



Title IX: Sexual Misconduct Policies and Procedures

Calvary University

Updated August 2024

INTRODUCTION

As established in Calvary University's Statement of Faith and Positions all members of the Calvary University community, faculty, trustees, students, and employees commit themselves to the inerrancy of the Bible and as such affirm two options for sexual expression: monogamous marital relations between one man and one woman or sexual celibacy. Within these two Biblical designs, there can be found sexual fulfillment, whereas outside of these two designs sexual expression is improper. The Bible establishes the created order given by God in creating human beings distinctly as male and female and this establishes the connection between biological sex and gender.

The fall of humanity corrupted human sexuality in both spiritual and physical ways and as a community, we are committed to helping one another attain the highest standards of sexual morality, recognize the effects of sexual sin against God, self, and others, and condemn all forms of harassment or abuse.

Consistent with these principles, Calvary University is committed to complying with laws on sexual misconduct, including Title IX, the Jeanne Clery Act (Clery Act), and the Campus Sexual Violence Elimination Act (SaVE Act). The University has adopted policies and procedures to prevent and respond to incidents of sexual misconduct, as well as other forms of harassment and discrimination.

The University will respond promptly and effectively to reports of sexual misconduct, as well as other forms of harassment and discrimination, and will take appropriate action to prevent, correct, and, when appropriate, discipline behavior that violates this policy. The University will also take steps in the event of harassment or discrimination to remedy its discriminatory effects on the victim and others, if appropriate.

This policy does not condone sexual relationships or any behavior that is inconsistent with the University Statement of Faith and Positions, regardless of whether the parties' actions are welcome or consensual as defined in this policy, and violations of the University's Statement on Faith and Positions or any violation of other University policies may result in disciplinary sanctions, up to and including expulsion or termination.

In the event of a conflict between the provisions of this policy and the University's Statement of Faith and Positions, and related policies, the University's Statement of Faith and Positions and related policies will control.

SCOPE OF POLICY

The University's Title IX Sexual Misconduct Policy and Procedures ("Policy") applies to all Calvary University community members, including students, faculty, staff, and third parties, such as volunteers, contractors, and visitors.

TITLE IX POLICY AND PROCEDURES

Calvary University prohibits all forms of sexual activity outside of marriage and any form of sexual expression except distinctly biologically male and female as God created and as defined in the University's Statement of Faith and Positions. The term "sex" is to be interpreted following the University's Statement on Religious Freedom and Human Sexuality.

Calvary University adheres to the regulations established by Title IX and prohibits discrimination based on sex in all education programs, and activities including admissions and employment.

In addition to ensuring an environment free from unlawful discrimination, the University is responsible under Title IX to provide an environment free from all discrimination based on sex. The University takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and stalking.

Non-Discrimination Policy

Calvary University policy prohibits discrimination based on race, sex, age, color, national or ethnic origin, marital status, or disability in employment, the recruitment and admission of students, scholarship-and loan programs, and in the operation of all college-administered programs, activities, and services.

Title IX Coordinator

The University has designated the individual below as the Title IX Coordinator. Any questions concerning Title IX can be referred to the Title IX Coordinator.

Jolayne Rogers, Title IX Coordinator
15800 Calvary Rd
Kansas City, MO 64147
Madison Hall, Office 202
(816) 425-6148
humres@calvary.edu

DEFINITIONS

Terms used in this Policy have the following meanings:

Advisor: An Advisor is a person who has agreed to provide support and advice to a complainant or respondent.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination under this policy.
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination.

The following people have a right to make a complaint of sex-based harassment, requesting that the University investigate and make a determination about alleged sex-based harassment under Title IX and this policy:

- A student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy.
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy while that individual was participating or attempting to participate in Calvary University's education program or activity.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.
- Calvary University's Title IX Coordinator.

Complaint: A complaint means an oral or written request to the recipient that can objectively be understood as a request for the recipient to investigate and decide about alleged discrimination under this policy and Title IX.

Consent: Consent is a voluntary understandable exchange of affirmative words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. See further details in the consent section.

Days and Timeframes: All days and timeframes referenced in this policy refer to business days.

Decision panel: The panel will objectively evaluate relevant evidence presented in the investigation report and decide on responsibility and recommended sanctions. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Formal Complaint: A document submitted by a complainant and bearing the complainant's physical or digital signature, indicating the complainant is the one filing the formal complaint, requesting that Calvary University investigate the allegations of Prohibited Conduct. The Title IX Coordinator may also sign a formal complaint but is not considered the complainant by doing so.

