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.

Sexual Harassment

Southwestern Chrisitan University is committed to providing its employees and student 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 to 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.

Procedures and Services

Victims of sexual assault need to know they are encouraged to report offenses immediately to the Office of Student Life or any SCU faculty or staff member. Vice President of Student Development, Matt Vonwald, may be contacted at 405-789-7661 ext 2219 or email at Matthew.VonWald@swcu.edu at any time. Reports may also be filed with the Title IX Coordinator (T9C), Adrienne Cressman, 405-789-7661 ext 2280 in person, or adrienne.cressman@swcu.edu or TitleIX@swcu.edu, or via mail 7210 NW 39th Expressway Bethany OK 73008, at any time.

Below please note we have provided other contact information for support. The T9C can assist any person who reports with pursuing these options as appropriate or requested.

1. Bethany Police Department: 911 for an emergency, or 405-789-2323 for rape crisis intervention team.
2. Oklahoma Mental Health Lifeline: 988
3. Crisis Hotline: 405-848-2273 (call 911 in an emergency).
4. Deaconess Hospital Emergency: 405-949-6106
5. Domestic violence hotline: 405-917-9922
6. Oklahoma Resource for Shelter: 1-800-522-7233
7. Integris Health/Baptist Medical ER: 405-949-3155
8. Mercy Hospital: 405-755-1515

On campus discipline procedures can be activated by reporting as mentioned above or visiting the Office of Student Life.

It is the right of the complainant (defined below) and respondent (defined below) to have others present during proceedings. Potential sanctions may involve counseling, probation, suspension,

or dismissal from the University. Complainants may also wish to report to the police, if desired, campus personnel can assist complainants in doing so.

Title IX Complaint Procedures and Response Process

In order to comply with Title IX of the Education Amendments of 1972 and other state and federal law, this policy became effective on 14 August 2020. In order to comply with Title IX of the Education Amendments of 1972 and other state and federal law these procedures apply to all complaints under investigation at the time of the effective date and all complaints after unless altered by case law or guidance from the Department of Education(DOE) or the Office of Civil Rights (OCR).

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 education 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 included 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 sex (included 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 US Department of Education Office for Civil Rights, the US Department of Labor, or by consulting an 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 based on sex. 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 SCU's operations and programs. It 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 may apply to accused individuals who are not students, employees, affiliates or agents of the University

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 claimes included but not limited to claims based on sex (including acts of sexual violence) are filed with the Title IX Coordinator (T9C or coordinator)

Adrienne Cressman
Living and Learning Center (LLC) 249
Address:
7210 NW 39th Expressway
Bethany OK 73008
Email: adrienne.cressman@swccu.edu
Phone: 405-789-7661 x 2280

In the Coordinator's absence or if the complaint is against the coordinator complaints can be filed with the Vice President of Student Development.

Matthew VonWald
Roberson Building
7210 NW 39th Expressway
Bethany OK 73008
Email: matthew.vonwald@swcu.edu
Phone: 405-789-7661 x 2219

The Coordinator has primary responsibility for coordinating efforts for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to prevent, stop, and remediate discrimination and harassment on the basis of sex.

Chairs, deans, administrators, and supervisors have a duty to identify and report discriminatory/harassing/retaliatory behaviors. Employees and persons with responsibility for supervising or ensuring safety of others have a duty to report discriminatory/harassing/retaliatory behavior observed by 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 supervisor and Human Resources, 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 employees continue 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 their 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 and/or retaliation, the University will take steps to prevent the recurrence of any discrimination, harassment and/or retaliation and will issue appropriate sanctions pursuant to the appropriate University disciplinary procedures as outlined in the Faculty, Staff, and Student Handbooks as well as aligning with federal and state law. The University is also committed to upholding the First Amendment of the US 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 days of the incident but may be filed up to 300 days after.

