

Missouri Baptist University's Sexual Misconduct and Relationship Violence Policy and Procedures

Dignity & Respect for All (Character)

The MBU community is committed to the dignity of each individual. The University espouses 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 human personality is evident in that God created man in His own image, and in that Christ died for man; therefore, every person of every race possesses full dignity and is worthy of respect and Christian love” (Faith & Message 2000, III). This commitment to individuals’ worth is expressed through respect for differing opinions, attitudes and cultures, and fair treatment for all. Further, civil communications, interactions and resolutions of disagreements are essential to the recognition of another’s dignity and worth.

As members of the MBU community, students can expect reasonable actions will be taken to ensure that their experience is free from behaviors that compromise this commitment. Such behaviors include, but are not limited to: physical abuse, threats, intimidation (verbal or otherwise), harassment, hazing, coercion, and/or other conduct that threatens or endangers the welfare, dignity or worth of any person.

Introduction

Missouri Baptist University is committed to fostering an environment that is free of sexual violence of any kind. All members of the University community share responsibility for fostering this environment by adhering to standards of conduct consistent with this policy. The University seeks to provide a supportive climate that will encourage individuals to report incidents of sexual violence. Accordingly, this policy is designed to provide prompt and compassionate support services, ensure that appropriate steps are taken when a complaint is made, and protect the rights of all parties throughout the process.

- **COMPLAINTS OF SEXUAL MISCONDUCT AND SEXUAL VIOLENCE THAT FALL WITHIN THE UNIVERSITY’S TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES WILL BE ADDRESSED ACCORDING TO THE PROCESS OUTLINED HERE: [HTTPS://WWW.MOBAP.EDU/TITLE-IX/](https://www.mobap.edu/title-ix/).**
- **COMPLAINTS OF SEXUAL MISCONDUCT AND SEXUAL VIOLENCE THAT DO NOT FALL UNDER THE UNIVERSITY’S TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES WILL BE ADDRESSED PURSUANT TO THE POLICIES AND PROCEDURES OUTLINED BELOW, WHERE APPLICABLE.**

This policy is designed to cover conduct by an accused party who is an employee or student at MBU.

It is important to note here that MBU has a longstanding religious foundation and the University affirms and celebrates that God has designed sexual relationships to be expressed solely within the marriage relationship between a man and a woman. And sexual relationships within the marriage relationship should also be conducted in a consensual manner. See the University’s “Statement on Human Sexuality and Behavior” found in the Spartan Virtues (student handbook) and the personnel handbook for further clarification. The definitions that follow are given for the purpose of helping to identify behavior that violates this policy, as required by state and federal laws.

The University encourages the reporting of all incidents of sexual misconduct, including, but not limited to, sexual assault, relationship violence, and stalking. The decision to report such incidents is a deeply personal and often difficult decision but is often a way for the reporting party to begin healing. Such reporting may also help prevent future incidents of a similar nature from occurring. Reporting Parties are not required, however, to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or designated University Official.

The first priority for any individual reporting experiencing sexual assault or relationship violence should be to seek appropriate medical attention for any medical injuries and to preserve evidence in the event the Reporting Party chooses to pursue a complaint. The University will maintain and publish information containing resources and guidance for individual reporting experiencing sexual assault, relationship violence, and stalking (Appendix A). In addition to the information contained in this policy, additional information will be maintained in the University's 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 University's Title IX Coordinator, who will make such information available to any interested person.

Definitions

All definitions set forth in the Spartan Virtues (student handbook) are applicable to this Policy. In addition, the following definitions also apply:

“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).

“Stalking” – For purposes of this policy only, Stalking occurs when a person purposely and repeatedly engages in an unwelcome course of conduct that would cause a reasonable person to fear for his, her, or others' safety, or to suffer emotional distress. Stalking can occur via written, telephonic or electronic means, and can constitute a violation of the University's sexual harassment policy.

“Dating Violence” – For purposes of this policy only, Dating Violence refers to violence by a person who has been in a romantic or intimate relationship with the victim. Whether a relationship exists will depend on the length, type, and frequency of interaction. Any report of Dating Violence will be addressed under all applicable policy violations and may result in disciplinary action similar to the sanctions described below for sexual assault.

“Domestic Violence” – For purposes of this policy only, Domestic Violence refers to violence committed by a current or former spouse or intimate partner, current or former cohabitant, a person with whom a victim shares a child in common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law. Any report of Domestic Violence will be addressed under all applicable policy violations and may result in disciplinary action similar to the sanctions described below for sexual assault.

