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# Gender Based Misconduct Policy (Title IX)

## Introduction

Calvary University adheres to Title IX except where doing so would violate its sincerely held religious beliefs as summarized in its Statement of Faith and Position Statements. Calvary University students, employees, guests, and visitors have the right to be free from all unlawful forms of gender and sex-based discrimination, including sexual violence, sexual harassment, domestic violence, dating violence, and stalking. Actions that violate this right undermine the basic principles of biblical teaching, the community, and applicable laws. All members of the CU community are expected to conduct themselves in a manner that respects the rights, dignity and value of all other members of Calvary's community. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. CU utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who have received specific training.

In these situations, CU is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues.

The policy herein defines expectations for the CU community and establishes a mechanism for determining when those expectations have been violated.

It should be noted that this policy specifically addresses sexual misconduct. Per other policies at CU, any sexual activity of any kind outside of defined boundaries may result in disciplinary sanctions.

## Title IX Coordinator

The University's Title IX Coordinator oversees compliance with all aspects of the sexual harassment, discrimination, and misconduct policy. The Coordinator reports directly to the President of the University. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the university Title IX Coordinator.

Samuel Tschetter, Title IX Coordinator  
15800 Calvary Rd  
Kansas City, MO 64147  
Madison Hall, Office 111  
(816) 768-6975  
[samuel.tschetter@calvary.edu](mailto:samuel.tschetter@calvary.edu)

Inquiries may be made externally to:

Office for Civil Rights:  
*Kansas City Office*  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
Fax: (816) 268-0559  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

Equal Employment Opportunity Commission, Kansas City Office  
400 State Ave., Suite 905  
Kansas City, KS 66140  
Telephone: 1-800-669-4000  
Fax: (913)551-6957  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

## Overview of Policy Expectations with Respect to Sexual Conduct

Calvary University prohibits all forms of sexual activity outside of marriage. For the purposes of Title IX compliance, sexual activity of any type without clear, knowing, and voluntary consent prior to and during the sexual activity is strictly forbidden. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as verbally expressing what one wants and doesn't want. Consent to one activity does not constitute consent to another activity, and previous consent does not imply consent to future sexual activity.

## Sexual Misconduct Offenses

A sexual misconduct offense is any unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the University's educational program or activity and/or constitutes one of the following:

- A. Sexual Harassment. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:
  - a. an employee of the institution conditioning an aid, benefit or service of the institution on an individual's participation in unwelcome sexual conduct (*i.e. quid pro quo*);
  - b. any unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person access to the institution's education program or activity; or
  - c. sexual assault (as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act ("VAWA").

Calvary University considers harassment a very serious matter. Any person found to be engaging in sexual harassment will be subject to disciplinary action, up to and including dismissal from Calvary University or termination of employment.

- B. Sexual Assault. Sexual Assault is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - a. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
  - c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.
- C. Dating Violence. Dating violence means violence committed by a person—
  - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
          - i. The length of the relationship.
          - ii. The type of relationship.
          - iii. The frequency of interaction between the persons involved in the relationship.
- D. Domestic Violence. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- E. Stalking. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for his or her safety or the safety of others; or
  - b. suffer substantial emotional distress.

## Examples of Sexual Harassment

Sexual harassment can be directed toward a person of the opposite sex or same sex and can take many forms. Sexual harassment may occur regardless of the intention of the person engaging in the conduct. The following are some examples of conduct which, if unwelcome, may constitute a violation of the sexual harassment definitions above, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Sexual advances (whether they involve physical touching or not)
- Requests for sexual favors in exchange for actual or promised academic or job benefits such as favorable grades or continued employment
- Unwanted interactions that are too frequent, intense, or durative.
- Sexual jokes
- Constantly following another student
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life and comments on an individual's body, sexual activity, deficiencies, or prowess
- Retaliation after a breakup
- Displaying sexual objects, pictures, written materials or cartoons
- Fondling another's breasts, buttock, groin, or genitals or touching another with these body parts
- Refusing participation in a campus event because the student filed a Title IX complaint.
- Leering, brushing against the body, sexual gestures or suggestive or insulting comments

- Sexual exhibitionism
- Invasion of sexual privacy
- Prostituting another student
- Unwanted Kissing
- Disregarding a non-contact order
- Intercourse with another who is under the influence of a substance so that they are unable to provide clear, knowing, and voluntary consent
- Intimidating another into allowing sexual contact
- Repeated badgering for sexual contact
- Sexual Penetration without clear consent
- Inquiries into one's sexual activities
- Exploitation, Cyber-harassment including non-consensual videos or audio tapings of sexual activity
- Sexual assault or coerced sexual acts.