To file a formal complaint, a complainant must be participating in or attempting to participate in Calvary University's education program or activity at the time a formal complaint is filed.

Informal Resolution: Parties may elect to participate in an informal resolution process utilizing a facilitator.

Informal Resolution Facilitator: The individual responsible for facilitating informal resolution. The informal resolution facilitator may be a Calvary University employee, the Title IX Coordinator, or an external contractor.

Investigator: The individual(s) responsible for investigating alleged Prohibited Conduct. The investigator(s) may be a Calvary University employee or an external contractor.

Investigative Report: A report completed by the investigator who investigated alleged prohibited conduct. It will include a summary of relevant evidence gathered during the investigation of a formal complaint of sexual harassment. The final report is shared with the complainant, the respondent, and any advisors with an opportunity for the parties to respond to the investigative report according to the regulations and this policy.

Parties: The parties are the complainant and respondent in a complaint.

Prohibited Conduct: Prohibited conduct refers collectively to all actions alleging or constituting sexual harassment, as defined within this policy.

Respondent: An individual who has been reported to have allegedly engaged in any form of Prohibited Conduct.

Retaliation: Retaliation against an individual for participating in any way in a report, investigation, or other proceeding under this Policy is strictly prohibited. See further details in the Retaliation section.

Sex: The term sex as used throughout this policy is to be interpreted following the University's Statement on Religious Freedom and Human Sexuality.

Supportive Measures: Measures designed to protect the safety of the parties or the University's educational environment, or to provide support during the grievance procedures or an informal resolution process. Supportive measures will be offered as appropriate, reasonable, and without unreasonably burdening a complainant or respondent in order to restore or

preserve access to the University's education programs or activity. See details under Supportive Measures section.

Title IX Sexual Harassment: Sexual harassment is a form of discrimination and means harassment on the basis of sex, including stereotypes, characteristics, pregnancy, or related conditions, and includes:

Quid Pro Quo: an employee of the University conditioning an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

Hostile Environment: 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i) The degree to which the conduct affected the complainant's ability to access the University's education program or activity.
- ii) The type, frequency, and duration of the conduct.
- iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- iv) The location of the conduct and the context in which the conduct occurred.
- v) Other sex-based harassment in the recipient's education program or activity.

Title IX Sexual Harassment also includes the following:

Title IX Sexual Assault: Sexual assault is an offense classified as a forcible or nonforcible sex offense.

under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault includes any of the following Prohibited Conduct:

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- The touching of the private body part of another person for the purpose of sexual gratification without the consent of the alleged victim.
- Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Title IX Dating Violence: Violence including sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Title IX Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Missouri.

Title IX Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Cyberstalking is a form of stalking. Cyberstalking is the use of technology, specifically the internet, to stalk someone.

RETALIATION

The University is committed to a policy that encourages timely disclosure of sexual misconduct. Any person who, in good faith, reports sexual misconduct will be protected from retaliation. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, assisted, or participated or refused to participate in any manner in an investigation or proceeding, under this Policy. Allegations of Retaliation will be handled under the Community Standards for students and Standards of Conduct for faculty and staff.

CONSENT

Consent is an understandable exchange of affirmative words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate a willingness to engage in sexual activity. Consent must be informed, clearly communicated, and freely and actively given.

- A verbal “no,” even if it may sound indecisive or insincere, constitutes a lack of consent.

- When consent is requested verbally, the absence of any explicit verbal response constitutes a lack of consent.
- Consent cannot be obtained through coercion. Coercion is the use of threats (i.e., words or actions) or intimidation (i.e., implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.
- Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the activity. Once Consent is withdrawn, the sexual activity must cease immediately. Consent must be re-established before resuming any sexual activity.
- Consent is automatically withdrawn when a party is no longer capable of consenting.
- Consent to sexual activity on one occasion does not constitute Consent to sexual activity on other occasions.
- Alcohol or Drugs: Consent cannot be obtained from an individual who is incapacitated, due to alcohol or drugs. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. Individuals who are asleep, unresponsive, or unconscious are incapacitated under this policy. An individual may be incapacitated if there is an inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or the individual is unable to perform other physical or cognitive tasks without assistance.

REPORTING

Any individuals within the University Community may file a good faith report alleging a violation of the University's Policy and all campus community members are required to report information regarding allegations of harassment and Prohibited Conduct. In order to make informed choices, it is important to be aware of the reporting requirements some individuals have.