“Sexual assault” – For purposes of this policy only, Sexual Assault refers to engaging in any form of sexual contact or conduct with another without that person's clear, knowing, and voluntary consent. It is the responsibility of the person seeking to initiate sexual contact or conduct to affirmatively obtain such consent. It is not the responsibility of the intended recipient of such sexual contact to affirmatively deny such consent. For purposes of this Policy, acts of sexual assault are:

- sexual assault refers to any sexual contact without consent and includes intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person’s genitals, breasts, thighs, buttocks or other intimate parts.
- sexual assault refers to any attempted or actual sexual penetration of any kind without the person’s consent. Examples include vaginal, oral, or anal penetration by fingers, genitals, or objects.

“Sexual Harassment” – For purposes of this policy only, Sexual Harassment refers to unwelcomed, unsolicited, and offensive conduct that is severe or pervasive and tends to injure, degrade, disgrace, or show hostility toward a person because of a person’s gender and may include persons of the same sex. Sexual assault is a severe form of sexual harassment, and a single instance of sexual assault may be sufficient to create a hostile environment. Descriptions of additional types and examples of sex-based harassment are contained in the University’s Harassment Policy.

“Sexual Exploitation” – For purposes of this policy only, Sexual Exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

“Title IX Coordinator” – For purposes of this policy only, the position “Title IX Coordinator” refers to the person responsible for overseeing all sex discrimination, sexual harassment, and sexual assault and relationship violence complaints at the University. The Title IX Coordinator is also responsible for conducting an annual report and review of all complaints to identify and address any patterns or systemic problems within the University community.

Reporting Procedures

Complaints of sexual misconduct or sexual violence which fall within the University’s Title IX policy will be handled according to that policy: <https://www.mobap.edu/title-ix/>.

Complaints that do NOT fall within the scope of that policy will be handled pursuant to these procedures.

Missouri Baptist University encourages members of its community to report all incidents of sexual assault or relationship violence. Any threats of retaliation or efforts to impede the reporting or investigation of a potential violation of this policy are strictly prohibited and will result in disciplinary action.

The University provides several options for reporting incidents of sexual harassment, including sexual assault and relationship violence, and/or stalking.

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

Jon Hessel
Vice President for Student Development and Dean of Students
Missouri Baptist University
One College Park Drive
St. Louis, Missouri 63141
Jon.Hessel@mobap.edu
314-392-2211

Designated Responsible Employees

The University has designated certain employees as “Designated Responsible Employees” for reporting violations of this 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, Senior Vice President for Business Affairs, Oran.Woodworth@mobap.edu

Associate Vice President Level

- Dr. Melanie Bishop, Associate Vice President for Graduate Affairs, Melanie.Bishop@mobap.edu
- Ashlee Johnson, Associate Vice President for University Advancement, Ashlee.Johnson@mobap.edu
- Dr. Lydia Thebeau, Associate Vice President for Academic Affairs & Accreditation, Lydia.Thebeau@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 in Spartan Village 101, room 102 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 Misconduct, the Title IX Coordinator will promptly contact the Reporting Party to discuss the availability of interim measures and explain the process for filing a Formal Complaint. Reporting Sexual Misconduct to the Title IX Coordinator does not automatically start the Formal Complaint process – the Title IX Coordinator will explain to the Reporting Party how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Misconduct in order to obtain assistance from the University and resources – an individual making a report of Sexual Misconduct is not required to file a Formal Complaint.

Confidential Reporting

Although the University encourages students and employees to bring reports of Sexual Misconduct 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 503 suite 301, 314-392-2241
- Counseling Services by Dr. David Bailey, Director of Counseling Services, Spartan Row, 503 room 202

Unlike reports of Sexual Misconduct made to other designated responsible University employees (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 Reporting Parties, Respondents, and witnesses involved in Sexual Misconduct Accountability Processes, 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 Reporting Party and/or the University community. Reporting Parties 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 university assistance measures the University has provided to promote the safety and well-being of the Reporting Party 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 Reporting Party 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.

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.

University Assistance Measures to Reporting Parties

Upon receipt of a report, the Title IX Coordinator will promptly and confidentially reach out to the Reporting Party to discuss the availability of a variety of University assistance. University assistance should also be offered to the Respondent as necessary and appropriate.

