SCU Statement of Non-discrimination

Southwestern Christian University does not discriminate on the basis of race, sex, age, color, national or ethnic origin, marital status, or disability in the recruitment, admission, and treatment of students or access to university programs or activities including the operation of all university programs, activities, services and employment.

Procedures and Services
Victims of sexual assault need to know that they are encouraged to report offenses immediately to the Office of Student Life or any SCU faculty or staff member. Vice President of Student Life, Brad Davis, may be contacted at (405) 789-7661 ext. 3424 Monday through Friday from 8:30 am to 4:30 pm. After 4:30 pm, the Resident Director, Tim Braaten, will be available at (918) 630-5773. The student has a range of choices available for counseling and support opportunities on campus or through outside agencies. The following are numbers to Crisis Intervention support services:

1. Bethany Police Department rape crisis intervention team. For more information, call 405.789.2323.
2. Crisis Hotline. For more information, call 405.848.2273
3. Deaconess Hospital Emergency Department. For more information, call 405.949.6106
4. YMCA Domestic Violence Hotline. For more information, call 405.949.1866.
5. Integris Health/Baptist Medical Center Emergency Room. For more information, call 405.949.3155.
6. Mercy Hospital Social Services Department. For more information, call 405.752.3763.

The victim has choices open to him/her on many different levels. It is your choice to ask that on-campus disciplinary procedures be activated by going to the Office of Student Life.

It is the right of the accuser and the accused to have others present during the proceedings and to have both parties informed of the outcome. Potential sanctions may involve counseling, probation, suspension, or dismissal from the university. It is also your choice to go directly to the police department if you desire. Campus personnel can assist you with this process.

Sexual Harassment
Southwestern Christian University is committed to providing its employees and students with an environment that is free of sexual harassment. Sexual Harassment is strictly prohibited by the University and is against federal and state law including Title IX of the Higher Education Act. Southwestern Christian University strongly encourages its employees and students to report any incidents of sexual harassment immediately so that
complaints can be quickly and fairly resolved.

Title IX Complaint Procedure and Response Process
In order to comply with Title IX of the Education Amendments of 1972 and other state and federal laws, the Sexual Misconduct Board Hearing Procedures in conjunction with the Discrimination/Harassment/Sex Discrimination/Sexual Harassment/Title IX Complaint Procedures supersede and replace any prior discrimination, harassment and retaliation complaint procedures set forth in any other University publication including but not limited to the Student Handbook (replaces the Student Conduct Code procedures for addressing acts of unlawful discrimination, harassment and retaliation including but not limited to sexual harassment and sexual violence), University Catalog, Faculty Handbook and Employee Handbook. In order to comply with Title IX of the Education Amendments of 1972 and other state and federal laws, the Discrimination/Harassment/Sex Discrimination/Sexual Harassment/Title IX Complaint Procedures and Sexual Misconduct Board Hearing Procedures apply to all complaints under investigation at the time of the effective dates and all complaints filed thereafter.

Procedures
Various state and federal laws prohibit discrimination and harassment of certain protected classes. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, Southwestern Christian University has developed internal policies that prohibit discrimination and harassment including but not limited to discrimination and harassment on the basis of sex and disability. See appropriate handbook

This procedure addresses discrimination and harassment complaints based upon age, ancestry, color, disability, national or ethnic origin, race, gender, genetic information, veteran status, marital status and sex (including but not limited to rape and sexual exploitation). These procedures also address retaliation claims. The complainant is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the United States Department of Education Office for Civil Rights (responsible for enforcing Title IX), the United States Department of Labor (Office of Federal Contract Compliance Programs), or by consulting a labor/employment attorney at her or his own expense.

A. Procedures for Reporting and Responding to Reports of Discrimination
The following procedures have been implemented by the University to receive, investigate, and resolve complaints of discrimination and harassment including discrimination and harassment on the basis of sex and disability. These procedures are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of discriminatory conduct. Internal investigation of allegations of institutional discriminatory treatment or systemic
discriminatory practices is intended to ensure that Southwestern Christian University meets its commitment to an open and inclusive educational and employment environment. These procedures also describe the University's efforts to conduct timely, thorough, and fair investigations as required by law. This Procedure applies to all aspects of Southwestern Christian University’s operations and programs. It applies to all University students, faculty, staff, and administrators. It also applies to all vendors, contractors, subcontractors and others who do business with the University. It applies to all visitors or guests on campus to the extent that there is an allegation of harassment made by them against University students, employees, affiliates or agents. This policy does not apply to accused individuals who are not students, employees, affiliates or agents of the University.

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, other Students or Third Parties*, United States Department of Education Office of Civil Rights, (2001). [http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html](http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html)

Sexual harassment has been recognized as a form of discrimination in violation of Title IX. Acts of sexual violence are acts of sexual harassment. This procedure addresses conduct that if proven would constitute sexual harassment including but not limited to acts of sexual violence. In this procedure, sexual harassment, including acts of sexual violence, is included in the generic terms sexual misconduct, harassment and discrimination.

