good faith reports an incident under any part of this Policy or against any individual who participated in the investigation or adjudication process related to this Policy. Retaliation includes, but is not limited to, pressuring the

person to drop or not support the complaint or to provide false information; engaging in conduct that may reasonably be perceived to adversely affect an individual's educational, living, or work environment; and/or threatening, intimidating, or coercing the individual or otherwise discriminating against any individual using their rights or responsibilities under this Policy. Reports of retaliation should be reported immediately to the Title IX Coordinator. Any reports or complaints of retaliation will be investigated and appropriate action will be taken.

Sexual Harassment Grievance Process Procedures

General Provisions

If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complainants or respondents generally, that party should report their concern to the University President (within five (5) business days of filing a Formal Complaint). If the University President finds that a conflict of interest or bias exists, he or she will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the respondent is found responsible by the decision maker at the conclusion of the grievance process.

The grievance process generally will be completed within ninety (90) days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

Notice

Within three (3) business days of the receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the "Deceptive Behavior" provision of the student Code of Conduct prohibits making false statements or submitting false information during the grievance procedure.

If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings at least three (3) business days in advance. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

Advisors

Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings, interviews, and/or hearings. An advisor can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor, provided that the individual selected is not otherwise involved in the Formal Complaint proceedings (*i.e.*, as a witness, investigator, decisionmaker, etc.). It is the goal of the University to provide trained advisors to parties for the grievance process. A party may select an advisor from a list of individuals maintained by the Title IX Coordinator who have been trained and agreed to serve as advisors during the grievance process. A party's choice of advisor is not limited to those individuals on such a list. While a party may select any individual to serve as their advisor, only the individuals on the list maintained by the Title IX Coordinator will have received training from the University on the grievance process.

Parties must provide notice of who will serve as their advisor during any grievance hearings at least 5 (five) business days prior to the hearing. If a party does not have an advisor for a grievance hearing, an advisor will be selected by the Title IX Coordinator and will be provided for the purpose of cross examination during the hearing.

Advisors may offer advice to and confer with the party during any meeting, interview, and/or hearing, but generally may not speak on behalf of the party. The only time an advisor may speak on behalf of the party is to conduct cross examination questioning during a grievance hearing. Advisors are expected to comply with the Rules of Procedure and Decorum for hearings and remain respectful throughout the entire grievance process.

Any advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator, and/or hearing decision maker for his or her first infraction. An advisor may be asked to leave the grievance proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has an advisor. Whether an advisor who has been asked to leave a proceeding may serve as an advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

Investigation

The Title IX Coordinator or designee will designate an Investigator to conduct a fair, thorough investigation of the allegations in the Formal Complaint. The Investigator will have received training as outlined herein. The University may designate an outside investigator as Investigator.

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least three (3) business days in advance of the meeting or interview. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigator to fully and fairly investigate the allegation in the formal complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator.

At the conclusion of the investigation, the Investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) days in order to submit a written response to the evidence, if they choose to do so. The Investigator will consider any written response to the evidence before the completion of the investigative report. The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator will send a copy of the report to the parties and their advisors at least ten (10) days prior to any hearing for the parties' review and written response.

Hearing

After the conclusion of the investigation, a live hearing before a Decision Maker will be held. The University may designate an outside decision maker to conduct the hearing and issue a final decision. The decision maker will issue notice of the hearing to the parties, including the date, time, and location of the hearing. This notice will be provided at least three (3) business days before the hearing. The hearing will be held pursuant to the University's Rules of Hearing Procedure and Decorum.

At the request of either party, the hearing will be held with the parties in separate rooms or locations, with the parties and decision maker able to simultaneously see and hear each other through technology. Whether the hearing is conducted virtually or in person, it will be recorded.

The Investigator will make all evidence that is directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination. The Investigator will provide a copy of the investigative report and all evidence that is relevant to the allegations in the formal complaint to the [hearing decision maker]. However, the [hearing decision maker] may not defer to the investigative report, and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator, Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the decision maker. The decision maker will have the opportunity to ask questions of all parties and witnesses during the hearing. After the decision maker asks their questions, each party's advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. No party shall be questioned directly by the other party. Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the decision maker.

The decision maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions during the hearing, including cross examination. The decision maker cannot rely on any statement by a party or witness who does not submit to cross-examination during the course of the hearing in reaching a determination on responsibility.

The Hearing Panel Chair/decision maker will state whether each question is relevant before the questions is answered by the party or witness to whom it is directed, and explain any decision to exclude a question as not relevant. Questions or evidence that are deemed irrelevant by the decision maker will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence must be considered irrelevant by the decision maker:

- Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
- Information that is protected by privilege (e.g. attorney-client privilege);
- Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent;
- Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or offered to prove consent;
- Any statement by a party or witness who is not subject to cross-examination during the course of the hearing.

DETERMINATION OF RESPONSIBILITY

The decision maker will issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) business days of the conclusion of the hearing. The decision maker must determine the weight of the evidence and credibility of the parties in reaching a determination.

The written determination shall include:

- An identification of the allegations in the Formal Complaint;
- A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigations, and hearings;
- Findings of fact that support the determination,
- Conclusions regarding the application of the policy to the facts;
- A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
- The procedures and acceptable bases for appeal of this determination.
- The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. It will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, in four (4) days after the issuance of the written determination.

SANCTIONS AND REMEDIES

If the Respondent is found responsible for any violations of policy, then the [hearing decision maker] will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the College's educational programs will be offered to the Complainant.