Reports to Authorized and Responsible Employees

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of the University. Whether that disclosure constitutes actual notice to the University as defined in Title IX, triggering a response obligation under this Policy, depends on the role of the employee to whom the disclosure is made, as follows:

Responsible Employees: Calvary has taken the position that all employees of the University are considered Responsible under this Policy and are required to report allegations of sexual

harassment or misconduct. Responsible Employees do not have the authority to take action to address Prohibited Conduct on behalf of the University except for a reporting obligation and to assist those by informing them of the reporting process and the Title IX Policy.

Authorized Employees: A disclosure or report of Prohibited Conduct made to an Authorized Employee is considered a report to the University triggering a response to implement corrective measures under this Policy. All authorized employees are required to report disclosures of Prohibited Conduct to the Title IX Coordinator. Notice to any Authorized Employee conveys actual knowledge to the University and a required response. The following individuals are authorized employees:

- Title IX Coordinator
- President
- Chief Operations Officer
- Chief Development Officer
- Chief Financial Officer
- Chief Academic Officer
- Athletic Director/Coaches /Trainers
- Associate Dean of Students
- Dean of Students
- Director of Human Resources
- Chief of Security

Reporting Obligations: Both Responsible and Authorized employees are to report all information regarding Prohibited Conduct to the Title IX Coordinator including:

- Details of the incident, names of the individuals involved, known witnesses; when and where the incident occurred, and all other known details of the incident.
- Information should be reported as soon as possible but not more than 48 hours after becoming aware of the alleged Prohibited Conduct by contacting the Title IX Coordinator using one of the following:
 1. Submit a report through the [online Link](#)
 1. This is the **preferred** reporting option.
 2. Email: Directly email the Title IX Coordinator (humres@calvary.edu)
 3. Phone: 816-425-6148
 4. In-Person to the Title IX Coordinator

When a report is received, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures and to explain the process for filing a Formal or Informal Complaint. The University will provide the complainant with a written explanation of the complainant's rights and options as well as the resources available to them through both the institution as well as the community.

Formal Complaint: If the complainant desires to proceed with a formal complaint, the Title IX Coordinator will begin the formal complaint process.

If the complainant decides not to submit a formal complaint, the Title IX Coordinator may sign a formal complaint when the Coordinator deems it necessary to address the possible Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment. In deciding whether to sign a complaint, the Title IX Coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation, or weapons. A complainant is not required to submit a formal complaint to receive supportive measures.

A formal complaint can be withdrawn anytime up until a decision is made.

Anonymous Reporting: Except for authorized and responsible employees, any individual may anonymously report allegations of Prohibited Conduct through the online reporting form [here](#). Depending on the information provided, anonymous reporting may limit the University’s ability to act in response to such a report.

Employee Reporting: All university employees except Advocates listed below are required and responsible for reporting Prohibited Conduct. The University does not have official notice of an incident until it is received by the Title IX Coordinator. Some employees may have legally protected or privileged confidential relationships, including licensed professional mental health counselors, licensed medical professionals, and ordained clergy and therefore are not required to report under this policy.

Advocates: If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with one of the below advocates. Reporting parties need to be aware that the advocates 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. Licensed counselors are available free of charge and can be arranged through the Associate Dean of Students.

Advocates provide a confidential resource for students and can connect victims to professional help and guidance on Calvary’s Title IX policy. Advocates will still submit anonymous statistical information required by the Clery Act.

Karen Hange, Advocate	Education Building Office	816-425-6186	karen.hange@calvary.edu
Tim Hange, Advocate	Education Building Office	816-425-6184	tim.hange@calvary.edu
Aaron Heath, Advocate	Madison Hall	816-425-6131	aaron.heath@calvary.edu
Dawnita Phillips, Advocate	Education Building Office	816-425-6182	dawnita.phillips@calvary.edu

Off campus reporting resources:

- Abundant Life Counseling Services, info@livingproof.co or (816-554-0944)
- Hope Haven crisis hotline (816-380-2833)
- Local law enforcement Call 911 or 816-348-4430
- Hospital Belton Regional Medical Center 816-348-1200
- National Mental Health Hotline: Call or Text 988 or 1-800-273-8255
<https://988lifeline.or>
- National Sexual Assault Hotline (RAINN): 1-800-656-4673 or <https://www.rainn.org>
- National Dating/Domestic Violence Hotline: 1-800-799-7233 or <https://thehotline.org>

False Reports and Other False Information

The submission of knowingly false information is prohibited and will be addressed under the University's Community Standards for students and Grievance Procedures for faculty and staff. This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or decision.

Time Frame 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 Prohibited Conduct because the University's ability to gather adequate information may be limited when a significant length of time has elapsed between an incident and the filing of a complaint. At the time a formal complaint is filed, the complainant must be participating or attempting to participate in Calvary University's programs or activities.

