



Cornerstone
UNIVERSITY®

Sexual Harassment and Violence Prevention and Response Policy

*Developed in compliance with the Clery Act, Violence Against Women Act,
Campus SaVE Act, and Title IX of the Education Amendments Act.*

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Introduction

Non-Discrimination Statement

Cornerstone University does not discriminate on the basis of race, national origin, sex, age, disability, or veteran status and prohibits such discrimination in any education policies, programs, or activities that it operates, including in admission and employment.

Grievance Process Statement

Cornerstone has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party. Our commitment is to ensure that the process is fair, just, free of bias, Christ-honoring, and supportive of the individuals involved.

Title IX Personnel and Contact Information

Cornerstone University has appointed a Title IX Coordinator and a Title IX Deputy Coordinator:

Kevin Hall – Associate VP Spiritual Formation & Christian Community | Title IX Coordinator
616-222-1491 | kevin.hall@cornerstone.edu | Corum Student Union, 2nd Floor

Kathy Natelborg – Executive Director People and Culture | Title IX Deputy Coordinator
616-977-5410 | kathy.natelborg@cornerstone.edu | Welch Administration Building

Allison Brown – Director of Residence Life | Title IX Deputy Coordinator
616-977-5428 | allison.brown@cornerston.edu | Corum Student Union, 2nd Floor

You may also contact the Title IX Coordinator confidentially through email to titleix@cornerstone.edu

Cornerstone University also has additional individuals trained to function as Title IX investigators, decision-makers, or appeal committee members.

Our Commitment to Human Dignity

Members of the Cornerstone University community affirm that men and women are image-bearers of our Creator and members of the family of Christ. We are unique works of divine creation having unqualified worth. As such, violation of a person is a violation of our Creator and of the body of Christ. Therefore, we are each mutually obligated to protect the dignity, safety, and self-respect of every member of this community.

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Additionally, this university community is fully committed to the moral teachings of Jesus Christ and to fostering an environment in which all persons have equal opportunity to work and pursue learning freely, whether in group settings or in close relationships between students, faculty, and staff. We purpose to perform our tasks as a caring and diverse community transcending class, cultural, ethnic, gender, and racial boundaries.

Members of the university community, guests, and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Cornerstone University believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Sexual Activity and the Cornerstone Community

The Bible clearly portrays our sexuality as a loving, beautiful part of God's creation. Scripture also clearly delineates the boundaries within which sexual activity is both appropriate and healthy - the boundaries of a lifelong, monogamous, heterosexual marriage. Sexual activity within this context expresses the reality of marriage - that two become one flesh. Sin has distorted and degraded sexuality, relegating it to a matter of personal choice and mere pursuit of pleasure. Scripture is clear in its warnings that sexual activity outside the boundaries outlined in Scripture is dangerous, demeaning, and destructive. The choices made in this area can bear lifelong consequences.

With this in mind, our CU Student Handbook outlines the following policy regarding sexuality:

Members of the Cornerstone community are expected to commit to sexual purity – appropriately reflected in either celibacy or heterosexual monogamous marriage. Premarital sexual activity, extramarital sexual activity, and romantic relationships between members of the same gender breach this commitment and are not permitted. (CU Student Handbook)

It is also essential to state that as followers of Christ, our sexuality is never to be marked by selfishness, coercion, or forcing oneself on another. Sexual activity of any kind without clear, knowing, and voluntary consent violates our commitment to God's Word, undermines our commitment to one another as brothers and sisters in Christ, and breaks the law. Experts addressing these issues for colleges and universities, regardless of their faith commitments, agree on the following when discussing consent:

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In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no." (ATIXA/NCHERM Model Policy)

Our commitment, however, extends well beyond a legal definition of "consent." As a community we will seek to lovingly encourage one another toward a healthy understanding of biblical sexuality. Our policies and practices will reflect our commitment to help members of our community build practices and habits of thought and action into their lives that will glorify God and affirm the sanctity and beauty of what He has intended for marriage.

Role of the Title IX Coordinator

Cornerstone University's Title IX Coordinator is responsible to ensure that members of the Cornerstone community are able to experience equitable and unhindered access to campus programs, facilities, resources, and activities without experiencing gender bias, harassment, or assault. In addition to reviewing program access and equity, the Title IX Coordinator is responsible to ensure that policies, practices, and training are in place to proactively prevent incidents of sexual harassment and violence and to judiciously and appropriately respond to any incidents that occur.

In this capacity, the Title IX Coordinator will utilize formal and informal feedback mechanisms and measurements to assess the campus climate, while implementing a variety of training programs (internally and externally) related to Title IX, Campus SaVE, and VAWA compliance issues. To mitigate against bias in any investigation while maximizing availability and assistance to all parties involved (including but not limited to the complainant, respondent, witnesses, investigator(s), decision-maker(s), advisor(s), and individuals hearing appeals), the Title IX Coordinator will not serve in multiple roles in the same complaint unless personnel availability makes it necessary and the Title IX Coordinator can do so

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without conflict of interest or bias. The Title IX Coordinator may serve as needed as investigator, decision-maker, or appeal point. The Title IX Coordinator should not serve as an advisor. The Title IX Coordinator will also ensure adequate training for those functioning in these roles, will monitor compliance with the Sexual Harassment and Violence Prevention and Response policies and practices throughout the process, and will facilitate communication with all involved parties. Additionally, the Title IX Coordinator will assign and monitor any necessary interim support measures through the course of an investigation. Finally, the Title IX Coordinator is also responsible for monitoring for and responding to barriers to reporting information about conduct that reasonably may constitute sex discrimination.

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Definitions and Key Terms

Consent

Consent is:

...clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity (ATIXA, 2014).

It is essential to note that:

- *In order to give effective consent, one must be of legal age.*
- *Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.*
- *Previous relationships or prior consent cannot imply consent to future sexual acts.*
- *Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy (ATIXA, 2014).*

Force and Coercion

Force is:

...the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (ATIXA, 2014).

Coercion is:

...unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type and degree of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive (ATIXA, 2014).

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Sexual Harassment

Sexual harassment is:

unwelcome, sex-based verbal or physical conduct that is offensive and sufficiently severe or persistent that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is based on conditions or power differentials (quid pro quo) or the creation of a hostile environment.