## Definitions

### *Consent*

Consent is an understandable exchange of affirmative words or actions that indicate a willingness to participate in mutually agreed upon sexual activity, sexually explicit touching, or sexual penetration. Consent must be informed and freely and actively given. It is incumbent upon each individual involved in the activity to either obtain or give consent prior to any sexual activity, and again, prior to sexual penetration. If at any time during the sexual interaction any confusion or ambiguity should arise on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify, verbally, the other's willingness to continue. Consent must be given knowingly, voluntarily, and clearly.

- A verbal "no," even if it may sound indecisive or insincere, constitutes lack of consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent.
- It is expected that, after consent has been established, a person who changes his/her mind during the sexual activity will communicate through words or actions his/her decision to no longer proceed.
- Past consent to sexual activity does not imply future on-going consent, and the fact that two persons are in an on-going relationship does not preclude the possibility that sexual misconduct or sexual assault might occur within that relationship.
- A student's use of alcohol and/or other drugs does not diminish a student's responsibility to obtain consent.

***Coercion***

Coercion is unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this document. Unreasonable pressure can be exerted through physical or emotional force, intimidation, persistent advances, misuse of authority, outright threats or administration of drugs or alcohol. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion.

***Force***

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats) or coercion that is intended to overcome resistance to or produce consent. Sexual activity that is forced is, by definition, non-consensual. The presence of force is not demonstrated by a lack of resistance.

***Incapacity***

Incapacity is defined as a person incapable of giving consent because he/she is asleep, unconscious, losing or regaining consciousness or mentally or physically incapacitated. Signs of being incapacitated include, but are not limited to, difficulty walking, inability to speak in a coherent manner, and vomiting or the presence of vomit.

***Sexual Penetration***

Sexual Penetration is defined as any degree of insertion of a penis, hand, finger, tongue or any object into a person's anus or vulva, or any degree of insertion of genitalia into the mouth.

***Communication***

Clear communication is required by Calvary University's Sexual Assault definitions, which require each participant to obtain and give consent before engaging in any form of physical touch or sexual activity. Relying solely upon nonverbal communication is not sufficient. Communication is a foundational process that affects all of our relationships and interactions.

***Retaliation***

Retaliation is any materially adverse action taken as a result of a person's participation in a protected activity. This includes filing a grievance, acting as a witness, participating in the resolution process, or assisting in an investigation.

Reports of retaliation should be brought to the Title IX Coordinator immediately. Any individuals who are concerned about retaliation should inform the Title IX coordinator so that appropriate steps may be taken mitigate such occurrence.

## Title IX Jurisdiction

In order for Calvary's Title IX policy to apply the following jurisdictional qualifications must be met.

- The incident must have taken place in the United States.
- Calvary must have control over the Respondent (student, faculty, vendor, etc.)
- Calvary must have control over the context of the harassment (on-campus location, official CU activity, supervision on an event, CU provided funding for the activity, sponsorship, promotion, or endorses the event or circumstances, etc.)
- Complainant is a member or seeking to be a member of Calvary University
- Grievance must qualify under one or more of the aforementioned violations.

If an allegation does not meet these criteria it will be dismissed as a Title IX violation. Even if the allegation does not qualify as a Title IX violation it may still be a violation of other policies in Calvary's Student Handbook.

## Discretionary Dismissal

The Title IX Coordinator may dismiss a Title IX report or allegations at their discretion if :

- They are notified by the Complainant in writing that the Complainant wishes to withdraw the formal complaint or allegations
- The Respondent is no longer enrolled or employed by Calvary
- Specific circumstances prevent the Calvary from gather evidence sufficient to reach a determination.

## Amnesty Policy

In exceptional cases, amnesty may be offered to witnesses in the course of a Title IX investigation. Amnesty provides protection from disciplinary sanctions for infractions to those who have material information in an investigation. Amnesty may be granted in full or in part at the discretion of the Investigators, the Title IX Coordinator, and the Student Deans. Amnesty will be determined on a case-by-case basis.