**B. Making Reports**

All discrimination, harassment and retaliation claims including but not limited to claims based upon disability and sex (including acts of sexual violence) are filed with the Title IX/Affirmative Action/Equal Opportunity Coordinator and Americans with Disabilities Act Compliance Officer (hereinafter “Coordinator”):

Seth Canfield, Financial Aid Counselor  
Title IX Coordinator  
Administration Building  
Address:  
7210 NW 39th Expressway  
Bethany, Oklahoma 73008  
(405) 789-7661 Ext. 3439  
seth.canfield@swcu.edu

In the Coordinator’s absence or if the complaint is against the Coordinator complaints should be filed with the Dean of Students:

Brad Davis, Vice President of Student Life/Dean of Students  
Administration Building  
Address:  
7210 NW 39th Expressway  
Bethany, Oklahoma 73008
The Coordinator has primary responsibility for coordinating efforts for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination and harassment including but not limited to discrimination on the basis of sex and disability.

Chairs, deans, administrators, and supervisors have a duty to identify and report discriminatory/harassing/retributory behaviors. Employees and persons with responsibility for supervising or ensuring safety of others (including work study students in the course of their employment duties) have a duty to report discriminatory/harassing/retributory behaviors observed or reported to them. Chairs, deans, administrators and supervisors may be directly involved in resolving allegations of discrimination, retaliation and harassment. If the accused is an employee, the Coordinator may investigate allegations of discrimination in consultation with the accused’s supervisor and the Chief of Staff, provided the supervisor is not an alleged perpetrator. Chairs, deans, administrators and other supervisors have a duty to monitor the accused employee’s behavior and to take appropriate disciplinary action if he or she continues to violate University policies or procedures.

These procedures are designed to provide a fair process for both the alleged victim and the accused while also affording the person filing a complaint his/her Title IX protections. Consistent with due process, the accused is presumed not responsible for the conduct set forth in the complaint until proven otherwise. Should the accused be found responsible for harassment, discrimination or retaliation the University will take steps to prevent the recurrence of any discrimination, harassment or retaliation and will issue appropriate sanctions pursuant to the appropriate University disciplinary procedures as outlined in the Faculty, Staff, and Student Handbooks. The University is also committed to upholding the First Amendment of the United States Constitution. Nothing in these procedures is intended to abridge the rights or freedoms guaranteed by the First Amendment. Individuals are encouraged to report alleged discrimination and harassment immediately in order to maximize the University’s ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Failure to promptly report may result in the loss of relevant evidence and witness testimony, and may impair the University’s ability to enforce these procedures. Complaints should be filed within 30 calendar days of the incident but may be filed up to 300 calendar days after. Complaints may be filed after 30 days however, individuals are encouraged to report incidents as soon as possible because the passage of time may affect the University’s ability to investigate the incident.

C. Title IX
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial
assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

Title IX also protects third parties from sexual harassment or violence in a school’s education programs and activities. For example, Title IX protects a high school student participating in a University’s recruitment program, a visiting student athlete, and a visitor in a school’s on-campus residence hall. Title IX also protects employees of a recipient from sexual harassment.

D. Investigation of Reports/Oversight by the Coordinator
Southwestern Christian University’s Coordinator has the authority to:
1. Accept all complaints and referrals from all Southwestern Christian University locations;
2. Keep accurate records of all complaints and referrals for the required time period according to the University’s record retention policy;
3. Conduct investigations to the level required under Title IX and other federal antidiscrimination/harassment/retaliation regulations;
4. Make findings of fact;
5. Identify specific corrective measures to stop, remediate, and prevent discrimination and harassment including sexual harassment including but not limited to recommendation for removal from on campus residential facilities, administrative withdrawal from courses, or permanent dismissal from the university;
6. Make recommendations for corrective measures including training, counseling and/or discipline, when appropriate;
7. Refer any recommendation for employee discipline to appropriate supervisors, the Chief of Staff, and/or the University President;
8. Oversee implementation of corrective measures, which may include follow-up to ensure that appropriate action was taken to complete the recommended actions;
9. In some circumstances, investigation and disposition of complaints may be referred to other offices within the University, such as the Human Resources/Chief of Staff office for complaints against students or supervisors in the case of employees, however, ultimate oversight remains with the Coordinator to coordinate and ensure the University's compliance with Title IX and other antidiscrimination/harassment/retaliation laws. To assure University-wide compliance with this policy and with federal and state law, the Coordinator must be advised of all reported incidents of discrimination and harassment and their resolution. The Coordinator will monitor and coordinate the resolution of complaints by other offices with concurrent jurisdiction over Title IX discrimination/harassment/retaliation and/or any other unlawful harassment/discrimination/retaliation.
10. If the Dean of Students is conducting the investigation due to the Coordinator’s absence, the Dean of Students is vested with the same Title IX authority as the Coordinator.

E. Procedures for Informal Resolution
Southwestern Christian University encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does
not rise to the level of violation of University policy as determined by the Coordinator but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation. Informal resolution includes but is not limited to options such as referral to another campus office or program, mediation, separation of the parties, referral of the parties to counseling programs, or conducting targeted educational and training programs. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the Coordinator to help the parties achieve informal resolution will be documented. Some reports of discrimination or harassment, including but not limited to forcible sex offenses, may not be appropriate for informal resolution.