Note the physical conduct may occur in the form of written and/or digital forms

Sex-Based Discrimination

Sexual or sex-based discrimination is:

Sex-based harassment or discrimination on the basis of sex to include sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and sexual identity.

Note that discrimination means prejudicial, or injurious, action or treatment. Title IX does not prohibit all sex-based distinctions or separation, but rather, only those that subject a person to injury, or harm.

Furthermore, definitions and non-discrimination notices are not rendered inaccurate based on religious exemption qualifications or limitations of application therein. Title IX expressly states that it "shall not apply" to an educational institution controlled by a religious organization to the extent compliance would be inconsistent with the religious tenets of such organization. Cornerstone has clearly articulated and readily available foundational statements of faith and biblically informed policies and procedures for employees and students.

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force (ATIXA, 2014).

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice (ATIXA, 2014).

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Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

any sexual intercourse however slight with any object, by a man or woman upon a man or a woman, that is without consent and/or by force (ATIXA, 2014).

Intercourse includes:

vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact (ATIXA, 2014).

Sexual Exploitation

Sexual Exploitation:

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses (ATIXA, 2014).

Examples of sexual exploitation include, but are not limited to:

- *Invasion of sexual privacy;*
- *Prostituting another student;*
- *Non-consensual video or audio-taping of sexual activity;*
- *Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);*
- *Engaging in voyeurism;*
- *Knowingly transmitting an STI or HIV to another student;*
- *Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;*
- *Sexually-based stalking and/or bullying may also be forms of sexual exploitation (ATIXA, 2014)*

Stalking

Stalking is:

repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community (ATIXA, 2014).

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This course of conduct is, thus, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress

Dating Violence

Dating Violence is:

violence committed by a person in a current or former social relationship that is/was a romantic or dating relationship with the victim.

Further, it may include...violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include "digital abuse", the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim (Office on Violence Against Women, 2016).

Domestic Violence

Domestic Violence is:

any misdemeanor or felonious crimes against a current or former intimate partner under Michigan criminal statutes (MCL).

Further, for purposes of conduct subject to discipline under the institution's policies, domestic violence may include...a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone (Office on Violence Against Women, 2016).

Responsible Employee

At Cornerstone University all employees—to include staff, faculty (including adjunct instructors), administrators, or any other employee who is not considered a "confidential employee" whether a student, part-time, or full-time— are considered "responsible employees" and are required to confidentially report within two business days to the Title IX Coordinator or a Title IX Deputy Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or the regulations. This includes (but is not limited to) disclosures provided through personal discussions, submitted homework assignments or reflections, or correspondence of any kind.

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The only “confidential employees” not designated as “responsible employees” at Cornerstone University are medical and counseling personnel who are operating in a clinical capacity, either in The Well (Cornerstone’s counseling center) or Health Services. In those cases, the staff members are bound by HIPAA laws, counseling ethics, and the regulations pertaining to mandated reporters by the State of Michigan.

Corrective action may be taken against any individual who has the duty to report and fails to respond in a manner consistent with the provisions of relevant laws, regulations, policies, and procedures.

Any incidents disclosed to a Title IX Coordinator, Title IX Deputy Coordinator, or one of the individuals listed below as employees with authority to institute corrective measures will be handled with confidentiality, sensitivity, and a commitment to ensure that each affected individual is treated with personal respect and the highest of professional and ethical standards.

Employees with Authority to Institute Corrective Measures

The university has identified the following employees as having the responsibility and authority on its behalf to institute corrective measures related to incidents investigated and adjudicated under Title IX. Their knowledge of an incident involving sexual harassment or violence constitutes Actual Knowledge to the University:

- Title IX Coordinator | Associate VP Spiritual Formation & Christian Community
kevin.hall@cornerstone.edu or 616-222-1491
- Title IX Deputy Coordinator | Executive Director of People and Culture
kathy.natelborg@cornerstone.edu or 616-977-5410
- Title IX Deputy Coordinator | Director of Residence Life & Student Conduct
allison.brown@cornerstone.edu or 616-977-5428
- University President
president@cornerstone.edu or 616-222-1428
- Chief of Staff | VP Marketing and Enrollment
heidi.cece@cornerstone.edu or 616-949-5300
- Director of Athletics
aaron.sagraves@cornerstone.edu or 616-977-5415

Complaint

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.

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Complainant

Complainant is the general term used for an individual who reports that he or she has been the object of harassment, discrimination, non-consensual sexual contact/intercourse, stalking, or other forms of sexual violence.

A complainant may be:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Others who may also make a complaint include:

- The Title IX Coordinator; or
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant

Respondent

Respondent is the term used for an individual who has been accused of an act (or acts) of harassment, discrimination, non-consensual sexual contact/intercourse, stalking, or other forms of sexual violence.

Witness

A witness is an individual tasked with providing information relevant to an investigation of an incident of sexual harassment or violence. Witnesses may be recommended by the complainant, respondent, other witnesses, or may be identified by the investigator in the course of investigating an incident.

Advisor

An advisor is an individual secured by either the complainant or respondent to provide advice and counsel throughout the course of an investigation of an incident of sexual harassment or violence. The advisor may be present with their advisee at any investigatory meetings but may not directly represent or advocate for their advisee in those meetings.

For incidents involving a Formal Title IX Complaint

In the event that the Title IX Coordinator moves adjudication to a live hearing option of an incident involving a Formal Title IX Complaint, the advisor serves the function of directing any questions posed by the advisee to the other party during the opportunity for cross-examination.

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Employee

An employee includes all employees of Cornerstone regardless of role, title, or status to include but not limited to staff, faculty (including adjuncts and affiliates), administrators, part-time workers, and student employees.

When a complainant or respondent is both a student and an employee of Cornerstone, the university will make a fact-specific inquiry to determine whether the requirements of this section apply. In making this determination, the university will, at a minimum, consider whether the party's primary relationship with the postsecondary institution is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

Interim Supportive Measure

Interim supportive measures are non-disciplinary actions taken at the discretion of the Title IX Coordinator to ensure the emotional, physical, and mental safety of all parties involved in an investigation, to preserve students' rights and confidentiality, and to promote an impartial, thorough, and timely process for the investigation. Interim supportive measures do not presume an outcome or determination of responsibility.

Investigation (and Investigator)

An investigation of an incident of sexual harassment or violence is a thorough review of the incident, incorporating information from the complainant, the respondent, witnesses, and physical and/or electronic data (if available and applicable). Investigations are conducted according to the policies and practices outlined in this document by an individual specifically trained to conduct such investigations.