Further, the University's ability to complete its processes may be limited concerning a responding party who has graduated from, is no longer affiliated with, or is no longer employed by the University.

EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

At any time, following receipt of information alleging a violation of Prohibited Conduct under this policy, the Title IX Coordinator in consultation with the President's Cabinet may remove a respondent, either entirely or partially, from the University's education programs and activities on an emergency basis, provided the coordinator has:

- Conducted a safety and risk analysis regarding the respondent.
- Determined that the emergency removal is justified based on an immediate threat to the physical health or safety of any other student or individual arising from the allegations of sexual misconduct.

- Provided the subject of the emergency removal with notice of the emergency removal decision and an opportunity to lodge an immediate appeal of the removal decision.
 - To appeal the removal decision, a written notification of the appeal must be provided to the Title IX Coordinator. The respondent must demonstrate that the emergency removal decision was incorrect.
 - The President will decide any challenges of removal orders filed by students or employees within three (3) business days of receipt and provide a written notification of the decision.

The University may place an employee respondent on administrative leave (with or without pay) during an investigation, or appeal process under this policy.

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.

AMNESTY POLICY

In exceptional cases, amnesty may be offered to witnesses during 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 in consultation with the Title IX Coordinator, Dean of Students and Director of Human Resources (if an employee). Amnesty will be determined on a case-by-case basis and only applies to institutional investigations. It does not extend to external investigations.

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services that may be provided to complainants or respondents upon request when deemed by the Title IX Coordinator to be appropriate and reasonably available. Supportive measures may also be imposed at the initiative and sole discretion of the Title IX Coordinator. Supportive measures are available beginning at any time after the submission of a report of Prohibited Conduct. A

complainant may seek and be provided with supportive measures before or without ever filing a formal complaint.

Supportive measures are designed to restore or preserve equal access to educational programs and activities, without unreasonably burdening the other party. Supportive measures may be of any duration and may be modified at the discretion of the Title IX Coordinator, as circumstances warrant. Supportive measures will be kept confidential to the extent that doing so does not impair the ability to provide them.

Supportive measures may include, but are not limited to, the following:

- Access to counseling services.
- Extensions of deadlines or other course-related adjustments.
- Modification of work or class schedules.
- Mutual restrictions on contact between the parties (i.e., “no contact” orders.)
- Changes in work or housing locations.
- Leaves of absence.
- Increased security and monitoring of certain areas.
- Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to programs and activities.

A student or employee’s failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

PRIVACY AND CONFIDENTIALITY

The University respects the privacy of individuals involved in any report of alleged Prohibited Conduct, and the Title IX Coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law.

In cases that indicate a pattern, predation, threat, weapons, and/or violence, Calvary University may not be able to honor a request for confidentiality or an informal resolution. The University will take reasonable measures to protect the privacy of the parties and witnesses during a complaint, investigation, and grievance procedure. These steps will not restrict the ability of the parties to obtain and present evidence, including speaking with an investigator, consulting with family members, confidential resources, advocates, advisors, or otherwise.

Calvary University will maintain confidentiality regarding any supportive measures provided to the complainant or respondent, to the extent that doing so would not impair its ability to provide the supportive measures.

Truly confidential reporting refers only to the protections provided to information disclosed in legally protected or privileged relationships, including licensed professional mental health

counselors, licensed medical professionals, and ordained clergy. When an individual shares information with one of these individuals (on campus or in the community) as a confidential communication in the course of a protected relationship, the confidential resource cannot disclose to any third party without the individual's written permission or unless required by ethical or legal obligations which compel the professional to reveal such information.

Calvary does not offer confidential resources and support services on campus but will refer individuals to third-party providers.

Informal Resolution

In addition to filing a formal complaint that is resolved through the Grievance Process, the complainant has the option to resolve the allegation through an Informal Process. This requires signed agreement from both the complainant and respondent to proceed according to an informal process. The informal resolution process may not be utilized for situations involving allegations that a Calvary University employee engaged in sexual misconduct toward a student.

See further details under the Informal Resolution section.

FORMAL GRIEVANCE COMPLAINT PROCEDURE AND PROCESS

Calvary University 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.

To begin the formal resolution process, a complainant must file a formal complaint with the Title IX Coordinator. Alternatively, if the Title IX Coordinator receives a report of Prohibited Conduct but the complainant elects not to submit a formal complaint or the complainant is unknown, the Title IX Coordinator has the discretion to sign the complaint if doing so is necessary to address Prohibited Conduct.