## Sanctions

The following sanctions may be imposed upon a respondent found responsible for sexual misconduct. They are listed below and defined in either the Student Handbook or the Employee handbook, respectively

### ***Student Sanctions:***

- Verbal Warning
- Written Warning
- Probation
- Expulsion



***Employee Sanctions:***

- Verbal Warning
- Written Warning
- Suspension without Pay
- Dismissal

**Reporting and Confidentiality**

All Calvary employees are expected to report actual or suspected discrimination or harassment to appropriate officials immediately. In order to make informed choices, it is important to be aware of confidentiality and mandated reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a reporting party has requested this information be shared. If a reporting party expects formal action on their allegations, reporting to any employee can connect them with resources to report crimes and policy violations. Mandated reporters will immediately pass reports to the Title IX Coordinator, who will take action when an incident is reported to them.

***Confidential reporting***

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Karen Hange, Victim Advocate  
Education Building office  
Phone: (816) 425-6186  
Email: [karen.hange@calvary.edu](mailto:karen.hange@calvary.edu)
- Tim Hange, Victim Advocate  
Education Building office  
Phone: (816) 425-6184  
Email: [tim.hange@calvary.edu](mailto:tim.hange@calvary.edu)
- Aaron Heath, Victim Advocate  
Madison Hall office  
Phone: (816) 425-6131  
Email: [aaron.heath@calvary.edu](mailto:aaron.heath@calvary.edu)
- Off-campus individuals, not employees of Calvary University
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources

- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Reporting Parties need to be aware that the Victim Advocates above will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. These individuals are employees of Calvary and are not licensed counselors nor do they act in the role of a counselor. Victim Advocates provide a confidential resource for students that can connect victims to professional help (both medical and counseling) and for guidance on Calvary's Title IX policy. Victim Advocates will still submit anonymous statistical information for the Clery Act. Licensed counselors are available free of charge through Victim Advocates or the Student Dean's.

### ***Mandated Reporting***

All Calvary employees, with the exception of the Victim Advocates above, have a duty to report harassment or discrimination of which they become aware. Employees must promptly share all details of the reports they receive. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees as those details must be shared with the Title IX Coordinator.

In cases which indicate a pattern, predation, threat, weapons and/or violence, Calvary may not be able to honor a request for confidentiality or for an informal resolution. In cases where the reporting party requests confidentiality and the circumstances allow the university to honor that request, the University will offer interim supports and remedies to the reporting party and the community but will not pursue formal action. If the reporting party elects to take no action, they can change that decision later if they decide to pursue a formal process at a later date. A reporting party has the right and can expect to have reports taken seriously by Calvary when formally reported and to have those incidents investigated and properly resolved through this policy and Title IX procedures

Even with a formal report Calvary will afford as much privacy to the reporter as possible. Only officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party.

### ***Formal Reporting***

If a Complainant wishes to file a formal allegation of sexual harassment against a Respondent requesting that Calvary investigate the allegation, they may do so by contacting the Title IX Coordinator. The report must be a written account of the allegation that has been signed (either physically or digitally) by the complainant. Reports to the Title IX Coordinator can be made via email, phone, or in person at the contact information below:

Samuel Tschetter: Title IX Coordinator  
Madison Hall office 111  
Phone: (816)768-6975  
Email: [samuel.tschetter@calvary.edu](mailto:samuel.tschetter@calvary.edu)

A formal Report may be withdrawn at any point prior to the Hearing.

### ***Request for an Informal Resolution***

In addition to the option of filing a formal complaint that is resolved through the Judiciary Process, the Complainant has the option to resolve the allegation via an informal process. This requires signed agreement from both the Complainant and Respondent to proceed according to an informal process. An informal process may take many forms but may not involve a full investigation.

### **Timeframe for Filing a Complaint**

Calvary University does not limit the timeframe for filing a complaint. The University encourages complaints to be filed as soon as reasonably possible following an alleged Policy violation because the University's ability to gather adequate information may be limited where a significant length of time has elapsed between an incident and the filing of a complaint. Further, with respect to those cases that will be reviewed by disciplinary bodies at the conclusion of the investigation, the University's ability to complete its processes may be limited with respect to Responding party who have graduated from or are no longer employed by the University.

### **Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area) for the publication of the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. This reporting protects the identity of the victim and may be done anonymously.

## Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

## Judiciary Process for Gender-based Misconduct

### *Overview*

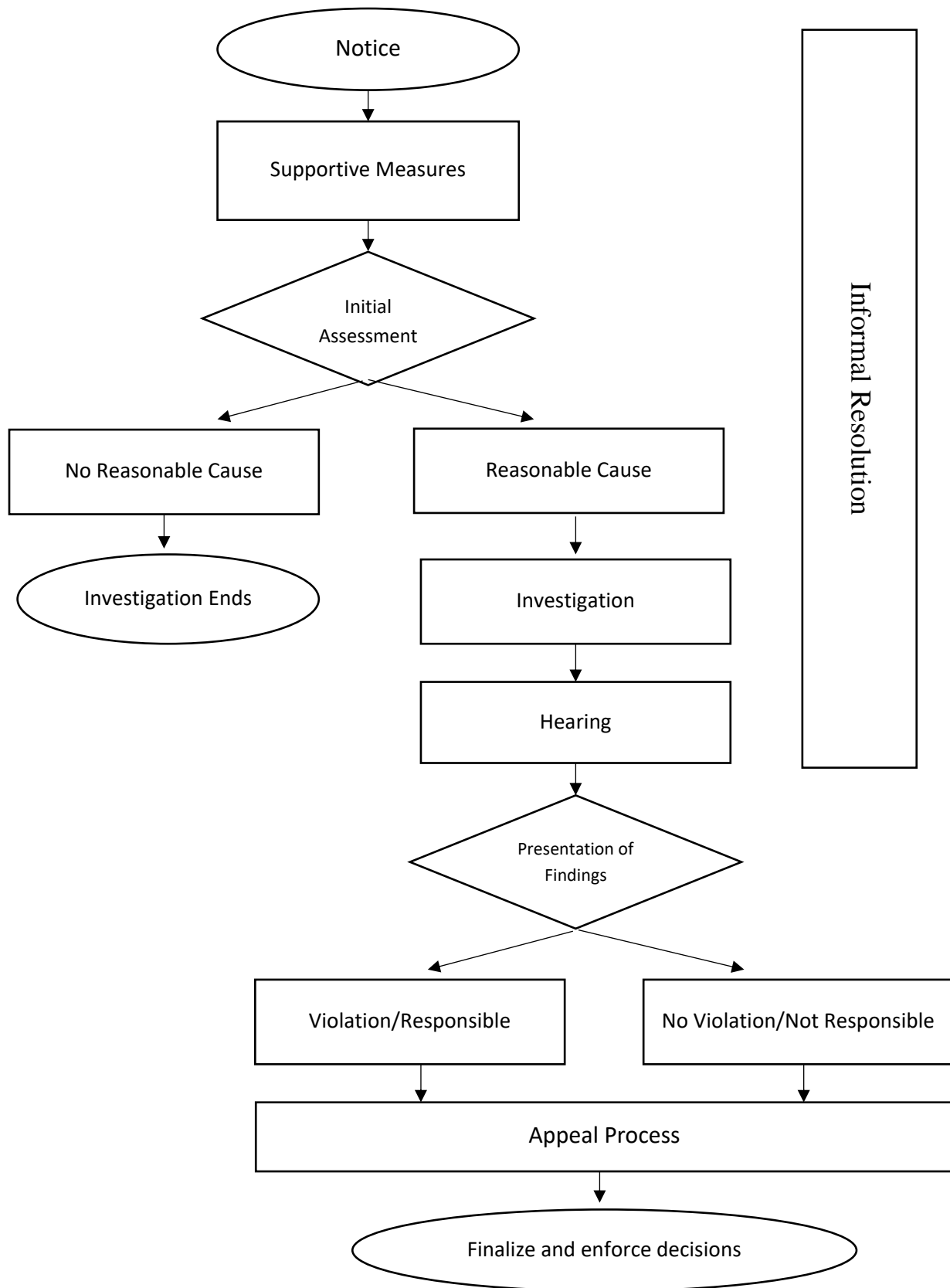
The following is a condensed explanation of Calvary University's Judiciary process and lays out the policy for Title IX Investigations. It is based on the Office of Civil Rights Investigative model. For further details regarding this process, please contact the Title IX Coordinator.

Calvary's Judiciary Process will be fair and impartial. All relevant evidence will be objectively evaluated, including inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a Complainant or Respondent, or Witness. Respondents are not presumed to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. All parties and Witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

Both parties will have opportunities to provide their account of the alleged incident, respond to the other party's account and inspect and review evidence that is directly related to the allegations.