The assigned investigator's responsibilities conclude with the presentation of a formal investigation report to the decision-maker. Both the complainant and the respondent have the opportunity to review and to submit responses to the investigation report.

Adjudication (and Decision-Maker)

Adjudication of an incident of sexual harassment or violence is undertaken by a trained decision-maker who reviews the report prepared by the investigator and any responses submitted by the complainant and/or respondent. The decision-maker reviews the submitted information and makes a final determination based on the policies and practices outlined in this document as well as ongoing training resources and best practices related to these incidents.

For incidents involving a Formal Title IX Complaint

An incident being investigated as a Formal Title IX Complaint will be adjudicated following a live hearing involving the complainant, respondent, advisors, and relevant witnesses. Both the complainant and the respondent will be provided the opportunity to pose questions to the other party by submitting

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proposed questions ahead of time. The decision-maker will have the responsibility to determine the relevance of questions posed before responding parties are required to answer. Questions will be asked by the hearing officer, allowing for trauma-informed questioning of relevant and permissible questions. More information on the Title IX incident hearing process is outlined later in this policy document.

Finding

A finding is the outcome of the investigation and adjudication. The respondent is either found “responsible” for violating university policy and/or Title IX regulations or “not responsible” for violating university policy and/or Title IX regulations. Findings are based on the “preponderance of the evidence” standard discussed in detail later in this document.

Sanctions

Sanctions are the measures taken if a respondent is found “responsible” for violating university policy. These are assigned by the decision-maker and are based on the guidelines, policies, and practices outlined in this document.

Appeal

An appeal is a formal request for another party to review the finding of responsible/not responsible, the assigned sanctions, and/or a dismissal. Both the complainant and the respondent have the opportunity to appeal the finding and/or sanctions. Appeals are processed according to the guidelines, policies, and practices outlined in this document.

Training and Prevention Measures

Personnel Training (Coordinator, Investigator, Decision-Maker)

Core personnel involved in Cornerstone’s efforts to prevent and respond to sexual harassment and violence include, but are not limited to, the Title IX Coordinator, Title IX Deputy Coordinators, investigators, decision-makers, advisors, informal resolution officers, and appeal personnel. All receive annual training related to their function. This training includes a combination of external resources and training events, printed resources, consultation with experts, and internal staff development exercises. These are documented annually and are available upon request by contacting the Title IX Coordinator.

Campus Leader Training (Employees)

All employees, both responsible employees and confidential employees receive annual training through a combination of online and on-ground resources. Topics covered include definitions of incidents involving sexual harassment or violence, reporting requirements, and basic information related to the investigation/adjudication/appeal process. Annually, all employees complete training in order to know their requirements for reporting as well as ongoing prevention and bystander intervention practices.

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Campus Community Training (Students, Volunteers)

All members of the campus community receive basic training related to Cornerstone's commitment to non-discrimination, prevention of sexual violence and sexual harassment, bystander intervention and prevention, and the procedure for incident reporting and follow-up.

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Reporting Incidents of Sexual Harassment and/or Sexual Violence

Complainant Report Process

Individuals wishing to report an incident of sexual violence, harassment, assault, or stalking may do so by contacting the Title IX Coordinator or one of the Title IX Deputy Coordinators listed in this document by email or by phone. If desired, the complainant may begin the report process by disclosing the incident to another responsible employee (any university employee besides confidential employees in the Well counseling center) who will then facilitate a confidential reporting process.

Making a report to the university and to law enforcement are mutually exclusive events. Making a report to the university does not preclude the individual from filing a report of a crime with law enforcement, nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report with the university. However, individuals may request assistance from the Title IX Coordinator or designee to notify law enforcement.

- Grand Rapids Police Department
616-456-3400 | 1 Monroe Center St NW, Grand Rapids, MI 49503
- Kent County Sheriff's Office
616-632-6100 | 701 Ball Ave NE, Grand Rapids, MI 49503

Confidential Support Options

Individuals desiring that details of the incident be kept confidential may speak with on-campus counselors, campus health service providers or off-campus rape crisis resources who can maintain confidentiality.

Campus counselors or health service providers are available to help you free of charge. These individuals can be contacted through:

- CU Health Services
health.services@cornerstone.edu or 616-977-5429
- The Well (Counseling Services)
the.well@cornerstone.edu or 616-977-5429

In addition, individuals may contact area pastors and members of the clergy, who will also keep reports made to them confidential within the appropriate ethical boundaries. A list of area churches can be found at: [CU Website - Area Churches](#)

Support resources in the Grand Rapids community include:

- The YWCA
616-454-9922 | [YWCA Domestic and Dating Abuse Resources](#)

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Responsible Employee Report Process

Upon disclosure of an incident of sexual harassment or violence, regardless of the means of disclosure, faculty or staff members (apart from those operating in clinical settings as counselors or health professionals) will notify the disclosing individual of their responsibility to report the incident to a Title IX Coordinator or Deputy Coordinator. Once the report has been received, the Title IX Coordinator will provide the disclosing individual a summary of their rights as a complainant and the resources available to them. The report will be provided to the Title IX Coordinator either by phone call, email (through CU email only), CARE report, or personal meeting. Any information related to the disclosure (such as correspondence or assignment information) should be provided with the report.

Any time an employee is informed by a student of their pregnancy or related condition, the employee must:

- provide the student with the Title IX Coordinator's contact information and
- inform the person that the Title IX Coordinator can prevent discrimination, ensure equal access, and coordinate supportive measures to help them be successful

Pregnancy or related conditions include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Confidential employees noted directly by the Title IX Coordinator may act within their counseling or healthcare roles in a confidential manner. When any information about conduct that reasonably may constitute sex discrimination under Title IX or the regulations, confidential employees will advise:

- That they are confidential, including when they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the recipient's Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Timeline for Addressing Reports of Sexual Harassment or Violence

All reports of sexual harassment or violence will be investigated, adjudicated, and resolved in a timely, thorough, and equitable manner, following the legal requirements of Title IX, Campus SaVE, and VAWA.

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Report Confidentiality

Cornerstone University recognizes the importance of confidentiality and privacy. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or when the university is required to provide information under the law.

All individuals involved in the process are expected to observe the same standard of discretion and respect for everyone in the process.