University assistance is 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 Misconduct. University assistance will be considered 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 university assistance 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

Alternative Administrative Resolution Process

1. At any time following the initial review of a Sexual Misconduct & Relationship Violence Report and prior to a determination of responsibility, at the request of the parties, at the recommendation of the Deputy Title IX Coordinator or at the discretion of the Title IX Coordinator, any matter other than one involving an allegation of Sexual Misconduct may proceed through the Alternative Administrative Resolution Process
2. If the Reporting Party requests an Alternative Administrative Resolution that:
 - a. Does not require the participation of the Respondent, such as University assistance measures, the Respondent will not be notified.
 - b. Includes the participation of the Respondent, the Title IX Coordinator will contact the Responding party at their MBU-provided email and provide information related to the allegations and information about engaging in the Alternative Administrative Resolution Process.
3. An Alternative Administrative Resolution Determination is final. It formally ends the University's accountability process related to the alleged incident of sexual misconduct, absent new behavior. Accordingly, individuals are advised to give thoughtful consideration on what they desire the University to do in response to an alleged violation of the Sexual Misconduct and Relationship Violence Policy before requesting an Alternative Administrative Resolution.
4. In determining whether to grant Alternative Administrative Resolution, the Title IX Coordinator will consider factors such as, but not limited to, substantial risk to the safety or orderly operation of the community, the severity of the allegations, and timing in the process.
5. Alternative Administrative Resolution allows the Title IX Coordinator to assign sanctions and remedies intended to stop, ameliorate, and prevent the reoccurrence of the sexual misconduct as well as any other violation(s); and create an informational record of the incident for internal purposes and consideration, such as—but not limited to—use in future accountability proceedings, use in recommendations for study abroad, consideration in granting positions that represent the University, and conferring University awards.
6. Informal Resolution does not allow the Title IX Coordinator to make a determination of responsibility; suspend, expel, dismiss, or place a Respondent on institutional probation status with the University; or create a University conduct record that is subject to internal and external disclosures under FERPA.
7. The Title IX Coordinator will strive to deliver resolution letters outlining any sanctions and remedies to the Reporting Party and Respondent within 90 days from the date of the initial review, barring institutional breaks or other reasonable cause at the sole discretion of the Title IX Coordinator with notice to the parties.
8. Neither a Reporting Party nor Respondent may appeal an Informal Resolution.
9. An Informal Resolution is a final action and ends University involvement. A Formal Complaint may not be reopened.
10. The Title IX Coordinator will put all parties on notice of the commencement of an Alternative Administrative Resolution Process by email notification to the MBU-provided email. An email to an MBU-provided email address or any attempt to contact non-MBU individuals is considered notice. All parties may choose to meet with the Title IX Coordinator to discuss the process. This

meeting shall be limited to procedural information only. The Title IX Coordinator will not discuss the merits of the allegations with either party. The email notification will include:

- a. The allegations presented in the Formal Complaint;
- b. Requirements of the Alternative Administrative Resolution Process including circumstances when parties cannot resume the Formal Complaint Process;

Notice that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Alternative Administrative Resolution process and resume the grievance process with respect to the formal complaint.

Formal Complaint

At any time following the filing of a Sexual Misconduct & Relationship Violence Report, if the Reporting Party wishes for the University to proceed with an investigation and hearing into the allegations of Sexual Misconduct pursuant to the Accountability Process procedures in this Policy, he or she must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Misconduct and/or Relationship Violence against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct.

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 Reporting Party but the required signature may be physical or digital.

Accountability Process for Formal Complaints

The following procedures will govern all investigations of complaints alleging violations of this policy. Missouri Baptist University reserves the right to deviate from these procedures when such deviation is necessary to ensure appropriate processing of the investigation. The University's conduct process for sexual misconduct and relationship violence complaints will be prompt, equitable, and conducted in consultation with the Title IX Coordinator, or designee. The procedures will follow those set forth in the Student Conduct Code, but to the extent that the procedures outlined in this policy may conflict with the Conduct Code, the procedures detailed herein shall apply.

Notice

1. 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 Misconduct and/or Relationship Violence, 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.
2. 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.

3. 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 the Administrative Accountability (disciplinary) Hearing proceedings. 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, adjudicator, etc.).

Parties must provide notice of who will serve as their advisor during any Administrative Accountability Hearing (disciplinary) proceedings at least 5 (five) business days prior to the hearing to the Title IX Coordinator.

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. Advisors are expected to comport themselves with decorum, follow procedures, and remain respectful throughout the entire hearing procedure.

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 Administrative Accountability Hearing procedure may be warned by the Title IX Coordinator or adjudicator for his or her first infraction. An advisor may be asked to leave the Administrative Accountability Hearing proceeding if after being warned he or she continues to violate these policies or the Rules of Procedure and Decorum for a Administrative Accountability Hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, the proceeding will continue.