Each party may have an Advisor of their choice. Advisors may accompany the party to any meeting or proceeding. If a party does not have an Advisor for the Hearing, the Title IX Coordinator will appoint an Advisor for the party at charge.

The college strives to complete the judiciary process within 45 business days. Throughout the process Calvary will provide the parties with regular status updates and information regarding next steps.



### ***Notice***

Once Calvary University receives an initial report the Title IX Coordinator will reach out to the Complainant. In this meeting the Coordinator will:

- Discuss the availability of supportive measures and the Complainant's wishes regarding supportive measures.
- Discuss the report and listen to the complainants account. The Title IX Coordinator will ask questions at this time to gain a better understanding of the nature of the alleged incident.
- Explain this policy and the definition of Sexual Harassment.

### ***Supportive Measures***

At the Complainant's request Calvary will implement acceptable measures to assist the Complainant and provide emotional and spiritual support. Measures may include, but are not limited to:

- Access to counseling
- Adjusted classes/schedules
- Modified attendance expectations
- Transfer from in-class to online educational format

### ***Initial Assessment***

The Title IX Coordinator will determine whether the alleged conduct is applicable under this policy. Alleged conduct that does not constitute a violation of this policy may still be redressable under another policy. In this case, the Title IX Coordinator will refer the complainant to the appropriate official.

In the event it is determined that the alleged actions do not meet the criteria for proceeding to an investigation the case will be dismissed. Determination of a lack of Reasonable Cause will be based on criteria in this policy.

If it is determined that Reasonable Cause exists, the Title IX Coordinator will appoint a team of investigators for the case. The Title IX Coordinator may serve as an investigator.

### ***Investigation***

The Investigation will involve the following:

- Gathering evidence
  - If a party wishes for their medical records, prior educational records, or other records that are external to Calvary to be considered in the grievance process they must provide written consent for those records to be released to Calvary and make arrangements for the records to be sent to Calvary.

- Interviewing the Complainant, Respondent, and any Witnesses
- Review and assessment of all related written statements, reports, and other relevant material.
- Synthesizing areas of dispute and agreement between the parties
- Preparation of an Investigative Report that organizes, assesses, and fairly summarizes the relevant evidence and synthesizes areas of dispute and disagreement between the parties.
- Review of applicable College policies.

If a party has not selected an advisor by the time the draft investigative report has been written the Title IX Coordinator will appoint one for them at this time.

The draft Investigative Report will be provided to the parties who will have 10 business days to submit a written response. This is an opportunity for each party to correct or clarify the evidence or provide additional information before the Report is finalized. A party's failure to respond will be taken as their confirmation that the investigative report and any additional evidence is accurate.

Following the receipt of the written responses the Investigation Report will be finalized, including the written responses. The completed Investigation Report and relevant evidence will be provided to the Parties and their Advisors for an additional 10 days prior to the Pre-Hearing conference.

### ***Pre-Hearing Conference***

Each party and their Advisor will attend a Pre-Hearing Conference with the Hearing Chairperson and the Title IX Coordinator. The Hearing Chairperson will chair this meeting. The purpose of this meeting is to prepare the parties for the Hearing and ensure they understand the procedures.

At this meeting Parties and their advisors will:

- Be notified of the date, time, and location of the Hearing.
- Review the list of witnesses the Hearing Panel wishes to call at the Hearing.
- Notify the Chairperson of witnesses they will call at the hearing.
- Submit in writing any evidence they intend to use and/or questions they intend to ask (through their advisor) of the other party and any Witnesses at the Hearing.

During the Pre-Hearing Conference the Chairperson will review the submitted questions and evidence and make a determination regarding their relevancy. If a question or evidence is not relevant, the Hearing Chairperson will explain and document their decision to exclude it from the Hearing in the Pre-Hearing Conference Summary. The parties may provide reasons why they

believe the question or evidence is relevant or not relevant and their rationale will be taken into consideration by the Chairperson.

Questions and evidence about the Complainant's or Respondent's prior sexual behavior are not relevant and will not be allowed to be asked at the hearing. There are three exceptions to this rule. The question or evidence will be considered if they:

1. Are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant
2. Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent
3. Concern specific incidents of the Respondent's prior sexual behavior with respect to the Complainant and are offered to prove consent

Questions that seek or constitute disclosure of information protected by a legally recognized privilege are not permitted at the Hearing, unless the person holding the privilege waives it.