C. Title IX

Title IX of the Education Amendments of 1972 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 an institution'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 (SCU) Coordinator has the authority to:

1. Accept all complaints and referrals from all SCU locations.
2. Keep accurate records of all complaints and referrals for the required time period (7 years).
3. Conduct investigations to the level required under Title IX.
4. Gather evidence for the hearing.
5. Ensure a fair process under current Title IX regulations effective 14 August 2020.
6. Explain the process to parties that bring a report as well as offering supportive measures.
7. Oversee the implementation of corrective measures, which may include follow up to ensure compliance with hearing determination.
8. In some circumstances, investigation and disposition of complaints may be referred to other offices within the University, such as the Human Resources

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 law. To ensure this compliance with 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.

9. If the Dean of Students is conducting the investigation due to the Coordinator's absence, the Dean of Students is vesting with the same Title IX authority as the Coordinator.

E. Procedures for Informal Resolution

Southwestern Christian University encourages informal resolution when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of University policy but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may involve an inquiry into facts but 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 to counseling, or conducting targeted educational and training programs. Situations that are resolved informally are 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. Procedure for Formal Complaint/Investigation

Anyone who files a report is not required to attempt informal resolution.

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 Title IX investigators. In such cases, the individual making a report shall be required to file a written complaint using the appropriate form. The Coordinator may initiate a formal complaint based on reports and inquiry into the facts, if appropriate, and will inform the complainant in writing of the reasons for moving forward with a formal investigation.

Complaint and Investigation Process

1. Complaints must be in writing and filed with the Coordinator (or VPSS). Anyone participating in or attempting to participate in an education program or activity at SCU can file a complaint or report.
2. For formal action to be taken, you are required to name the accused.
3. The accused has a due process right to know their accuser. Formal complaints cannot be confidential. The Coordinator will provide written notice to principal parties that includes, notice of grievance process, notice of allegations, and sufficient time to prepare

responses before the initial interview. This notice includes identities of parties involved, conduct in question, date/location of alleged incident.

4. The Coordinator will assist the Complainant with the complaint form. This will include; the Complainant's name, contact information, signature, a description of the conduct believed to be discriminatory including approximate dates, and names of the accused (respondent or respondents).
5. Upon receipt of a written complaint the Coordinator will review the complaint and determine if the allegations are a potential violation of the University's anti discrimination/harassment/retaliation policies.
6. The Coordinator will dismiss any complaint that does not meet the following for Title IX; even if conduct as reported was proved, would not constitute harassment, conduct did not occur in the institution's education program or activity, or conduct did not occur against a person in the United States (note: this is a geographic limitation, regardless of citizenship). Other disciplinary processes of the University may still apply to the case and may be pursued.
7. The Coordinator may dismiss at their discretion for the following; complainant notifies the Title IX Coordinator in writing that they wish to withdraw the complaint, respondent is no longer enrolled or employed by SCU, or if specific circumstances prevent the University from gathering sufficient evidence to reach a determination of responsibility.
8. Upon dismissal of a Title IX case, the University will notify both parties simultaneously via their official school email. The University will include the reasons for dismissal in this notification.
9. The investigation generally shall include interviews with the parties, interviews with witnesses, and a review of any other relevant evidence to the complaint. Disclosure of acts 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 ongoing investigation. However, it should be noted that the University cannot issue a "gag order" to anyone regarding the case, rather the University wishes to complete a thorough investigation. Any person called to participate in the grievance process will be given written notice by the Coordinator of date, time, location, participants, and purpose of any meetings, hearings, or interviews. Sufficient time will be allowed for individuals to prepare for such meetings.
10. Investigations may take up to sixty (60) days to complete. Once the investigation is completed, a hearing will be scheduled as soon as possible to make a determination of responsibility. Refer to other sections of this document for timing of appeals after the hearing.
11. An investigation will result in a written report. Prior to completion of this report, both parties will be given the opportunity to inspect and review any evidence obtained that is directly related to the allegations. Parties will be provided electronic or hard copies of the evidence. The University expects that this information will remain confidential, meaning it is not to be shared or broadcast to others. Parties will have ten (10) days to submit a

written response for the investigator to consider before completion of the report. All evidence included in the report will be available at the hearing.