The possible sanctions that can be imposed on a Respondent found responsible include:

- Verbal Reprimand;
- Written Reprimand;
- Removal from University Housing - A person removed from MBU housing for accountability reasons will be responsible for all housing charges assessed for the semester he/she is removed and will forfeit any applicable housing deposit; Additionally, the student will be responsible for the complete payment of his/her current meal plan, unless he/she receives an exemption from University Housing;
- Restitution;
- Fines;
- Reflection Essays;
- Letters of Apology;
- Required attendance at educational seminars, programs, etc.;
- Drug testing;
- Loss of privileges;
- Permanent no-contact orders;
- Permanent no-trespass orders;
- Limited Probation - Limited Probation is defined as a period of time during which any further violation of the same nature puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the same nature during the period of Limited Probation, serious consideration will be given to imposing a sanction of Institutional Probation, Suspension or Expulsion. Limited Probation could potentially affect the students' ability to represent the University in leadership positions or on athletic teams, participation in student activities or study abroad opportunities, entrance into University residence halls or other areas of campus, or contact with another specific person(s). The University may choose to treat violations of a different nature either as separate from the limited probation or extend the limited probation to encompass that behavior. In those circumstances, the University will consider the totality of the students' conduct record when determining an appropriate sanction;
- Institutional Probation - Institutional Probation is defined as a period of time during which any further violation of University policy puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation during the period of Institutional Probation, serious consideration will be given to imposing a sanction of Suspension or Expulsion. Institutional Probation could potentially affect his/ her ability to represent the University in leadership positions or on athletic teams, participation in student activities and study aboard opportunities, entrance into University residence halls or other areas of campus, or contact with another specific person(s);
- Deferred Disciplinary Suspension from the Missouri Baptist University - Deferred Disciplinary Suspension is used for offenses found serious enough to warrant Disciplinary Suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Disciplinary Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Rules of Conduct. During a Deferred Disciplinary Suspension, the student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes. The suspension will be enforced for failure to complete any assigned educational sanctions by the deadline(s) and/or for any subsequent violation of the Rules of Conduct, unless the Vice President for Student

Development & Dean of Students determines otherwise in exceptional circumstances. If the student is found in violation for any subsequent violation(s) of the Rules of Conduct while on Deferred Disciplinary Suspension, including failure to complete any assigned educational sanctions by the deadline(s), the student will be suspended for a minimum of one (1) semesters, in addition to the educational sanctions imposed for the subsequent violation. Students placed on Deferred Disciplinary Suspension will have a conduct overlay placed on their transcripts for the period of time that the Deferred Disciplinary Suspension is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Deferred Disciplinary Suspension may include the denial of specific University privileges, including but not limited to loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in an University registered student organization, publication, or activity, or ability to represent the University in an official capacity or position; trespass of University facilities or other areas of campus or contact with another specified person(s). The duration of any Deferred Disciplinary Suspension period and the specific restrictions imposed will be determined by the Vice President for Student Development & Dean of Students on a case-by-case basis.

- Disciplinary Suspension from the University - Separation from the University for a specified period, which includes loss of all tuition, fees, coursework and other privileges of an enrolled student;
- Expulsion from the University - Separation from the University without the possibility of readmission. A student will lose all tuition, fees, coursework and other privileges of an enrolled student.

In addition, the following possible remedies that may be offered:

- Academic accommodations;
- Counseling, education, or training;
- Monitoring, or other individual support.

APPEALS

Any party may appeal the determination of responsibility or a dismissal of a formal complaint by submitting a written request to the Title IX Coordinator within three (3) business days of the issuance of the hearing decision maker's determination of responsibility. The Title IX Coordinator will refer the appeal to an Appeals Decisionmaker. The request should include a short statement outlining the basis for appeal.

Appeals are limited to the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonable available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter; or
- The Title IX Coordinator, Investigator, or hearing decision maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The Appeals Decision Maker designated by the University will notify the parties in writing that an appeal has been filed. Each party will then have 5 days to submit a written statement in support of, or challenging the outcome of the hearing.

The Appeals Decision Maker will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within 5 days of the deadline for parties to submit their written statements. The Appeals Decision Maker's written determination will be provided simultaneously to all parties.

TRAINING

The University provides extensive training on an annual basis to all officials charged with implementing the Title IX Sexual Harassment Policy, including the Title IX Coordinator, Deputy Title IX Coordinators, Investigators, Decisionmakers, Advisors, and any other employees who are involved in responding to reports of prohibited conduct. The training provided is tailored to the role each official fulfills under the Policy. The topics covered include, but are not limited to: the definition of sexual harassment, the scope of the University's education program or activities, how to conduct an investigation and grievance process, how to serve impartially, the use of technology at live hearings, how to resolve issues of relevance in creating an investigative report, and how to apply rape shield protections. The training programs utilized by the University are available for review here: <https://www.mobap.edu/title-ix/> This orientation and educational process will be administered by the Student Development Office. In addition, the University will distribute this information to members of the campus community through its Annual Security and Fire Safety Report and any other means identified by the University administration to make the information readily available to the campus. Copies will also be maintained by the Title IX Coordinator, who will make such information available to any interested person. The Annual Security and Fire Safety Report can be found at: <https://www.mobap.edu/student-life/safety/crime-prevention-and-safety/>

The University will ensure that the Title IX Coordinator, Investigator, decision maker, and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this Policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the University's education program or activities;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and
- How to serve impartially, including avoiding prejudice of the facts at issue, conflicts of interest, or bias.

Decision makers will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the University must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, decision maker, and any individual who facilitates an informal

resolution must be made publicly available. These materials will be published at:
<https://www.mobap.edu/title-ix/>.

RECORDKEEPING

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the University's response was not deliberately indifferent, and 2) that the University has taken measures designed to restore or preserve equal access to the University's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, decision maker, and any individual who facilitates an informal resolution.