F. Procedures for Formal Investigation

You do not have to attempt informal resolution prior to filing a formal complaint

In response to reports of discrimination or sexual misconduct in cases where the complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Coordinator may oversee a formal investigation in conjunction with the Title IX investigators (appointed University personnel). In such cases, the individual making the report shall be encouraged to file a written complaint using the appropriate form. In cases where there is no written complaint, the Coordinator may initiate an investigation after making a preliminary inquiry into the facts, and will inform the person(s) who were allegedly harmed by discrimination or harassment of the decision to initiate an investigation.

Complaint and Investigation Process

1. Complaints must be in writing and should be filed with the Coordinator within 30 (thirty) calendar days of the most recent alleged conduct but may be filed up to (300) three hundred calendar days after. In certain circumstances, at the discretion of the Coordinator, complaints filed outside of the 300 day timeframe may not be investigated.
2. In order for formal action to be taken, you are required to name the accused.
3. The accused has a due process right to know his/her accuser. If the complainant requests confidentiality, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation taking into consideration and consistent with the University’s state and federal obligations including but not limited to Title IX. The University will also consider its responsibility to protect the safety and welfare of the campus community.
4. If a complainant insists that his or her name or other identifiable information not be disclosed to the accused or asks that the complaint not be investigated, the University will respond to the Complaint consistent with its state and federal obligations including but not limited to its Title IX obligations. The University’s ability to respond, however, may be limited.
5. The University will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The
University may weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct; whether there have been other harassment complaints about the same individual; the University’s responsibility to provide a safe working and learning environment and the accused’s right to receive information about the allegations if the information is maintained by the school as an “education record” under FERPA.  
6. The University cannot ensure confidentiality or that a complaint will not be investigated because of the complainant’s confidentiality request.  
7. When filing a complaint, the Coordinator strongly encourages the use of the “Complaint Form”. However, the Coordinator also will accept a written document which includes: the Complainant’s name, contact information and signature, a description of the conduct believed to be discriminatory, harassing and/or retaliatory with approximate date(s) when these actions occurred, and the name(s) and contact/status information (if known) of the respondent(s). Complaints that are submitted in writing without using the form may be requested to be resubmitted using the complaint form.  
8. Complaint Packets are available in the Coordinator’s Office and online  
9. If the Complainant makes a report to the Coordinator in person, the Coordinator will assist the Complainant with completion of the complaint form if requested and will conduct an intake meeting.  
10. Upon receipt of a written complaint the Coordinator will review the complaint and determine if the allegations state a potential violation of the University’s antidiscrimination/harassment/retaliation policies.  
11. If the allegations if substantiated would not constitute a violation of the University’s anti-discrimination/harassment/retaliation policies, the Coordinator will notify the complainant and the respondent concurrently that the investigation is closed. The Coordinator will provide notice within five (5) business days of receipt of the Complaint if policy has been violated. The decision to close the investigation may be appealed in writing within four (4) business days of receipt. The appeal is filed with the Coordinator. The appeal and investigation file will be forwarded to the Dean of Students who is the final decision maker for the appeals process. The Coordinator will notify the non-appealing party of the appeal. The Dean of Students will notify the complainant and the respondent of his/her decision within five (5) business days of receipt of the appeal. The Dean’s decision is final.  
12. If the Coordinator determines the allegations is substantiated would constitute a violation of the University’s anti-discrimination/harassment/retaliation policies, within ten working days of receipt of a written complaint or report and if the Coordinator has not already met with the complainant; the Coordinator will schedule an intake meeting with the complainant. The purpose of the meeting is to provide the complainant with a general understanding of these procedures and if applicable, to identify forms of support or immediate intervention available to the complainant if applicable and to gather information relevant to the complaint from the complainant. The intake meeting will also involve a discussion of any accommodations that may be appropriate concerning the complainant’s academic, employment, University housing, and/or University employment arrangements including but not limited to rescheduling of exams, arranging for independent study, changing the complainant’s room or residence hall, temporarily changing the complainant’s immediate supervisor, breaking a housing
contract to allow the complainant to seek off campus housing, and transferring class sections.
13. Within five working days of the intake meeting with the complainant, the Coordinator will provide the accused with written notice of the complaint. The notice will include a copy of the complaint or will otherwise inform the accused of the substance of the allegations and these procedures or information on where the procedures are available, applicable University policies, or notice of where to obtain them, an opportunity for the accused to provide a written response to the complaint using the appropriate RESPONSE FORM along with date, time and place of the intake meeting and instructions on who to contact if the respondent needs to reschedule the intake meeting.
14. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing the pending investigation.
15. A typical investigation should be completed within sixty (60) calendar days of the Coordinator's notice of the allegations, but depending upon the circumstances, may extend beyond sixty (60) days.
16. The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged sexual harassment and sex discrimination under a "preponderance of the evidence" standard and that is the standard used in these procedures for all discrimination, harassment and retaliation claims. A preponderance of the evidence means that the information shows that it is "more likely than not" that the accused student violated these procedures.
17. Generally, an investigation will result in a written report that will include: the names of the involved parties (including witnesses), date of reported incident, history of the case (when met with parties, witnesses, if a site visit was conducted, etc.), allegations included in the complaint, alleged violations of the University's rules, regulations or policies including Student Handbook and/or Lifestyle Covenant violations, standard of proof, interview(s) with the complainant, additional information provided by the complainant (relevant emails, texts, medical documentation, photographs, written statements, etc.); interview(s) with the respondent, additional information provided by the respondent (relevant emails, texts, medical documentation, photographs, written statements, etc.), summary of information provided by respondent, other information (Residence Life information/reports, Sexual Assault Nurse Examiner Exam, Campus Security or Police Report, information from experts), credibility assessment, findings of fact and analysis and conclusion. There are three conclusions that may result from an investigation:
   a. Substantiated: Based on the totality of the circumstances and the information obtained pursuant to the investigation, and based on a more likely than not standard of proof (preponderance of the evidence), it is/is not more likely than not that the accused/respondent committed the alleged violation(s).
b. Unsubstantiated: It is not possible to determine whether the allegation(s) is/are true or untrue. There is insufficient evidence to prove or disprove that the allegation(s) is/are true.