Pursuing a formal complaint does not prevent a complainant from filing criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

Calvary University will treat complainants and respondents equitably. The University requires that the Title IX Coordinator, investigator, or decision maker will not have a conflict of interest or bias for or against the parties. The University presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The Title IX Coordinator may consolidate formal complaints if they involve multiple respondents, multiple complainants against one or more respondents, or one party against another when the allegations arise from the same facts or circumstances. If consolidated, all parties must receive the written determination.

INITIAL ASSESSMENT

The Title IX Coordinator will conduct an initial Title IX assessment to understand the nature and circumstances of the report. This assessment includes gathering information, addressing immediate health or safety concerns, assessing the complainant's safety and well-being, and determining whether the report raises a potential policy violation. The Title IX Coordinator (or designee) will reach out to the complainant and schedule a meeting within 3 business days.

The initial assessment will:

- Evaluate the report's details, including names and identifying information.
- Address immediate physical and emotional well-being and provide a list of resources on and off campus.
- Discuss the availability of supportive measures and the complainant's wishes regarding supportive measures.
- Inform the complainant of their rights to contact law enforcement, seek a civil protection order, or medical treatment.
- Refer the report to Calvary Security for crime log entry if required by the Clery Act.
- Assess the need for a timely warning under the Clery Act.
- Inform the complainant of their right to have an advisor present at meetings.
- Evaluate any alleged pattern of conduct by the respondent.
- Discuss the complainant's preferred resolution method – formal or informal.
- Explain the policy against retaliation and how to report it.

At the conclusion of the initial assessment, the Title IX coordinator will:

1. Issue a written notice of allegation and proceed with a formal investigation if the complaint involves Title IX harassment.
2. Work with Human Resources as necessary to investigate complaints involving University employees, ensuring compliance with Title IX and University policies.
3. Proceed with Informal Resolution if all parties consent, with the option to withdraw and revert to formal investigation.
4. Dismiss complaints outside Title IX jurisdiction, referring them to the appropriate University office for resolution. Any dismissal can be appealed by either party.

A formal complaint may be withdrawn at any point prior to the formal decision being made.

WRITTEN NOTICE OF ALLEGATION(S)

Upon the submission of a formal complaint, the Title IX Coordinator will notify the parties in writing and provide written notice of the following. The parties will have 10 business days to prepare a response before any initial interview:

- A copy of this policy and any informal resolution process.
- Notice of the allegations of Prohibited Conduct, with sufficient detail for the respondent to prepare a response before any initial interview, including, if known, the identities of the parties involved and the date and location of the incident.
- The respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the grievance procedures.
- The parties may have an advisor of their choice.
- Note: Calvary University's Community Standards and Handbook policies prohibit knowingly making false statements or knowingly submitting false information during the formal complaint processes.
- The parties are entitled to an equal opportunity to access the relevant evidence or an investigative report that accurately summarizes this evidence.
- Retaliation is prohibited.

If, during an investigation, Calvary University decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that is not included in the written notice, it will provide a new written notice of the additional allegations to the parties.

DISMISSAL OF TITLE IX SEXUAL HARASSMENT COMPLAINT

If any of the following circumstances are met, the Title IX Coordinator will dismiss the formal complaint as a Title IX Sexual Harassment incident.

- The misconduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined in the policy.
- The complainant is not a member or seeking to be a member of Calvary University.
- The incident did not occur in the United States.
- Calvary University did not have control over the respondent.
- Calvary University did not have control over the context of the harassment, or the incident did not occur in the context of an educational activity or program.

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 University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the complainant and respondent via email.

Both the complainant and respondent may appeal any decision to dismiss the formal complaint by submitting a request for appeal to the Title IX Coordinator by email within three (3) days of the date of the Title IX Coordinator's dismissal email. The appeal will be determined using the procedures outlined in the Appeals Section of this policy.

The notice of the dismissal will advise the parties whether the formal complaint will proceed as a possible violation of the Community Standards, Standards of Conduct, Statement of Faith and Positions, or other employment policies. The decision whether the matter will proceed as a violation under these other policies, and not Title IX Sexual Misconduct, is not subject to appeal.

ADVISORS

The parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, and other meetings or proceedings held in connection with a formal complaint. An Advisor is a person who has agreed to provide support and advice to a complainant or respondent. The Advisor does not speak on behalf of the party or represent them in any way. The parties are responsible for identifying their own Advisor if they wish to have one.

The Advisor may confer with the individual whom they are advising quietly or using written notes when accompanying them to a meeting. The Advisor does not speak on behalf of the party. An Advisor whose presence is deemed to be disruptive will be required to leave and may be prohibited from participating in future meetings.