Thus, the university will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Prohibition of Retaliation

Retaliation is prohibited by university policy and law. The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination, harassment, or violence.

Retaliation includes any:

intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the university's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including taking part in any process within this policy

Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation. Allegations of retaliation should be reported to the Title IX Coordinator.

False Allegations and Process Abuse

It is a violation of this policy for anyone to make a false allegation of sexual harassment or sexual violence in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment. The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

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Additionally, no member of the Cornerstone University community may:

- Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
- Make, in bad faith, materially false statements in or related to a process covered by this policy;
- Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
- Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

Complainant Notification and Meeting

Upon receipt of a report of sexual harassment or violence, the Title IX Coordinator or designee will request a meeting with the complainant. The complainant will be informed that he or she is welcome to bring an advisor to the meeting, if desired. At the initial meeting the Title IX Coordinator or designee will review the complainant's rights (including CU's amnesty policy), describe the investigation process, potential supportive measures, any additional resources and support available, and possible options for follow-up based on an initial assessment. The options available to the complainant may include:

- **No investigation or disciplinary action pursued**

If an incident is disclosed or reported to the university and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that the university prohibits retaliation and explain the steps the university will take to prevent and respond to retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment.

A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review and the complainant will be notified if such a decision is made. If the university proceeds with an investigation, the complainant is under no obligation to proceed as a part of the investigation.

- **Other Remedial Measures**

When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the complainant that an investigation not move forward, the university may take other remedial measures as appropriate to remedy the effects of the alleged sexual harassment or violence and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation. Remedial measures may include but are not limited to:

- Providing training in the prevention of sexual harassment and sexual violence,
- Increasing security in a designated space,
- Changing policy or procedure, and

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- Conducting climate checks.
- **Formal Title IX Complaint**

The complainant may file a Formal Title IX Complaint, reserving the option to withdraw the complaint at a later time and pursue one of the other options, if desired. Additionally, the complainant will be made aware that if, after an initial assessment of a Formal Title IX Complaint, the complaint fails to meet the legislated standard for Title IX investigation, that they will still be provided options for reporting and investigation under Cornerstone University policy.
- **Request for Investigation under University Policy**

Incidents failing to meet the legislated standard for Title IX investigation may still be pursued as investigations for adjudication and potential disciplinary action under Cornerstone University policy. The standard procedure outlined in this policy document will be utilized, other than the components explicitly identified as related to Title IX.

If the complainant desires additional time for a decision regarding whether or not to proceed with an investigation a reasonable timeframe for follow-up will be established. The complainant's decision must be communicated to the Title IX Coordinator or designee, who will confirm the allegations of the incident and the desire of the complainant in writing.

If the complainant desires to file a Formal Title IX Report, a no-contact order will be presented, reviewed, and signed. The complainant will be notified that the respondent notification and a notice of any interim supportive measures will be provided immediately following the initial meeting with the respondent. At the Title IX Coordinator's discretion, immediate measures may be taken to provide for the complainant's safety, if necessary.

Whether or not the complainant chooses to meet with the Title IX Coordinator, a document outlining the complainant's rights and options, CU's Amnesty Policy, the investigation process, potential supportive measures, and additional resources and support will be emailed to the complainant. The complainant will be invited to initiate an additional meeting and/or investigation and follow-up options at the time of their choosing.

Initial Assessment

Upon receipt of a Request for Investigation under university policy or a Formal Title IX Complaint the Title IX Coordinator or designee will review the reports of the sexual harassment or sexual violence for an initial assessment of the reported information. Available resolution options will be guided by the availability of the information and evidence suggesting that a policy violation may have occurred; the university's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the complainant to participate in an investigation or other resolution.

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Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.

Dismissal of a Formal Title IX Complaint

Incidents proceeding to investigation of a Formal Title IX Complaint must meet the criteria of:

- Sexual harassment or sexual violence as defined by the Clery Act and the Violence Against Women Act;
- Occurring in the course of the university's educational programs or activities;
 - conduct at locations, events, or circumstances in which the university exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred; OR
 - conduct that is subject to the university's disciplinary authority
- Against a person in the United States.

In the event that prior to, or in the course of, an investigation, the university determines that the allegations fail to meet the definition of sexual harassment or violence or did not occur while in the United States and under the university's educational program or activity, the Formal Title IX Complaint may be dismissed. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant. An investigation or implementation of remedial measures may still be pursued under university policy.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing, will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. Appeals shall follow the appeals process within this policy.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the university's education program or activity

Regarding geographic location:

The university will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the

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recipient's education program or activity or outside the United States. If the impact of conduct occurring outside of the United States contributes to a hostile environment in the United States, that conduct may be relevant and considered such that the University may address the sexual discrimination occurring within its program or activity in the United States. While the conduct outside the United States is not the investigated behavior, such behavior may still be investigated and disciplined based on university policy.

Online conduct, regardless of the IP Addresses or location from where it is sent, will be investigated when the conduct:

- Occurred among students that took place on social media or other platforms; AND
- that reasonably may have created a sex-based hostile environment in the university's education program or activity

The university reserves the right to dismiss the Formal Title IX Complaint and stop the investigation if:

- The university is unable to identify the respondent after taking reasonable steps to do so;
- The complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Title IX Complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The respondent is no longer enrolled in or employed by the university

In situations not covered above, but where the sexual harassment or violence undermines the security of the university community or the integrity of the educational process, or poses a threat to self or others, other applicable university procedures for misconduct may be applied.

If the university dismisses the Formal Title IX Complaint for any reason, either party may appeal the decision as outlined in this policy's appeal process.

Initiation of Complaint by Title IX Coordinator

Times may exist under exigent circumstances where the Title IX initiates a complaint.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures in this policy. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;

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- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the recipient;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the recipient could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under § 106.45, and if applicable § 106.46.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

If initiating a complaint in this manner, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures, and continue to take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the university's education program or activity.

Respondent Notification and Meeting

Upon initiation of an investigation of sexual harassment or violence, the Title IX Coordinator or designee will provide written notice to the respondent within ten days, including:

- The actual allegations of facts that constitute sexual harassment or violence and any evidence that supports this;
- That there is a presumption of innocence in their favor;
- That all parties (including complainant, respondent, and witnesses) are assured of Cornerstone's Amnesty Policy (as outlined in this document) with regard to disclosure of behavior outside of Cornerstone's Handbook policies in the course of the investigation;
- That all parties are entitled to an advisor of their choice;
- That all parties can inspect and review evidence; and
- That false statements on the part of the complainant, respondent, and any and all witnesses are prohibited.