c. Unfounded: It is more likely than not that the allegation(s), while made in good faith, is/are untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false. The report also may contain recommendation for actions to resolve the complaint, including but not limited to educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to disciplinary procedures, as appropriate. The investigation report will be provided to those University administrators, academic leaders, employees and supervisors who are directly responsible for implementing measures to correct and prevent discriminatory or harassing conditions and/or for conducting disciplinary proceedings or a Disciplinary Committee hearing.

18. The report, complaint, response and/or entire investigation file may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

19. Notice of Outcome: Generally, within ten business days of the completion of the investigation, the complainant and the accused/respondent shall be concurrently informed in writing of the outcome of the investigation, i.e., whether harassment was found to have occurred. The investigation report serves as the notice of outcome for the parties. “Outcome” does not refer to information about disciplinary sanctions unless otherwise noted. The University may provide the written determination of the final outcome to the complainant and the alleged perpetrator concurrently. Title IX does not require the school to notify the alleged perpetrator of the outcome before it notifies the complainant. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant (No Contact Order). The complainant and accused/respondent will be notified if a complaint against a student has been referred to the Disciplinary Committee for a hearing. Information included in the final outcome letters to the parties will be governed by state and federal law and, if applicable, the University’s commitment to keeping personnel matters confidential. The complainant shall not be informed of the details of any recommended disciplinary action without the consent of the accused/respondent except as permissible by law. The complainant may be notified generally of referrals for disciplinary action. The University’s commitment to keeping personnel matters confidential will be balanced against the University’s Title IX obligations. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student’s “education record.” However, FERPA permits a school to disclose to the harassed student information about the sanction(s).

In 1994, Congress amended the General Education Provisions Act (GEPA), of which FERPA is a part, to state that nothing in GEPA “shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.”

20 U.S.C. § 1221(d). The Department interprets this provision to mean that FERPA continues to apply in the context of Title IX enforcement, but if there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA
would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. A “No Contact Order” may be imposed upon a student who was found to have engaged in harassment generally has regular contact or interaction with the harassed student (complainant). This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall. Further, when the conduct involves a crime of violence or a non-forceful sex offense, FERPA permits the University to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concluded that a violation was committed. Additionally, a postsecondary institution may disclose to anyone—not just the alleged victim—the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forceful sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies. The University is also subject to additional rules under the Clery Act. This law, which applies to postsecondary institutions that participate in federal student financial aid programs (Title IV), requires that “both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.” Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on disclosure of information do not apply to information that postsecondary institutions are required to disclose under the Clery Act.

20. The investigation report will be sent to the parties via hand delivery or sent via United States Mail, certified, return receipt requested. The Coordinator will provide the University President with a hard copy of the investigation report.

Crimes of Violence/Forcible vs. Nonforceable Sex Offenses

Under the FERPA regulations, crimes of violence include arson; assault offenses (aggravated assault, simple assault, intimidation); burglary; criminal homicide (manslaughter by negligence); criminal homicide (murder and non-negligent manslaughter); destruction, damage or vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses. Forceful sex offenses include rape, sodomy, sexual assault with an object, and forcible fondling. Non-forceful sex offenses are incest and statutory rape. 34 C.F.R. Part 99, App. A.

For purposes of the Clery Act, “outcome” means the institution’s final determination with respect to the alleged sex offense and any sanctions imposed against the accused. 34 C.F.R. § 668.46(b)(1)(v)(B).

§ 34 C.F.R. § 668.46(b)(1)(v)(B). Under the Clery Act, forceful sex offenses are defined as any sexual act directed against another person forcibly or against that person’s will, or not forcibly or against the person’s will where the person is incapable of giving consent. Forceful sex offenses for the purposes of FERPA include forceful rape, forceful sodomy, sexual assault with an object, and forcible fondling. Non-forceful sex offenses include incest and statutory rape. 34 C.F.R. Part 668, Subpt. D, App. A. § 34 C.F.R. § 99.33(c).