While Calvary may consider short delays in scheduling to reasonably accommodate an Advisor's availability, whether to grant such a request is at the sole discretion of the representative responsible for the event in question.

INFORMAL RESOLUTION

Participation in the informal resolution process is voluntary. Informal resolution is available only when a formal complaint has been filed and both parties agree to its use in writing.

Before initiating informal resolution, the Title IX Coordinator will provide the parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from informal resolution to pursue formal resolution, and any consequences of participation.

Informal resolution can be commenced at any point prior to the outcome of the formal resolution process.

The process is conducted by an informal resolution facilitator appointed by the Title IX Coordinator. The complainant, respondent, Title IX Coordinator, or facilitator may terminate the informal resolution at any time prior to its completion. The Title IX Coordinator may serve as the facilitator.

The Facilitator 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 use their discretion to ensure that the informal resolution is appropriate for the University. The parties may not bind the University to a resolution that the University does not deem appropriate.

Parties may wish to communicate through the Title IX Coordinator to minimize contact with each other, or they may communicate directly with each other.

After the informal process has ended, an investigation may be done by the Dean of Students Office or Human Resources to determine if violations of other policies occurred, and disciplinary sanctions are warranted.

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 the process is not working (lack of good-faith effort by a party, at an impasse, etc.) the Title IX Coordinator may then require the matter to move to the Formal Resolution Process.

If the informal resolution is terminated and the formal resolution process resumes, specific statements made by either party during the informal resolution will not be documented, retained, or shared outside the informal resolution process, and may not be used in a subsequent formal process. Additionally, the informal resolution facilitator shall not serve as a witness in a subsequent formal process.

The outcome of the informal resolution will be documented in an agreement signed by both the complainant and the respondent. The University will attempt to complete the informal resolution process within thirty (30) business days of the parties agreeing to participate, subject

to extenuating or unanticipated circumstances. This period may be extended at the discretion of the Title IX Coordinator.

FORMAL RESOLUTION PROCESS TIMEFRAME

Calvary University strives to resolve all formal complaints within seventy-five (75) business days of submitting a formal complaint. The University will balance its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe.

Delays may result from several factors, including but not limited to the appeal of a dismissal, impacts of concurrent criminal processes, or an attempt at informal resolution. The Title IX Coordinator may extend the time for completion of the formal resolution process for good cause in their sole discretion.

and will provide written notice to the parties of the reason for extension or delay.

INVESTIGATION

The written notice of allegations will identify the appointed investigator(s). Either Party may object to the investigator on the grounds of conflict of interest or bias for or against the parties, by submitting an objection to the Title IX Coordinator, in writing within three (3) business days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different investigator should be appointed.

The investigator will conduct an investigation of the allegations in the formal complaint and is responsible for interviewing the parties and witnesses and gathering relevant evidence. All members of the administration, faculty, and/or staff, as well as students, are expected to cooperate with any investigation.

All parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and evidence, for the investigator. Parties will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews in which they are expected to participate. parties may be accompanied by an Advisor of their choice at any investigative interview.

Evidence:

The following types of evidence, and questions are not permitted during the investigation process and will not be considered, except to determine whether one of the exceptions listed below applies:

- Evidence that is protected under a privilege recognized by Federal or State law or

evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures.
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Investigation Report

The investigator will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure per the policy and regulations.

Preliminary Investigation Report

Prior to completing the investigation report, the investigator will send a preliminary report and accompanying documents, if any, to the parties who will have ten (10) business days to submit a written response to (1) present comments or feedback on the facts as gathered, (2) submit additional information, and/or (3) identify additional witnesses or request the collection of other information by the investigator. If either party provides a written response or provides additional information, the content will be shared with the other party and incorporated as appropriate in the final investigative report. A party's failure to respond will be taken as their confirmation that the investigative report and any additional evidence is accurate. The response must be by the parties, not the party's advisor.

Final Report

After receiving the written responses and taking any necessary actions, the investigation report will be finalized within ten (10) days and include any additional comments from the parties and determinations of credibility of the parties and witnesses. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The parties are prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the formal resolution processes.

Impact and Mitigation Statement: Either or both parties may submit a statement to the Title IX Coordinator for consideration by the Decision Panel. The Complainant may submit a written statement describing the impact of the prohibited conduct on the Complainant and/or expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the disciplinary action(s) imposed. Any impact or mitigation statement should be submitted no later than five (5) business days after receipt of the Preliminary Investigative Report. The Title IX Investigator will provide any statement(s) with the final investigative report to the Decision Panel

The final investigative report and any written responses by the parties will be provided to the Title IX Coordinator and the decision panel.