The respondent will be invited to an initial meeting with the Title IX Coordinator or designee and informed that he or she is welcome to bring an advisor to the meeting, if desired. At the initial meeting

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the Title IX Coordinator will review the respondent's rights (including CU's Amnesty Policy), the incident allegations as described by the complainant, the investigation process, potential supportive measures, and additional resources and support available to the respondent.

A no-contact order will be presented, reviewed, and signed and supportive measures will be proposed and decided upon, if appropriate. At the Title IX Coordinator's discretion, immediate measures may be taken up to and including an emergency removal, with appropriate accommodations made available to ensure ongoing academic progress during the course of the investigation and an opportunity to review and appeal the factors contributing to the emergency removal decision.

Complainant and Respondent Rights

At the initial meetings complainants and respondents will be notified of their rights, which include:

- An impartial, thorough, professional, and timely investigation of the incident in question.
- Notification of assigned investigator(s) and decision-maker who are trained to resolve cases of alleged sexual harassment or violence, who are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias against either party prior to the commencement of the investigation.
- The opportunity to request the assignment of alternate personnel if bias is anticipated.
- The opportunity to provide a personal account of the incident under investigation.
- The opportunity to provide a list of potential witnesses who might contribute to the investigation.
- Reasonable and thorough supportive measures to ensure their physical, mental, and emotional safety during the course of the investigation.
- The right to have an advisor of their choice present in any and all meetings.
- Timely notification of any and all meetings in which they are a part of which are being conducted in relation to the investigation (including meetings with the complainant, respondent, and/or witnesses) with sufficient information about the meeting and time to prepare.
- The opportunity to review and respond in writing to the investigation report prior to its submission to the decision-maker.
- The opportunity to review and respond to the other party's response to the investigation
- Timely notification of the findings of the decision-maker and assigned sanctions.
- The opportunity to appeal the findings and assigned sanctions related to the incident.
- The opportunity to review and respond to any materials submitted in conjunction with an appeal.
- The right to not participate in the investigation process (although both will be advised to do so to enable a fair and equitable resolution in the case).
- The assurance that the university will not restrict the ability of a complainant or respondent to discuss the allegations under investigation or to gather and present relevant evidence.

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- The assurance that credibility determinations will not be made on a person's status as a complainant, respondent, or witness.

For incidents involving a Formal Title IX Complaint

Complainants and respondents involved in the investigation of a Formal Title IX Complaint will be notified of their additional rights, which include:

- Provision of an advisor by the university who is not a potential witness in the investigation or could otherwise compromise the investigation.
- The opportunity to receive timely and equal access to any relevant information, documentation, and evidence gathered during an investigation.

Amnesty Policy

Cornerstone University is committed to ensuring that individuals participating in an investigation of any allegations of sexual harassment or violence are able to share accurate and thorough information with investigators without fear of reprisal. Disclosure of behavior that violates Cornerstone's handbook policy (such as the consumption of alcohol or consensual sexual activity outside of monogamous heterosexual marriage) by complainants, respondents, or witnesses may prompt educational or support measures for the wellbeing of the individual but will not prompt disciplinary sanctions.

This policy will be communicated in all Title IX training sessions, in print materials, and in meetings with complainants, respondents, and witnesses throughout the course of an investigation.

Interim Supportive Measures

Subsequent to the initial meetings with both the complainant and the respondent in an incident of sexual harassment or violence the Title IX Coordinator will discuss potential interim supportive measures with the assigned investigator. Supportive measures do not presume an outcome or determination of responsibility. Rather, these are enacted to ensure the emotional, physical, and mental safety of all parties involved in an investigation, to preserve students' rights, and to promote an impartial, thorough, and timely process for the investigation.

Supportive measures are *individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:*

- *Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or*
- *Provide support during the recipient's grievance procedures or during an informal resolution process*

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When reviewing options for interim supportive measures the Title IX Coordinator will consider the least-disruptive options for both the complainant and respondent while ensuring that the intended goals of the measures are accomplished. Factors to be considered may include (but are not limited to):

- Class schedules, seating assignments, group project assignments
- Work schedules or locations
- Residence hall assignments and dining commons schedules
- Volunteer, service, internship and/or church ministry assignments
- Athletic team or music ensemble rehearsal, practice, training, competition or performance schedules
- Recreation schedules and utilization of campus common areas
- Changes in reporting relationship
- Assistance in academic petitions

During the period of any investigation a respondent can be put on administrative leave if they are an employee of the university. If the respondent is a student of the university, they may be removed from educational activities following an individualized safety and risk analysis that determines that the respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis. These measures are not sanctions or punitive in nature, but to ensure safety and the facilitation of a risk-mitigated due process.

The Title IX Coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other university employees with a need to know.

The university will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the university to provide the supportive measures.

Parties will have parties a timely opportunity to review and seek a modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them.

Investigating Incidents of Sexual Harassment or Violence

Informal Resolutions

Informal resolution may be utilized in some circumstances even if a Formal Title IX Complaint has not been filed. The usage of an informal resolution process is limited in a number of ways:

- Informal resolution is unavailable if the Respondent is an employee of the school.
- Informal resolution may only be used if any and all parties to an investigation agree to it.

When appropriate, available, and requested or agreed upon by all parties, the university, in lieu of resolving a complaint through the Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The university will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. The university will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the university will maintain and whether and how it could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed

In all cases, the University will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, the University will inform the complainant of options.

The University will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received training in order to facilitate resolution of the Formal Title IX Complaint. When the Title IX Coordinator acts as the Informal Resolution Facilitator in cases where the a party ends an informal resolution, the Coordinator will no longer take on responsibilities as an Investigator or a Decision-Maker.

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The informal resolution process can take any form that the parties agree upon. The Title IX Coordinator or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This process may include:

- **Facilitated Dialogue**
A structured and facilitated conversation between two or more individuals, including, but not limited to the Complainant and the Respondent, which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
- **Shuttle Mediation**
An indirect version of the facilitated dialogue.
- **Circle of Accountability**
A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.

Depending on the form chosen, it may be possible for a Complainant to maintain anonymity throughout the informal resolution process.