Appeals

1. Either party may appeal the decision made in the investigation report in writing by submitting a written appeal to the Dean of Students. The appealing party is required to send a copy of the appeal to the Coordinator and to the respondent prior to submitting the official appeal to the Dean of Students. The Dean of Students may accept, reject or
modify the Coordinator’s decision at his/her discretion. In applicable cases the Dean of Students will appoint someone who has received Title IX training (other than the Coordinator to avoid conflict of interest) to present the complaint to the Disciplinary Committee for deliberation appropriate to University disciplinary procedures according to faculty, staff, or student handbooks including the Lifestyle Covenant. The Dean of Students or his/her designee will issue a decision concurrently to the complainant, respondent and Coordinator within seven (7) working days of receipt of the appeal.

2. If the accused/respondent is not an employee or student the appeal and if applicable any sanctions will be handled according to University policy and all relevant state and federal law.

3. Regardless of the method of resolution or the outcome of the investigation or appeal, complainant is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the United States Department of Education (Office for Civil Rights), the United States Department of Labor (Office of Federal Contract Compliance Programs), or by consulting legal counsel her or his own expense.

G. Options for Resolution
Individuals making reports of discrimination or sexual misconduct shall be informed about options for resolving potential violations of the policies which prohibit discrimination or sexual misconduct. These options include informal dispute resolution, referral to other University offices or programs, formal investigation by the Coordinator and availability of resources outside the University process. The University shall respond, to the greatest extent possible, to reports of discrimination, retaliation and harassment (including sex offenses) brought anonymously or brought by third parties not directly impacted by the alleged discrimination, retaliation or harassment (including sex offenses). However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts. Complainants shall be informed, either verbally or in writing through this policy, about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the discrimination or sexual misconduct, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

H. Alcohol or Drug Use
Alcohol and/or drug use by the accused and/or the victim are not defenses to discrimination or harassment (including acts of sexual violence) complaints. Use of drugs or alcohol may, however, affect the alleged victim’s and/or accused’s memory which may impact the investigation and final outcome of a complaint. In cases where alcohol/drugs are involved or alleged to be involved, a Disciplinary Committee hearing will take place, apart from any Title IX investigation process which may be conducted, according to the faculty, staff, or student handbook and University policy.

I. Other Related Misconduct and Non-University Conduct
The Coordinator is empowered to hear allegations of, and to recommend sanctions for, discrimination, harassment, retaliation and any other standards of conduct directly related to the alleged discrimination, harassment or retaliation. Such related misconduct may include, without limitation, unprofessional conduct, violations of interim directive(s), filing a false claim, and/or any other misconduct that occurred in the course of the alleged discrimination, harassment or retaliation even if the harassment/discrimination/retaliation allegations are not substantiated.

J. Time
Time limits set forth in these procedures are approximate and may be extended depending upon the circumstances of each complaint.

K. Retaliation
It is a violation of Southwestern Christian University and various federal laws to retaliate against any person making a discrimination, harassment or retaliation complaint or against any person cooperating in the investigation of the same (including but not limited to witnesses). For these purposes, "retaliation" includes but is not limited to intimidation, threats, harassment, and other adverse action threatened or taken against any individual reporting an incident or participating in the hearing or investigation process. Retaliation should be reported promptly to the Coordinator using these procedures and the appropriate form or in writing. Cases of retaliation may be referred to the Disciplinary Committee resulting in disciplinary action determined independently by the Disciplinary Committee.

L. Representatives
Both the individual reporting the conduct and the accused may have a representative present and/or may choose to be represented by legal counsel at his/her own expense at any stage of these procedures. The Coordinator may disallow a particular advisor, at his/her discretion, in cases where such advisor might be a witness or where such advisor's presence would be obstructive to the process or for other good cause. If an individual intends to be represented by legal counsel or have a representative present, that party must notify the Coordinator in writing, four (4) business days prior to any scheduled hearing or meeting. Representatives are subject to all of the procedures set forth herein including but not limited to any confidentiality provisions. The University may have counsel present at any stage of these procedures and may seek advice from legal counsel on questions of law and procedure.

M. Privacy/Confidentiality
In order to comply with Federal Education Rights and Privacy Act (FERPA), Title IX, other state and federal laws and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the investigation process is not open to the general public. Accordingly, documents prepared during the investigation process may not be publicly disclosed, except, as may be authorized/required by law or per the terms of these procedures and/or if necessary to provide for the defense of the University. The Title IX Coordinator attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe
educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual’s requests regarding the confidentiality of reports of discrimination, or harassment including but not limited to sex offenses will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the institution’s legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure that the institution meets its obligations under Title IX. The institution may be limited in its response and investigation if confidentiality is requested. The University shall protect the privacy of individuals involved in a report to the extent allowed by state and federal law and University policy. Disclosure of information will be made in accordance with state and federal law. A report of discrimination or a sex offense may result in the gathering of extremely sensitive information about individuals in the University community. In order to provide due process to the accused and for the University to fulfill its obligations under Title IX and other state and federal laws, the accused and the complainant will be provided with a copy of the investigation report. The investigation report will serve as the notice of outcome to both parties. Information to be included in the investigation report and public disclosure of that report is governed by other sections of these Complaint Procedures and by state and federal law.