DECISION PANEL

The decision panel is responsible for reviewing the investigation report and objectively evaluating the evidence presented in the report. They will decide on responsibility and recommended sanctions.

The panel is trained and consists of the Director of Information Technology, the Registrar, and the Chair of the Business Administration department. If any of these individuals has been involved in the investigation in any way, the Cabinet will appoint a replacement. The panel will not consist of students. The panel's determination will be made by a majority vote. The panel will have seven (7) business days to review the report, discuss and decide. An outcome letter detailing the decision will be issued within seven (7) business days of the decision being made.

Standard of Proof

The decision panel will make decisions on responsibility using a preponderance of the evidence standard, which, per the U.S. Department of Education, means that it is more likely than not that harassment, discrimination, or violence occurred.

Determination and Sanctions

Determination:

There are two possible findings the decision panel can make:

- Responsible for a violation of university policy
- Not responsible for a violation of university policy

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; Training or Education, Written Warning; Probation; Expulsion

Employee Sanctions:

- Verbal Warning; Training or education, Written Warning; Suspension without Pay; Dismissal.

Grievance Process Outcome Letter

Within seven (7) business days of the decision the Title IX Coordinator will issue an outcome letter via email to the parties if a student. Human Resources will issue the outcome letter via email to the parties in employee matters.

The outcome letter will include:

- A description of the allegations that led to the investigation.
- A description of the procedural steps taken from the receipt of the formal complaint through determination.
- A statement of factual findings supporting the outcome.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement and rationale for the result of each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to education programs or activities will be provided to the complainant and will be identified only to the extent those remedies directly affect the respondent. The Title IX Coordinator is responsible for implementing such remedies.
- The procedures and permissible bases for the complainant and respondent to appeal. See Appeal section.

The outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

Appeal Process

Both parties have the right to appeal to the President's Cabinet via the Title IX Coordinator regarding the finding or the University's dismissal of a formal complaint. Any cabinet member who has been involved in another aspect of the particular Title IX Prohibited Conduct Outcome being appealed must recuse themselves from the appeal process so as not to create an actual or perceived conflict of interest. A conflict of interest may occur if a cabinet member reported the initial Prohibited Conflict, was a respondent or complainant, served as an advisor, or otherwise. Appeals must be submitted within five (5) business days of the 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.

When an appeal is filed the Title IX Coordinator will notify the other party in writing. Both parties will have five (5) business days to submit to the Title IX Coordinator a statement supporting or challenging the outcome.

The permissible basis for appeals are:

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

The President's Cabinet will typically issue a written decision on the appeal, including the result and a brief rationale, within ten (10) days of the receipt of the appeal materials.

The Cabinet has the discretion to direct a reopening of the investigation to consider new evidence, adjust the finding and/or recommended sanction, or make any other equitable determination. 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 university 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.

TRAINING

Any individual serving as Title IX Coordinator, investigator, decision panel member or appeals will receive training on this Policy.

The University also offers training for both staff and students covering legislation and Title IX. These trainings are described below:

STUDENT TRAINING

- Online training on the student portal available to new and existing students. Complete yearly.

EMPLOYEE TRAINING:

- All employees undergo online training upon hire and subsequently complete yearly training either online or during staff in-service.

APPENDIX

WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, AND RESOURCES

Calvary provides complainants and respondents with a packet of information containing all rights (as listed below), options for reporting and accommodations, as well as resources available. A copy can be obtained through the Title IX Coordinator.

Rights of a Complainant

The complainant has a right to:

- Be treated with fairness and respect for their dignity.
- Be free from any suggestions that they must report sexual assaults or that they are responsible for assaults committed against them.
- Be free from any threat of retaliation or other attempts to prevent the reporting of sexual misconduct.
- Not be pressured by university personnel to report sexual assaults if they do not wish to, to report them as less serious offenses, or to refrain from reporting for any reason.
- Have their allegations of sexual assault treated seriously and their privacy honored.
- Receive options to pursue a criminal complaint, the college's disciplinary process, or both simultaneously.
- Be notified of local and national hotlines for medical, counseling, mental health, and student services for victims of sexual assault, whether or not the assault is formally reported.
 - Abundant Life Counseling Services: info@livingproof.co or (816-554-0944)
 - Hope Haven crisis hotline (816-380-2833)
 - Local law enforcement: Call 911 or 816-348-4430
 - Hospital Belton Regional Medical Center: 816-348-1200
 - National Mental Health Hotline: Call or Text 988 or 1-800-273-8255
<https://988lifeline.org>
 - National Sexual Assault Hotline (RAINN): 1-800-656-4673 or
<https://www.rainn.org>
 - National Dating/Domestic Violence Hotline: 1-800-799-7233 or
<https://thehotline.org>
- Be informed of and assisted in exercising any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy, and any rights to obtain communicable diseases test results of sexual assault suspects.