As part of the resolution process, additional measures, including, but not limited to, educational programming, training, regular meetings with an appropriate university individual or resource, additions or extensions of no contact orders, or counseling sessions) may be agreed upon.

Appointment of an Investigator and a Decision-Maker

At the onset of an investigation the Title IX Coordinator will appoint both an investigator and a decision-maker for the incident, ensuring that the individuals are both trained and competent to provide a thorough, timely, and unbiased process. Both the complainant and the respondent will be notified of the appointments and will be provided the opportunity to respond in writing with any concerns about the individuals appointed. This appeal must be submitted within two business days and should be oriented around the following rationale:

- Past history with the individual(s) appointed indicates the possibility of bias
- Concerns regarding the possibility of a conflict of interest with the individual(s) selected
- Concerns regarding the suitability of the training and competency of the individual(s) selected

If an appeal regarding the investigator and/or decision-maker appointment is filed, the Title IX Coordinator will notify both the complainant and the respondent of the appeal with a summary of the concerns presented. The Title IX Coordinator will then review the information, discuss it with the appointed investigator and/or decision-maker if necessary and appropriate, and make a final

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determination regarding the appointment. Both the complainant and respondent will be notified within two business days that either the originally assigned individual(s) will continue, or that a new investigator and/or decision-maker has been appointed. In the event of a new appointment, the same opportunity and timeline for appeal will be presented.

To ensure an unbiased review of the data, the decision-maker will avoid any discussion of the investigation with the investigator, the Title IX Coordinator, or any other individuals until the point of adjudication (or in the case of a Formal Title IX Complaint, the live hearing). At that point review of the investigation will be limited to the material provided in the investigation report and requests for additional information or clarification communicated through the Title IX Coordinator.

For incidents involving a Formal Title IX Complaint

Adjudication of a Formal Title IX Complaint will additionally include material provided through the decision-making or live hearing process, including:

- The investigation report,
- Response provided by the complainant and respondent,
- Statements by the complainant, respondent, and witnesses (if relevant),
- Information provided by questions posed by the decision-maker and determined relevant during the live hearing process.

Meeting Notifications

Throughout the course of the investigation the Title IX Coordinator will notify both the complainant and the respondent of any and all meetings, hearings, or interviews related to the investigation in which they are expected to attend. The notifications will be provided electronically at least 12 hours in advance of the meeting through Cornerstone email accounts and will include reminders that the information is to be kept confidential within the context of the investigation. Notifications will include the date, time, location, list of participants, and purpose of the interview or meeting.

Meeting Format

Investigational meetings will be conducted in private offices and will include the assigned investigator, the complainant, respondent or witness, and in some cases, a notetaker operating under the boundaries of FERPA and professional confidentiality. As discussed below, an advisor may be present if requested by the complainant or respondent (or provided by the university in investigation of a Formal Title IX Complaint). Meetings may be recorded using a device provided by the investigator. Captured audio files will be stored securely in the investigator's personal files and will be available only to the investigator. Any elements of the recording deemed essential to the investigation report will be transcribed and provided in text format. If the direct recording is deemed essential to the investigation report, an edited segment may be included.

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Advisors

Each complainant and respondent is entitled to select an advisor who may provide advice and counsel throughout the course of the investigation. The advisor may be present with the complainant or respondent at any meeting, once a signed appointment letter has been completed and provided to the Investigator. The advisor's role at the meeting is to provide advice and counsel to their advisee; not to directly advocate for or represent the individual in the investigation process.

For incidents involving a Formal Title IX Complaint

In the investigation of a Formal Title IX Complaint an advisor will be provided by the university to any complainant or respondent who is unable to provide their own advisor. The advisor provided may not be a potential witness and may not be in a position to otherwise compromise the investigation.

Identification of Witnesses

A list of witnesses related to an investigation will be compiled by the Investigator and communicated to the Title IX Coordinator. Complainants, respondents, and witnesses will be reminded of their responsibility to contribute to a thorough, timely, and impartial investigation by ensuring that no witness is in any way coerced or retaliated against by any individual or group of individuals.

Witnesses will be informed of the Amnesty Policy at the onset of any investigational meeting. If necessary, interim supportive measures can be enacted at the discretion of the investigator and the Title IX Coordinator to ensure the emotional, physical, and mental safety of the witnesses and other parties involved. These interim supportive measures will be communicated electronically to the witnesses and to the complainant and respondent, pursuant to the interim supportive measures guidelines outlined in this policy.

Summaries of witness interviews or statements will be included in the investigative reporting that is provided to the complainant and respondent, with time to review and respond to the information as outlined in this policy.

Analysis of Credibility

Determination of credibility, defined as, "the accuracy and reliability of evidence" (ATIXA, 2017, p. 101), will not be made on a person's status as a complainant, respondent, or witness.

The investigator will utilize best practices as embedded through training and documented in external materials to incorporate factors such as corroboration, temporal proximity, inherent plausibility, triangulation, the consideration of bias, and other factors to assess credibility (ATIXA, 2017). Any analysis of credibility by the investigator will be documented in the investigation report, allowing an opportunity for both the complainant and the respondent to respond in writing prior to submission of the report for adjudication.

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As deemed necessary by the Title IX Coordinator or the decisionmaker, the decisionmaker may question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Depending on the degree of the disputed credibility, the decisionmaker may utilize questioning to assess the credibility in or before the live hearing as well as request and review submissions of credibility by parties or witnesses. Credibility assessment by the decisionmaker may be especially relevant in cases that heavily rely on testimonial evidence where the decisionmaker must choose between competing narratives to resolve the case.

Use of Material Information

In the course of an investigation additional items may be submitted by a reporting party (such as a faculty or staff member), the complainant, the respondent, witnesses, or by the investigator. These items may include (but are not limited to) electronic communication records (text messages, social media exchanges, screenshots, emails, etc.), other communication (notes, letters, pictures), assignments or submitted academic material, or physical evidence.

Complainants providing physical evidence related to an assault will be referred with university support and assistance to a resource that is able to both collect, process, and document the evidence appropriately. Students will be referred confidentially to sources such as the YWCA or the emergency room. Analysis of that evidence can be incorporated into any investigation materials when released by the complainant and provided by the relevant authorities.

Other items will be collected by the investigator and will be compiled in the investigation file. Inclusion of any or part of the items submitted into the final investigation report will be at the discretion of the investigator. Any items or portions of items included in the final investigation report will be provided to both the complainant and the respondent for written response prior to submission of the report for adjudication.