N. Complaints Filed by Individuals under the Age of 18
Before beginning an investigation, the University will inform and obtain consent from the parents of any individual who files a complaint who is under the age of 18.

O. Geographic Jurisdiction and Title IX
Title IX protects students from sexual harassment in a school’s education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school’s facilities, on a school bus or van, at a class or training program sponsored by the school at another location, or elsewhere. For example, Title IX protects a student who is sexually assaulted by a fellow student during a school sponsored field trip. These procedures apply to any allegation of a sex offense regardless of where the alleged incident occurred. Sex offenses include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape. Although there is no geographical limitation to invoking these procedures, sexual misconduct that is alleged to have occurred at a significant distance from the University may be more difficult to investigate. In addition, with respect to any complaint: (a) by a person who is not a member of the University community; and (b) relating to non-University Conduct, the University reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the University community to warrant processing the complaint.

P. Criminal Conduct
Acts of sex discrimination or sexual harassment, including but not limited to acts of sexual violence, may also constitute acts of criminal conduct. Any individual may report an incident alleging criminal conduct by calling 9-1-1 in an emergency or by contacting the Bethany Police Department at (405)-789-2323. Bethany Police may be notified if a complaint contains allegations of criminal conduct. Pursuant to the federal law known as the Jeanne Clery Act (20 USC § 1092(f)), as amended, any campus security or law enforcement personnel or any Southwestern Christian University employee who has significant responsibility for student and campus activities (including but not limited to faculty advisers to student groups, coaches etc.) who has witnessed or been informed of an alleged incident that constitutes a crime for the purpose of the Jeanne Clery Act including but not limited to a forcible or nonforcible sex offense or a hate crime, whether a criminal or administrative complaint has been filed, must:

a. follow Southwestern Christian University procedures for making a report for the annual crime statistics report (notify the Dean of Students); and

b. notify the Title IX Coordinator so that any applicable administrative, investigative or other resolution procedures may be initiated. Employees may be obligated to report to law enforcement the fact that an alleged Jeanne Clery Act crime has been reported, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or otherwise permitted by law.

**Criminal Investigations**

The administrative investigation of complaints filed with the Title IX Coordinator is different from a law enforcement investigation. The technical rules of evidence and procedure do not apply. A law enforcement investigation will not take the place of an investigation or disposition of a complaint filed with the Title IX Coordinator and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for discriminatory/harassing/retributory conduct. An investigation by the Title IX Coordinator may be carried out prior to, simultaneously with, or following civil or criminal proceedings on campus.

Southwestern Christian University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus or that affects the campus community and such cooperation may require the institution to temporarily suspend the fact-finding aspect of the administrative investigation while the law enforcement agency is in the process of gathering information. Suspensions of investigations typically last from three to ten days but may be extended depending upon the circumstances of each case. Southwestern Christian University will promptly resume its administrative investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

**Q. Cooperation with Investigation**

It is expected that individuals filing complaints will actively provide information that will support his/her complaint in the time and manner deemed necessary and appropriate by the University to conduct the investigation. Failure to cooperate with the investigation process in a timely manner may impair University's ability to address the complaint.
R. Records Retention
The office of the Coordinator is responsible for maintaining records relating to discrimination or sexual misconduct reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally six years after the date the complaint is resolved. Records may be maintained for a longer period of time at the discretion of the Coordinator in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from University legal counsel. Medical information, if any, will be protected as is required by law including but not limited to the Health Information Portability and Accountability Act (HIPAA) if applicable.

S. Anonymous Complaints
Anonymous complaints will be accepted, however, the University may be limited in its options in investigating and/or resolving anonymous complaints because of the unique challenges they present. There is no way to assess the author's veracity and no ability to obtain additional information from the complainant if the complaint is unclear or confusing. However, if the anonymous complaint contains sufficiently detailed information which, if true, would constitute:
(a) a crime, then the complaint will be forwarded to the Bethany Police Department for appropriate action; (b) or a violation of this policy, the complaint will be investigated to the best of the Coordinator's ability given the anonymous nature of the complaint. A record will be kept of all anonymous complaints.

T. Filing a False Complaint and/or Providing False Information
Knowingly providing false information in either a complaint, during the investigation of a complaint, disciplinary proceeding or hearing by anyone is prohibited and is considered misconduct subject to disciplinary action up to and including termination of employment and/or expulsion.