12. The University will use a preponderance of the evidence standard in all cases regarding sexual harassment/discrimination/misconduct. A preponderance of the evidence means that the information shows that it is “more likely than not” that the accused violated these procedures.
13. Once the investigative report is finalized, there will be a live hearing. Each party must have an advisor who will represent the parties at the hearing. This advisor may be a friend, a family member, or an attorney, but an attorney is not required. The advisors will be allowed to ask written questions provided by the parties and follow up questions. Parties must give the University five (5) days notice of the intent to bring an advisor and the name of the advisor. The University will provide an advisor if the party does not appear with one. Present at the hearing will be the decision makers (see Appendix A for how these are selected), one of whom will be the hearing officer. Parties are not required to be in the same room, but must be able to hear and see all questions/answers. Only relevant questions are permitted, when a question is asked, the Decision Maker who is acting as hearing officer must rule the question relevant BEFORE it is answered. If the decision maker determines a question is not relevant, the decision maker must explain the reason for the decision. Should a party or witness refuse cross examination at the live hearing, the decision maker must not rely on any statement from that witness in making a determination of responsibility. Hearings will be recorded and are made available to the parties for review.
14. Upon completion of the hearing process, both parties will receive a written determination that will include; allegations, procedural steps since complaint, finding of fact, conclusion regarding application of code of conduct to the facts, statement of rationale for determination of responsibility, disciplinary sanctions, and any remedies provided to the complainant. This document will also contain appeal information and be delivered simultaneously to both parties. This becomes final the date that parties receive written notice of final appeal or the date on which an appeal would no longer be timely.
15. Appeals may be filed by either party for the following reasons; from a determination of responsibility, from a dismissal of formal complaint, procedural irregularity that affected the outcome, new evidence that was not available at the time of determination which has an affect on the outcome, conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision maker that affected the outcome. Appeals should be filed within 10 days of delivery of the written decision from the hearing officer.
16. If an appeal is filed the University will notify the other party in writing of an appeal. The President and the President’s Cabinet will form the appeal committee. Both parties will submit a written statement in support of or challenging the outcome. The appeal committee will review the case and issue a written decision that describes the result of the appeal with supporting rationale, this written decision will be delivered to both parties simultaneously.

Crimes of Violence/Forcible vs. Nonforcible Sex Offense

Under FERPA regulation, crimes of violence include arson; assault offense (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. Forcible sex offenses include rape, sodomy, sexual assault with an object, and forcible fondling. Non-forcible 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.R668.46(b)(11)(vi)(B).
Under the Clery Act, forcible 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. Forcible sex offense for the purposes of FERPA include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Nonforcible sex offenses include incest and statutory rape.

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.

Other Related Misconduct and Non-University Conduct

The Coordinator is empowered to hear allegations of and investigate discrimination, harassment, retaliation. Such related misconduct may include, without limitation, unprofessional conduct, violations of interim directives, filing a false claim, and/or any other misconduct that occurred in the course of the alleged discrimination, harassment or retaliation even if the allegations are not substantiated.

Time

Time limits set forth in these procedures are approximate and may be extended depending upon the circumstances of each complaint. When altered, all parties will be notified in writing with rationale explaining the delay.

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.

Representatives

Both parties may have a representative present and/or may choose to be represented by legal counsel at their 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.

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. Confidential 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 insure 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 law, 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 law, the accused and 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 procedures and by state and federal law.

Complaints Filed by Individuals Under the Age of 18

Before beginning an investigation, the University will inform and obtain consent from the parent of any individual who files a complaint who is under the age of 18.

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 connections 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. Sex offenses include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape.

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 911 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 advisors to student groups, coaches, etc) who has witnessed or been informed of an alleged incident that constitutes a crime for the purposes 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 SCU 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 obliged 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/retaliatory conduct. An investigation by the Title IX Coordinator may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. SCU 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 three to ten days but may be extended depending upon the circumstances of each case. SCU will promptly resume its administrative investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

Cooperation with Investigation

It is expected that individuals filing complaints will actively provide information that will support their complaint in the time and manner deemed necessary and appropriate by the University to conduct the investigation. Failure to cooperate with the investigations process in a timely manner may impair the University's ability to address the complaint.

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 policy, generally seven 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.

Anonymous Complaints

Under the Final Regulations issued by the Department of Education in 2020, formal complaints may not be anonymous. However, the Coordinator may accept and investigate anonymous reports, these reports may lead to information that falls under other University discipline procedures.