Investigation

1. 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 related to this policy. The University may designate an outside investigator as Investigator.
2. The purpose of the investigation is to establish whether there is a reasonable basis for believing the alleged violation of this policy has occurred. During the course of an investigation, the Title IX Investigator will work with other appropriate University offices and personnel in a discreet manner to ensure the investigation is handled properly.
3. If the Reporting Party or the respondent is under 17 years of age his/her parent or legal guardian may be notified of the Complaint.
4. The investigation shall include an interview of the Reporting Party and the Respondent, as well as any relevant witnesses suggested by the Reporting Party and the respondent.
- 5.
6. At the conclusion of the investigation, the Investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all the steps taken in the investigation as well as summaries of all interview with parties and/or witnesses and all relevant evidence reviewed by the Investigator.
7. The Investigator will send a copy of the report to the parties at least ten (10) days prior to any hearing for the parties' review and written response.

8. After considering the parties written response the Investigator will forward the report to the Title IX Coordinator, or designee.

Administrative Accountability Review

1. At the conclusion of the investigation, the Title IX Coordinator, or designee, (Accountability Officer) will conduct an Administrative Accountability Hearing. The Administrative Accountability Hearing may include additional questions from the Title IX Coordinator to the Investigator, witnesses, or the parties. The University may designate an outside Accountability Officer to conduct the Administrative Accountability Hearing and issue a final decision.
2. The Accountability Officer will objectively review the investigation report, evidence, and parties' statements.
3. The Accountability Officer will:
 - a. Determine whether a violation of this policy has likely occurred, and if so, the appropriate response. Sanctions for violating this policy include, but are not limited to, censure, suspension, or expulsion. A full list of potential sanctions is provided below.
 - b. Will notify the Reporting Party and the respondent simultaneously in writing regarding all outcomes of the investigation, including appeal procedures, as well as any changes that may be made to the results.
 - c. Partner with members of the campus community to take corrective action as may be appropriate under the circumstances.

Determination of Responsibility

The Accountability Officer 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 Administrative Accountability Hearing. The Accountability Officer will review all evidence and information when 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 University'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 Accountability Officer will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the University'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.

Appeal Procedures

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 Accountability Officer's determination of responsibility. The Title IX Coordinator will refer the appeal to an Appellate Officer. 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 Appellate Officer 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 Appellate Officer's written determination will be provided simultaneously to all parties.

Training and Awareness Programs

In addition to the information contained in this Policy, the University will, in accordance with the Campus Sexual Violence Elimination Act ("SaVE Act"), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of review of sexual assault, dating violence, domestic violence, or stalking against another person;
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction;
3. Awareness campaigns and prevention programs intended to stop sexual assault, dating violence, domestic violence, dating violence, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose;
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community.

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.

APPENDIX A

Reporting Sexual Misconduct Harassment to External Authorities

External Authorities

Behavior that violates the Sexual Misconduct Harassment Policy may also constitute illegal criminal acts. The University's accountability process is separate and distinct from any criminal process a person may wish to pursue. A person may pursue both simultaneously. The University will assist individuals with beginning the process of contacting the Creve Coeur Police Department.

Alternatively, a person may contact the Creve Coeur Police Department directly. The Criminal Investigation Unit investigates sex crimes and is open from 7:00 a.m. to 8:00 p.m., Monday through Friday, though detectives are on-call 24 hours a day. To report a crime occurring locally to external authorities, please contact: Creve Coeur Police Department at 314-432-8000.

Non-MBU Resources

Additionally, the following is a list of non-MBU resources who can assist individuals who have been affected by sexual assault. MBU does not have a contractual relationship with any of the resources listed below. They are simply listed as a courtesy to community members. Individuals should determine for themselves whether they feel the agency will meet their needs.

- Sexual Assault Center Saint Louis at 314-531-7273
- Safe Connections Saint Louis 24-Hour Crisis Helpline at 314-531-2003
- Women's Safe House at 314-772-8952
- Bridgeway Sexual Assault Center Crisis Line at 636-946-6854
- Victim Service Council at 314-615-2600
- 24-hour Sexual Assault Hotline at 800-879-1999
- YMCA St. Louis Regional Sexual Assault Center 314-531-1115
- National Domestic Violence Hotline at 800-799-7233
- RAINN The Nation's Largest Anti-Sexual Violence Organization at 800-656-HOPE (4673)
- 24-hour Suicide Prevention Lifeline at 800-273-8255

POLICY UPDATES The most up to date version of this policy is maintained in the office of the Senior Vice President remedies imposed).