U. Interim Measures Pending Resolution of the Complaint
When the Coordinator receives a complaint or notice of sexual harassment or sex discrimination allegations, the Coordinator will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, the campus community and to avoid retaliation against the victim(s) before the final outcome of the investigation or full implementation of these Procedures. Interim measures may be implemented without prior notice to the accused whenever there is reason to believe, based on available facts, that the continued presence of the student poses a substantial threat to himself/herself, to others, to University property, or to the stability and continuance of normal University functions. If the allegation constitutes a sex offense as defined by the Clery Act, the University will change the victim’s academic and living situations after an alleged act of sexual violence if those changes are requested by the victim and are reasonably available. Options may include the release of the victim from his/her housing contract so that the victim may seek off campus housing, room reassignment or assignment to a different residence hall.
The Coordinator may impose a "no-contact" order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation and, if applicable, the hearing. The Coordinator also may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the hearing, if any, including, without limitation, directing appropriate University officials to alter the students' academic, University housing, and/or University employment arrangements.

When taking steps to separate the complainant and the accused, the Coordinator will seek to minimize unnecessary or unreasonable burdens on either party; provided, however, that every reasonable effort will be made to allow the complainant to continue in his or her academic, University housing, and/or University employment arrangements.

Violation(s) of the Coordinator's directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action. Where the accused student is a degree candidate, the conferral of a degree may be deferred until proper resolution of any Sexual Misconduct charges, provided that, inapplicable, a hearing will be scheduled for the earliest practicable date that may reasonably accommodate the parties and their witnesses. An accused student may appeal the interim measures, in writing, to the President. The interim measures will remain in effect pending the outcome of any appeal. The President will provide the Complainant with a copy of any appeal filed pursuant to this section via certified mail, return receipt or in person. The Complainant may submit a response to the appeal within five (5) business days after receipt. The President may accept, reject or modify the interim measures imposed by the Coordinator. The President will notify the parties of his decision in writing within seven (7) business days of receipt. The President's decision is final.

Interim measures that may be implemented include but are not limited to:

1. Temporary suspension of the accused's eligibility for enrollment or attendance, as well as denial of the student's access to University facilities or property including but not limited to University housing;
2. Temporary suspension or limitation of the accused's eligibility to enjoy certain privileges, or participate in or attend certain events (or certain kinds of events) without the suspension of enrollment status. This action may prohibit a student's presence on University property or in certain facilities (including but not limited to University housing), or impose conditions that must be met in order for that student to enjoy certain privileges, participate in activities, or attend events;
3. Issuance of a no-contact order;
4. Transcript holds;
5. Delay/hold the conferring of a degree;
6. Temporary employment suspension;
7. Supervisor change; and
8. Immediate removal from the alleged victim's classes and/or residence hall

The Coordinator will notify the accused student and the Complainant, in writing, of any interim measures one (1) business day after implementation.

V. Sanctions
Sanctions for individuals found responsible for discrimination, harassment or retaliation include but are not limited to:
1. Employment termination or suspension;
2. Suspension or expulsion;
3. Residence Hall probation;
4. Residence Hall separation;
5. Disciplinary probation;
6. Any sanction set forth in the Student Conduct Code or Employee Handbooks;
7. Demotion
One or any combination of sanctions may be implemented depending upon the circumstances of each case.

When recommending and/or implementing sanctions, the Coordinator and/or appropriate disciplinary authority may take into consideration the prior disciplinary history of the accused.

W. Definitions
The following definitions apply to these procedures:
1. **Gender Discrimination/Gender Harassment**: Gender (or sex) discrimination occurs when a person is subjected to different or unequal treatment ("discrimination") in any number of situations, when that treatment is based on the person's gender.
2. **Sexual Harassment** can be defined as unwanted sexual attention or action based on one's gender that is so severe, persistent, or pervasive that it unreasonably interferes with the work or educational environment.

**Types of Sexual Harassment**
- **Quid Pro Quo**
  when something—a grade, a letter of recommendation, a job—is given or withheld on the basis of an individual's response to a request for sexual favors
- **Hostile Environment**
  unwelcome conduct, based on sex (gender) or on gender stereotypes, which is so severe or pervasive it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities AND creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

3. **Complaint**: A description of facts that allege violation of the University's antidiscrimination/harassment/retaliation policies. The Title IX Coordinator may request that a complaint be made in writing using the appropriate form.
4. **Complainant**: An individual who alleges that she or he has been subjected to discriminatory/harassing/retaliatory practices. A third-party complainant is a person who brings a complaint on behalf of another member(s) of the campus community who has allegedly been the subject of discrimination/harassment/retaliation.
Complainants may be individuals or groups of individuals who have been impacted by discrimination, harassment or retaliation.
5. **Force**: Physical force, violence, threat, intimidation or coercion.
6. **Non-Consensual Sexual Contact**: Sexual contact that occurs without effective consent and may occur with or without force.
7. **Consent**: is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. "No" always means "No" and the absence of "No" may not mean "Yes". In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness, age, or use of alcohol, drugs, medication, and/or other substances.

8. **Incapacitation**: The physical and/or mental inability to make informed rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drug) is involved, one does not have to be intoxicated, drunk or high to be considered incapacitated.Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the complainant was incapacitated. Because Incapacitation may be difficult to discern, you are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give effective consent.