For incidents involving a Formal Title IX Complaint

Any and all relevant information, documentation, and evidence gathered during the investigation of a Formal Title IX Complaint will be made available to the complainant and the respondent for equal opportunity to access. In the event that the parties are equally given a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

Initial Investigation Report

Upon completion of the investigation of an incident of sexual harassment or violence the investigator will compile a report for submission to the decision-maker containing the following elements:

- Date, time, and brief history of the incident

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- Policy violation(s) alleged
- Involved parties (including complainant, respondent, and witnesses)
- Summaries of each investigation meeting (transcripts of relevant sections of investigational meetings may be included at the discretion of the investigator)
- Additional information provided (any materials deemed relevant and necessary to an unbiased, thorough review of the incident)
- Analysis of credibility (based on the criteria outlined in this document and other training materials)
- Standard of Proof evaluation (the investigator's analysis of the information provided using the "preponderance of the evidence" standard)
- Analysis and Conclusion (the investigator's conclusion and recommendation for the decision-maker)

Investigation Report Response

Once the initial investigation report has been completed, the investigator will release it to the Title IX Coordinator. The Title IX Coordinator will provide the complainant and the respondent with a secure means of accessing the report after documenting that the complainant, the respondent, and their advisors understand and commit to ensuring that the information is kept confidential under FERPA requirements.

The complainant and the respondent will have ten business days to provide a written response to the investigation report. The response must be submitted electronically to the Title IX Coordinator. Submitted responses will be shared by the Title IX Coordinator with the appointed investigator to assess whether aspects of the investigation report need to be amended or updated.

The response(s) and an amended investigation report (if necessary) will then be provided by a secure means to the complainant and respondent. The complainant and the respondent will then have an additional five business days to provide a final written response to both the investigation report and the response of the other party.

For incidents involving a Formal Title IX Complaint

In addition to the investigation report, any and all relevant information, documentation, and evidence gathered during the investigation of a Formal Title IX Complaint will be made available to the complainant, the respondent and their advisors. This material will be made via a secure means after documenting that the complainant, the respondent, and their advisors understand and commit to ensuring that the information is kept confidential under FERPA requirements.

Final Investigation Report

The final investigation report, including any and all responses from the complainant and the respondent will be provided to the decision-maker by the Title IX Coordinator. Additional copies of the final

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investigation report, including any and all responses from the complainant and the respondent, will be retained by the assigned investigator and the Title IX Coordinator.

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Adjudicating Incidents of Sexual Harassment and/or Sexual Violence

Role of the Decision-Maker

To increase the possibility of an unbiased and thorough review of the information provided the role of the decision-maker is intentionally distinct from the role of the investigator. Once appointed at the onset of the investigation, the decision-maker is expected to refrain from discussing any aspects of the investigation with the investigator, the Title IX Coordinator, involved parties (including the complainant, respondent, witnesses, and other reporting individuals). Both the finding of responsible/not responsible and the assigned sanctions are to be based on the data provided in the investigation report and the complainant/respondent responses, utilizing the policies and practices outlined in this document and available in expert training materials.

In a Title IX incident involving a respondent who is a student, the decision-maker is responsible to make a determination of responsibility and assign sanctions (in the event of a finding of “responsible”). In a Title IX incident involving a respondent who is an employee, the decision-maker is responsible to make a determination of responsibility and recommend sanctions (in the event of a finding of “responsible”) to the employee’s supervisor, Cabinet member, and the Personnel Committee for a final decision.

For incidents involving a Formal Title IX Complaint

The decision-maker will preside over the live hearing utilized to adjudicate incidents involving a Formal Title IX Complaint. The decision-maker may question individual parties and witnesses and is responsible to determine the relevance of questions submitted by advisors on behalf of the complainant and respondent.

Decision-Maker Requests

If, upon review of the information provided in the final investigation report (including the complainant and respondent responses) the decision-maker identifies aspects of the investigation that require additional clarification or information (such as interview transcripts), the request will be made to the Title IX Coordinator in writing. The request will be communicated by the Title IX Coordinator to the investigator with a notification to both the complainant and respondent that additional information is being provided to the decision-maker.

The Title IX Coordinator will provide the additional information requested to the complainant and the respondent by a secure means. Both parties will have an opportunity to respond in writing to the additional information within five business days, if desired, and then will be given an opportunity to personally review the other party’s response in the manner outlined above.

The complainant and the respondent will then have an additional five business days to provide a final written response to both the additional information requested by the decision-maker and the response of the other party. The additional information and any responses by the complainant and the

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respondent will then be provided to the decision-maker with copies retained by the investigator and the Title IX Coordinator.

Hearings to Adjudicate Formal Title IX Complaints

All hearings are overseen by a decision-maker who has received special training on how to be impartial and has been assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the investigator for a given case also the decision-maker.

Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. If any party does not have an advisor, the university will provide an advisor for them.

When the Title IX Coordinator chooses to conduct a live hearing, the university's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions as outlined in this policy.

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

If a party or witness is absent from the live hearing or refuses to answer, the decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

If, at any point during the hearing, the decision-maker determines that unresolved issues exist that could be clarified through additional investigation time, the decision-maker may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.

Hearings may be conducted virtually through the use of technology at the university's discretion. However, if either the complainant or respondent asks to be in separate rooms, the university must grant this request and provide appropriate technology to allow for simultaneous participation. All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

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Adjudication of Formal Title IX Complaints without a Hearing

When the Title IX Coordinator chooses not to conduct a live hearing: The university's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Standard of Evidence

The standard of evidence for a determination of responsible or not responsible is the "preponderance of the evidence" standard. Stated more simply, this standard is based on the simple question of whether it was more likely than not that the alleged policy violation occurred. Another explanation of the preponderance of the evidence standard describes a scale on which the information provided is weighed. Preponderance of the evidence is "50% and a feather" (ATIXA, 2017). The use of this standard of evidence necessitates a careful review of information provided to ensure that it is thorough and as free of bias as possible.

Factors to be Considered

The *ATIXA Playbook* (2017) provides comprehensive descriptions of the models of proof related to incidents of sexual harassment or violence, as well as checklists for a review of the information related to each incident. Decision-makers should be familiar with these guidelines as well as the preponderance of the evidence standard as they review the final investigation report and/or consider the proceedings of a live hearing (in incidents involving a Formal Title IX Complaint).