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.

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 complainant(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 themself, 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 complainant'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 complainant from their 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 pirates pending the hearing, if any, including, without limitation, directing appropriate University officials to alter the student's academic, University housing, and/or University employment arrangements. When taking steps to separate the complainant and respondent, 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 their academic, University housing, and/or University employment arrangements. Violations of the Coordinators' 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, if applicable, a hearing will be scheduled for the

earliest practicable date that may reasonably accommodate the parties and their witnesses. An accused student (respondent) may appeal the interim measures, in writing, to the President. The interim measure 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/her 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 respondent's eligible 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 respondent's eligibility to enjoy certain privileges, or participate 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 Respondent and Complainant, in writing, of any interim measures one (1) business day after implementation.

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 Handbook, Lifestyle Covenant, or Employee Handbooks
7. Demotion

One or any combination of sanctions may be implemented depending upon the circumstances of each case.

Definitions

The following definitions apply to these procedures:

1. **Gender Discrimination/Harassment**: Gender (or sex) discrimination occurs when a person is subjected to different or unequal treatment in any number of situations, when that treatment is based on the person's gender.
2. **Sexual Harassment**: can be define as unwanted sexual attention or action based on one's gender that is so severe, persistent, and pervasive that is unreasonably interferes with the work or educational environment.
    a. 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.
    b. Hostile Environment: Unwelcome conduct, based on sex (gender)or on gender stereotypes, which is so severe, persistent, and pervasive that 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 that a reasonable person would find intimidating, hostile, or offensive.
3. **Compliant**: A description of facts that allege violation of the University's antidiscrimination/harassment/retaliation policies. Complaints must be in writing.
4. **Complainant**: An individual who alleges that they have been subjected to discriminatory/harassing/retaliatory practices. Complainants may be individuals or groups of individuals who have been impacted by discrimination, harassment, or retaliation. Complainants must be attempting to access University programs or activities.
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 judgements. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drugs) 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 judgements. 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 youth or 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 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 or 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 or physical incapacitation.
15. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
16. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
17. **Witness:** Persons who have information about the alleged sexual misconduct that will tend to prove, disprove, or otherwise provide information relative to an investigation or 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 provide information to decision makers.
19. **Discrimination:** Treatment or consideration of, or making a distinction in favor 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 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 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:** 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 or sexual violence, including but not limited to, rape, sexual assault, sexual battery, sexual misconduct, and sexual coercion.
24. **Sexual Exploitation:** 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.
26. **Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act.
27. **Clery Act Crime:** Any crime required to be reported in the annual crime statistics report by the Clery Act.
28. **FERPA:** The Family Educational Rights and Privacy Act.
29. **Chair:** Chair of the Discipline Committee.
30. **University:** Southwestern Christian University
31. **Coordinator:** 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-campu, public property immediately adjacent to campus (sidewalks, streets, etc) at any University sanctioned function or at the permanent or temporary local resident of a University student, faculty member, employee, or visitor.

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/non 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 Students Office and online.
2. The Student Handbook is available in the Dean of Students Office and online.

Additional Information

The United State 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
US Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd Floor, Suite 320
Kansas City MO 64106
Telephone: 816-268-0550
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 OCR.

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/retaliation 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 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 antidiscimination/harassment/retaliation laws and Southwestern Christian University Policies may be amended by the President or President's designee at any time.

Effective Date: November 11, 2024

____A. Cressman _____
Signature of Coordinator

Addrienne Cressman

Appendix A - Selection of Decision Makers for Hearing

The President has designated the Vice President of Student Services (VPSS) as the Hearing Officer. Should the VPSS be unable to discharge this duty, the President will select another impartial person to serve in this role.

The decision makers will be a panel of three other University personnel who are trained in these policies. They will be selected by the President from a pool to ensure that they are unbiased. The University must follow due process and will select decision makers who have no bias in the case. For example, the University would not select a business faculty member as a decision maker where a business major is the complainant or respondent. If a complainant or respondent feels the University erred in the selection of decision makers, they may appeal the decision to the President as stated in the above policy.