9. **Respondent(s)**: Person or persons who are members of the campus community who are accused of discrimination, harassment or retaliation. Respondents may be individuals, groups, programs, student organizations, academic or administrative units, or the institution.

10. **Sexual Contact**: The deliberate touching or penetration of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas) with inanimate objects or body parts, or using force to cause a person to touch his or her own or another person's intimate parts with animate or inanimate objects.

11. **Forcible Rape**: The carnal knowledge of a person, forcibly and/or against the person's will (without effective consent); or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacitation (or because of his/her youth).

12. **Forcible Sodomy**: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (without effective consent); or not forcibly against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacitation.

13. **Sexual Assault with An Object**: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacitation.

14. **Forcible Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacitation.

15. **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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16. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consents.

17. **Witnesses:** Persons who have information about the alleged sexual misconduct that will tend to prove, disprove, or otherwise provide information relative to an investigation of a complaint.

18. **Investigation:** A fact finding inquiry by the Coordinator that attempts to determine whether behavior in violation of policy prohibiting discrimination, harassment or retaliation occurred, and to make recommendations for resolution of discriminatory, harassing or retaliatory conditions.

19. **Discrimination:** treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, sex or gender of, or category a person belongs to.

20. **Harassment:** the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and/or demands.

21. **Disciplinary Committee:** The standing group whose purpose is to conduct a hearing on misconduct complaints against students that are substantiated and referred to it by the Coordinator and/or the Dean of Students. Committee members will receive annual training in their responsibilities. The members of the Committee are listed in the Student Handbook, which is available in the Office of Student Life.

22. **Sexual Misconduct:** A broad term encompassing a wide range of sex based offenses including but not limited to sexual harassment, sexual exploitation, forcible sex offenses such as rape, forcible fondling, nonconsensual contact and abuse and nonforcible sex offenses such as statutory rape and incest. Sexual misconduct is included in the general term sexual harassment.

23. **Sexual Violence** means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including but not limited to rape, sexual assault, sexual battery, sexual misconduct, and sexual coercion.

24. **Sexual Exploitation** is taking abusive sexual advantage of another.

25. **Student Organization:** Any student organization that formally exists, is recognized by the University, and consists of University students and/or other University personnel.


27. **Clergy Act Crime:** Any crime required to be reported in the annual crime statistics report by the Clergy Acts.


29. **Chair:** Chair of the Disciplinary Committee.

30. **University:** Southwestern Christian University

31. **Coordinator:** The Title IX Coordinator

32. **Force:** Physical force, violence, threat, intimidation or coercion.

33. **Southwestern Christian University Board of Regents (“BOR”):** The governing board of the University.

34. **President:** The University’s Chief Executive Officer. The President’s Office is located in the Administration Building.
35. **Parties:** The Complainant(s) and Respondent(s) collectively.
36. **“Days”:** Unless otherwise designated means business days and does not ever include days the University is closed for business for any reason.
37. **Non-University Conduct:** Conduct that occurred other than on University owned or leased property, on off-campus, public property immediately adjacent to campus (sidewalks, streets, etc.) at any University sanctioned function or at the permanent or temporary local residence of a University student, faculty member, employee, or visitor.

**X. University Policies**
Clery Act crimes will be defined by the Clery Act. As of the effective date of these procedures, the criminal offenses for which we are required to disclose statistics per the Clery Act are murder/no negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and weapons: carrying, possessing, etc. We are also required to report statistics for bias-related (hate) crimes for the following offenses: murder/non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, vandalism, intimidation, simple assault, and damage/destruction/vandalism of property.

1. University policies are available in the Dean of Student’s office and online at: http://swcu.publishpath.com/sexual-assaults-offenses1
3. All employee handbooks are available in the Provost’s or Chief of Staff’s offices.

**Y. Additional Information**
The United States Department of Education Office of Civil Rights is responsible for enforcing Title IX. Additional information about federal anti-discrimination/harassment/retaliation laws as well as Title IX and the Office of Civil Rights’ complaint procedure is available from:

Office of Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599
TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov
Website: http://www2.ed.gov/about/offices/list/ocr/index.html

A complainant is at all times free to file a complaint with the OCR.

**Z. Application/Authority and Amendments**
The University’s policies prohibiting discrimination, harassment, retaliation, sexual harassment and sex discrimination Complaint Procedures define and prohibit
discrimination, harassment, retaliation, sexual harassment and sex discrimination including acts of sexual violence on the basis of federal and state law as interpreted by the courts and the agencies responsible for enforcing the laws. To assure continued compliance with Title IX and/or any other state or federal antidiscrimination/harassment/relation laws, if state or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change, or conflict with University policy and/or procedure, the University’s policy and/or procedure will be deemed amended as of the time of the decision, ruling, legislative enactment or guidance. These procedures may be modified to protect the due process rights of the parties. These Procedures were created pursuant to Title IX of the Education Amendments of 1972, other state and federal antidiscrimination/harassment/relation laws and Southwestern Christian University Policies and may be amended by the President or the President's designee at any time.

EFFECTIVE DATE: 5/4/15

Signature (President or Designee)

Seth Canfield

Print Name