The Parties and their Advisors will be informed that they may still resolve the matter informally.

The Hearing Chairperson will write a Pre-Hearing Conference Summary that includes documentation of relevancy-based exclusions of questions or evidence and the list of approved questions or evidence. The Hearing Chairperson will provide it to the Parties in writing before the Hearing and it will become part of the record provided to the Hearing Panel.

### ***Hearing***

Calvary will conduct a live Hearing to determine whether the Respondent is responsible for the alleged conduct and if so, what disciplinary measures or sanctions will be imposed. The Hearing Panel is the decision maker and will use the preponderance of the evidence standard, which means the greater weight of the evidence.

The Hearing Panel will consist of a minimum of three individuals who all have a vote. Students will not serve on the Panel. The Hearing Chairperson will preside over the hearing and the determination will be made by majority vote. At its discretion the college may employ a third party to conduct the hearing.

The Title IX Coordinator will be present at the hearing to answer questions or clarify information but will have no other role in the grievance process.

The Hearing Panel will be permitted to call witnesses.



Each party's Advisor will be permitted to present evidence and ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. Questions that were not submitted during the Pre-Hearing Conference will be vetted through the Chairperson to determine its relevancy. Any decision to exclude a question or evidence as not relevant will be explained.

If a party or Witness does not submit to cross-examination at the Hearing, the Hearing Panel must not rely on any statement that party or Witness made during the Investigation and the Hearing in determining responsibility. However, the Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or Witness's absence from the Hearing or refusal to answer cross-examination or other questions.

Either party may request to be in separate rooms during the Hearing, with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or Witness answering the questions.

Calvary will create an audio or audio/visual recording of any Hearing and make it available to the parties for inspection and review. After the Hearing is complete the Hearing Panel will convene in private within 48 hours of the end of the Hearing to vote on the outcome.

### ***Presentation of Findings***

The Hearing Chairperson will simultaneously provide the parties a written determination regarding responsibility and disciplinary action within 5 business days of the end of the hearing.

If the Hearing Panel determines the Respondent is Responsible and committed a violation of this policy, it will also detail sanctions. Any actions to remedy the effect on the victim and the community will also be included in the notification.

If the Hearing Panel returns with a finding of Not Responsible and No violation, no sanctions will be imposed.

Following notification of the determination the parties have five days to appeal the decision. If no appeal is received after five days the window for appeals closes and sanctions are enforced.

### ***Appeal Process***

Both Parties have the right to appeal to the President's Cabinet via the President regarding the finding or the College's dismissal of a Formal Complaint. Appeals must be submitted within 5 business days of determination of responsibility or dismissal of the Formal Complaint. In the event of an appeal the Title IX Coordinator will provide the Cabinet with the Investigation Report and the recording of the Hearing.

When an appeal is filed the Title IX Coordinator will notify the other party in writing. Both parties will have five days to submit to the cabinet a statement supporting or challenging the outcome.

Permissible basis for appeals are:

- Procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome
- The Title IX Coordinator, Investigator, or Hearing Panel member had a conflict of interest or bias for or against a party that affected the outcome
- The appropriateness of the sanctions.

The parties will simultaneously receive a written decision describing the result of the appeal and the rationale for the result. If an appeal is filed, the determination will become final and sanctions will be enforced on the date that the college provides the parties written determination of the result of the appeal.

Once the determination goes into effect, either of the initial determination or the result of an appeal, other non-Title IX policy violations that took place in the incident and not covered by the Amnesty policy will be referred to the appropriate administrative office.

### ***Informal Resolution***

At any point prior to reaching an initial determination regarding responsibility, Calvary may facilitate an Informal Resolution Process that does not involve a full Investigation and Hearing. An Informal Resolution may be pursued when, upon filing a formal report, *both* parties provide voluntary written consent to participate in the Informal Resolution Process.

Upon agreeing to the Informal Resolution Process, Calvary will provide parties with written notice disclosing the allegations, the requirements of the Informal Resolution process, and any consequences resulting from participating in the Informal Resolution Process, including any records that will be maintained or shared.

The Title IX Coordinator will present a framework of potential remedies to guide the parties in negotiation, but the parties themselves must come to an agreement. The Title IX Coordinator will facilitate this process and will use their discretion to ensure that the Informal Resolution is appropriate for the College. The parties may not bind the College to a resolution that the College does not deem appropriate.