- Be informed of the possible availability of crime victim assistance compensation through the National Center for Victims of Crime or victimsofcrime.org
- Have access to counseling.
- To submit reports of sexual assault to be investigated and evaluated by appropriate criminal and civil authorities.
- Receive full and prompt cooperation and assistance of university officials in notifying proper civil authorities.
- See no contact orders issued promptly and in writing to all parties involved in a reported sexual assault after the University receives notice of a complaint if deemed appropriate.
- Receive reasonable supportive measures defined in the policy.
- Engage in an informal process if both parties agree and have the right to withdraw at any time, and the right to withdraw a formal complaint before a determination being made.
- Receive written and advance notice about the investigative process.
- Have the opportunity to present a list of witnesses and other evidence to the investigator and receive notice of the process, information about procedures, and written notice of the outcome equivalent to the process of the respondent.
- Have an advisor of their choice accompany them throughout the process.
- Be informed in a timely fashion of the outcome of the investigation.
- Have the right to appeal the outcome of the process.

Rights of a Respondent

A respondents' rights under Title IX and University policy include:

- The right to have disclosures of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or sexual exploitation treated seriously.
- The right to be treated with fairness and respect throughout the process.
- The right to be informed of university policies and procedures being applied to their case, and to have those policies and procedures followed.
- The right to have the University keep their name and other information as confidential as possible. Information related to the complaint will be distributed on a need-to-know basis only. "Need-to-know" is typically defined by that level of information that is necessary to coordinate the provision of requested services, to protect the safety of individuals or community members, or to administer the University complaint process.

- The right to be accompanied by an advisor of their choice during any meeting or interview conducted in connection with the complaint.
- The right to be informed of their option to make a report to local law enforcement—and to not be discouraged from doing so.
- The right to engage in an informal process if both parties agree.
- The right to access appropriate resources and support measures to protect their safety and minimize the negative impacts of an incident on their educational opportunities.
- Available resources and interim measures may include:
 - reasonable academic accommodations
 - housing modifications
 - confidential counseling, health services or pastoral care
 - referrals to local community agencies for services.
- The right to have a determination of the facts based on a preponderance of evidence (a “more likely than not” standard).
- The right to be notified in writing of the outcome of the process related to the complaint.
- The right to be protected from retaliation by any member of the university community for reporting their experience or participating in the University process.
- If/when an outcome has been determined, the right to access an appeal process in accordance with university policies and procedures.

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, call 911. 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.

- 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.

Risk Reduction Tips

Each person has a sinful nature after the fall, and each person is responsible for his/her own misconduct; here are strategies to reduce one's risk of becoming a victim of sexual sin.

- 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 you may appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have transportation money (cab, rideshare, etc.).
- 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.
- 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 911 in most areas of the U.S.
- If you suspect you or a friend has been drugged, contact law enforcement. Be explicit with doctors so they can give you the correct tests.

How to Help a Friend

Responding with compassion, validation, and support when an individual discloses that they may have been a victim of sexual harassment or misconduct can be an important part of their healing process. Sometimes the most valuable advice comes from someone the individual

already trusts. Strive to respond to an individual's disclosure with the sensitivity and respect they deserve.

Prioritize safety

Make sure the survivor is safe. Help the survivor get to a safe place if needed. If you are concerned for their immediate safety, call 911 or Calvary Security (816-331-8700).

Listen

It takes courage for someone to reveal that they are a victim or survivor. Listen actively and without judgment. Avoid asking questions or digging for details. It's best to allow them to control what information they share.

Provide information

Learn about the support services available and refer to the University policy for more information.

Let them make their own decisions

It is important to provide information but to allow your friend to make their own choices. Support their decisions even if you don't agree with them.

Remind them you care

Let your friend know that you are there to help them through this.

Don't guarantee confidentiality

Employees who are required to report sexual harassment or misconduct may not be able to maintain confidentiality under Title IX and this Policy. If you are required to report the incident, explain your reporting responsibilities to the person who has disclosed the information to you.

Take care of yourself

Providing support to a friend can be difficult. Don't forget to take care of yourself. It may be helpful to reach out and talk to someone about how you are feeling.