The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.

Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.

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Potential Sanctions (Student Respondent)

Sanctions to be considered in the event of a “responsible” finding for an incident of sexual harassment or sexual violence with a student respondent may include:

- **Disciplinary Probation**

The respondent will be placed on probationary status for the specified period (usually defined in semesters). Specific restrictions related to housing options, co-curricular participation, and measures to protect the emotional, mental, or physical safety of the complainant will be outlined. Criteria for the completion of the probationary period will be specified and may include counseling assessments, mentoring, and restitution measures at the discretion of the decision-maker.

- **Disciplinary Dismissal**

The respondent will be dismissed from the university effective on the date determined by the decision-maker. Criteria for readmission (including counseling assessments, mentoring, restitution measures, and ongoing measures to protect the emotional, mental, and physical safety of the complainant) may be specified, along with a timeline for readmission, at the discretion of the decision-maker. Access to campus will be subject to the prior approval of the Director of Residence Life or the AVP for Spiritual Formation & Christian Community and must be considered in the context of the emotional, mental, and physical safety of the complainant.

- **Disciplinary Expulsion**

The respondent will be expelled from the university effective on the date determined by the decision-maker without the possibility of readmission. Access to campus will be prohibited.

Potential Sanctions (Employee Respondent)

Determination of sanctions in the event of a “responsible” finding for an employee respondent in an incident of sexual harassment or sexual violence will be provided as a recommendation to the employee’s supervisor, Cabinet member, VP of People & Culture, and the Personnel Committee.

Sanctions may include:

- **Disciplinary Warning**

The respondent will be provided with a formal written warning documenting the incident and specifying a zero-tolerance for any additional incidents. Specific restrictions related to work hours, work location, responsibilities, committee assignments, travel, and measures to protect the emotional, mental, or physical safety of the complainant will be outlined. A disciplinary warning may be accompanied by a reassignment of duties.

- **Disciplinary Demotion**

The respondent will be demoted from his or her position in addition to receiving a Disciplinary

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Warning. Assessment of faculty rank and/or tenure will be reviewed according to the guidelines outlined in the faculty handbook.

- **Disciplinary Termination**

The respondent will be terminated as an employee of the university effective on the date determined by the decision-maker without the possibility of readmission. Access to campus will be prohibited.

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Incident Outcome

Notification Process and Timeline

The decision-maker is expected to provide a determination on the incident within ten business days upon receipt of the final investigation report (or upon conclusion of the live hearing in incidents involving a Formal Title IX Complaint). The decision-maker will communicate his or her decision to both parties, concurrently, in writing.

The decision-maker's written decision must include the following information:

- Identification of the allegations potentially constituting sexual harassment or violence;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the university's code of conduct to the fact;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed upon the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided; and
- The procedures and permissible bases for either party to appeal.

If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a complainant and other people the university identifies as having had equal access to the university's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the university's education program or activity

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Appeal Process

Opportunity for Appeal

Upon receipt of the decision-maker's decision both the complainant and the respondent have the opportunity to submit a written appeal. The appeal should be submitted in writing to the Title IX Coordinator within ten business days of notification of the decision-maker's decision. Appeals may be related to one or more of the following areas of concern:

- A procedural irregularity that affected the outcome.
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
- A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter on the part of the investigator, decision-maker, or Title IX Coordinator.
- The sanctions assigned don't match the severity of the incident.

Appeals are considered without bias, penalty, or retaliation on the part on the institution, investigating or adjudicating personnel, or any other party.

Appeal Notifications

Upon receipt of an appeal from either the complainant or respondent the Title IX Coordinator will notify both parties in writing that an appeal has been submitted and will provide a copy of the appeal letter and any additional submitted materials.

Appeal Response

Both the complainant and the respondent are provided an opportunity to submit a written response to a submitted appeal by the other party. The response must be submitted in writing to the Title IX Coordinator within five business days of the appeal notification. The response will be provided to the Appeal Committee, as well as to the party who submitted the original appeal.

Appeal Committee

Upon receipt of a Title IX appeal the Title IX Coordinator will identify a panel of two or more individuals who have been trained to review Title IX incident appeals. Both the complainant and the respondent will be notified of the appeal personnel and will be provided the opportunity to respond in writing with any concerns about the individuals appointed. This appeal must be submitted within two business days and should be oriented around the following rationale:

- Past history with the individuals appointed indicates the possibility of bias
- Concerns regarding the possibility of a conflict of interest with the individuals selected
- Concerns regarding the suitability of the training and competency of the individuals selected

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If a concern regarding the appeal committee is filed, the Title IX Coordinator will notify both the complainant and the respondent of the appeal with a summary of the concerns presented. The Title IX Coordinator will then review the information, discuss it with the appeal committee if necessary and appropriate, and make a final determination regarding the appointment. Both the complainant and respondent will be notified within two business days that either the originally assigned individuals will continue, or that a new appeal committee has been appointed.

Appeal Materials

The materials to be considered by the appeal committee will include the investigation report, the decision-maker summary and final decision, the submitted appeal and response from the other party, and any additional material submitted as part of the appeal.

If, upon review of the information provided in the appeal materials, the appeal committee identifies aspects of the investigation that require additional clarification or information (such as interview transcripts), the request will be made to the Title IX Coordinator in writing. The request will be communicated by the Title IX Coordinator to the investigator with a notification to both the complainant and respondent that additional information is being provided to the appeal committee.

The Title IX Coordinator will provide a secure means for the complainant and respondent to access and review the additional information requested by the Appeal Committee. Both parties will have an opportunity to respond in writing to the additional information within two business days, if desired, and then will be given an opportunity to personally review the other party's response in the manner outlined above.

The complainant and the respondent will then have an additional two business days to provide a final written response to both the additional information requested by the appeal committee and the response of the other party. The additional information and any responses by the complainant and the respondent will then be provided to the appeal committee with copies retained by the Title IX Coordinator.

Appeal Findings

A determination from the appeal committee will be provided in writing within five business days of the receipt of all final information in the appeal process. The appeal committee will give a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties. The determination of the appeal committee will serve as the final decision on the incident. No additional appeal is available beyond that point.

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Recordkeeping

The University shall maintain all records relating to complaints of sexual harassment or violence, as well as all training materials used under this Policy, for seven years.