Informal Resolution may be accomplished through mediation and other forms of facilitation. Parties may communicate through the Title IX Coordinator to minimize contact with each other or they may communicate directly with each other.

During an informal resolution an investigation may be done by the Student Deans Department. This investigation will not be as extensive as in the Formal Judiciary Process. This informal investigation is to determine violations of other policies and appropriate disciplinary sanctions for those.

At any time prior to agreeing on a resolution, any party may withdraw from the Informal Resolution process and the Formal Resolution process will resume. The Title IX Coordinator may use their discretion to determine if an Informal Resolution is not working (lack of good-faith effort by a party, at an impasse, etc.) the Title IX Coordinator may require the matter to be determined by a hearing.

## Preventive and Intervention strategies

### How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

*(Bystander intervention strategies adapted from Stanford University)*

### Risk Reduction Tips

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Try to avoid isolated areas. It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

**If you need to get out of an uncomfortable or scary situation, here are some things that you can try:**

- **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## How to Help a Survivor of Sexual Misconduct

**Support for survivors can be essential in their ability to recover. Here are some suggestions for how to help:**

- **Believe** the survivor. The greatest fear of a sexual assault survivor is that they will not be believed; accept what you are hearing.
- **Validate** the significance of the event. Do not minimize the trauma they experienced. Recognizing the impact of the assault on their life may be helpful in the healing process.
- **Listen** and be patient. Let her/him tell her/his story at their own pace.
- **Reinforce** that the sexual assault was not the student's fault. Whatever they did to survive the assault succeeded. Avoid questions that seem to blame them for their actions such as, "Why didn't you scream? Why did you go to his room?"
- Remind them that the **perpetrator caused the attack**, not the victim.
- **Allow** the student to share their feelings, especially those of anger, self-blame, or grief.
- **Accept** the survivor's reactions, whatever they might be. State that these feelings are normal and the recovery process takes time.
- **Avoid** comparing their experience to others' experiences. Everyone experiences trauma differently.
- Ask how you can help. **Be available.** Reassure the survivor that someone is available to them 24 hours a day.
- Let the survivor take **control** of the situation. Remember the survivor has been robbed of all sense of control, so letting them make decisions will be empowering. Support all of the survivor's decisions, even if you disagree with them.
- Offer to **accompany** the survivor in seeking medical attention, counseling, or contacting the police and/or the Title IX Coordinator or Investigators.
- Help identify a **support system** for the survivor-it can be a friend, family member, or counselor.
- Suggest they call a professionally trained sexual assault **resource** who can help her/him in all aspects of this crisis.
  - National Sexual Assault Hotline: 800-656-HOPE (4673)
  - [www.rainn.org/get-help/national-sexual-assault-hotline](http://www.rainn.org/get-help/national-sexual-assault-hotline)
  - Metropolitan Organization to Counter Sexual Assault (MOCSA) 24/7 crisis line (816)531-0233 or (913)642-0233 [www.mocsa.org/ndhlp\\_sxa.php](http://www.mocsa.org/ndhlp_sxa.php)
- Help them organize their thoughts on how to proceed, but let them make their **own decisions** in order to regain the feeling of being in **control**.
- Be **patient** and let the survivor recover at their own rate. It may take weeks, months, or years. Survivors may never completely "forget" the attack.
- Provide protection by giving the survivor a **safe place** to go. Offer them companionship or suggest a friend return home with them.
- Encourage the survivor to **preserve evidence**. The sooner an assault is reported, the better the likelihood of charges being filed and the accused convicted. Caution the victim not to shower, eat, wash their clothes or brush their teeth. If they do go to the hospital, tell them to bring a change of clothes. The **PERK** exam requires all clothing to be examined at a police lab for evidence. Assure them that they will remain in control of decision making about judicial options.
- **Touch** or hug the victim only if you're sure they are comfortable with physical contact. If you are unsure, ask.

- **Do not** tell anyone else about the assault without the survivor's permission.
- **BE AVAILABLE** in the weeks and months following the assault. Recovery from sexual assault is a long, difficult process. Know when to ask for outside support to process your own feelings.
- **Confront** your own fears and prejudices about sexual assault.
- **Educate** yourself about the common myths and misconceptions.
- **Learn** about Rape Trauma Syndrome to know what to expect from the survivor.