



OZARK CHRISTIAN COLLEGE
SEXUAL MISCONDUCT POLICY AND PROCEDURES
VAWA, Campus SaVE Act, and Title IX
Revised 9-4-19

I. POLICY

PURPOSE AND SCOPE

Ozark Christian College is committed to respecting all students, employees, and guests. Sexual misconduct offenses are crimes, incompatible with Ozark's standards of Christian conduct, and strictly prohibited by the college. This policy applies to all college students, employees, guests, and participants in a college-sponsored activity.

Ozark encourages individuals to report sexual misconduct to the college and to appropriate law enforcement officials. Contact the Title IX Coordinator, Deputy Coordinator, or Student Affairs Office to report any sexual misconduct offenses.

Ozark is not a court of law. Sexual misconduct is a policy offense that is determined by college administrators to have been more likely than not to have occurred (using the "*preponderance of the evidence*" standard). In campus resolution proceedings, legal terms like "guilt," "innocence" and "burden of proof" are not applicable, but the college never assumes a respondent is in violation of a college policy. Campus resolution proceedings are conducted to take into account evidence available from all relevant sources. The college works toward equity in all cases, conducting an impartial campus resolution proceeding.

Ozark Christian College has a zero-tolerance policy for sexual misconduct and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a report. Zero tolerance means that when an allegation of sexual misconduct is brought to the attention of the college protective and other remedial measures will be used to reasonably ensure that such conduct ends, the effects on the complainant and community are remedied, and serious sanctions are imposed when a respondent is found to have violated this policy. This policy is developed to reaffirm these principles and to provide recourse for individuals whose rights have been violated.

STATEMENT OF NONDISCRIMINATION

Ozark Christian College does not discriminate based on race, ethnicity, national origin, sex, disability, age, veteran status, or any other protected legal status in matters of admissions, employment, housing, educational programs or activities. It operates in compliance with federal non-discrimination laws (Title IX of the Education Amendments of 1972, Title VI and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975). As a religious institution, the college is exempt from certain provisions and reserves the right to make legitimate employment, admission, and educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX statute, 1st Amendment, and Religious Freedom Restoration Act).

TITLE IX COORDINATORS

The college's Title IX Coordinator oversees compliance of the sexual misconduct policy and reports directly to the Vice President of Student Affairs. Questions about this policy or anyone wishing to make a report relating to sexual misconduct may do so by contacting the Title IX Coordinator or Deputy Coordinator at Ozark Christian College, 1111 N. Main, Joplin, Missouri. The coordinator may designate other appropriately trained individuals to receive and investigate reports complaints.

Title IX Coordinator: Monte Shoemake, Senior Director of Community Standards and Campus Safety, Office: Casteel Administration Building, AC166, Phone: (417) 626-1208, shoemake.monte@occ.edu

Title IX Deputy Coordinator: Sara Wood, Director of Student Health, Office: Seth Wilson Library LO11, (417) 626-1213, wood.sara@occ.edu

The Athletic Compliance Coordinator oversees gender equity in athletics: Chris Lahm, Athletic Director, Office: Multi-Purpose Building, Phone: (417) 626-1262, lahm.chris@occ.edu

ADA and Section 504 Compliance Coordinator: Lisa Witte, Director of Academic Operations, Office: Casteel Administration Building AN180, Phone: (417) 626-1222, witte.lisa@occ.edu

Assistance is available 24/7 by calling Ozark Christian College Security at (417) 626-1200. The college can assist in facilitating medical treatment, contacting a victim's advocate, a support person, the Title IX Coordinator, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Additionally, anonymous reports can be made by using OCC's online reporting form at <https://occ.edu/anonymous-reporting>.

Inquiries concerning Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. Contact Information: Office for Civil Rights, U.S. Department of Education; One Petticoat Lane, 1010 Walnut, 3rd Floor, Suite 320; Kansas City, MO 64106; Telephone: 816-268-0550; FAX: 816-268-0599; TDD: 800-877-8339; Email: OCR.KansasCity@ed.gov

APPLICABLE DEFINITIONS

Advisor. The reporting and responding parties may choose an individual, such as a friend, mentor, family member, attorney, etc. for support through resolution proceedings.

Confidential Reporters. Employees who are acting within their role as pastoral counselors are not required to report any information about an incident to the Title IX Coordinator without permission.

Coercion. Unreasonable pressure to engage in sexual activity. Coercion includes elements of pressure, duress, cajoling, and compulsion. When someone makes clear that they do not want an activity, that they want to stop, or that they do not want to go past a certain point, continued pressure beyond that point can be considered coercion and not consensual.

Force. The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, implied threats, and coercion that overcomes free will or resistance or to obtain consent.

Incapacitation. A state where people cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. There are two forms of incapacity, mental and physical. Mental incapacity results from cognitive impairment, such as developmental disability. Temporary mental

incapacity can result from conditions such as epilepsy, panic attacks, and flashbacks. Physical incapacity results from a physical state or condition, such as sleep, unconsciousness, involuntary physical restraint, or alcohol or other drug consumption.

Complainant. The person alleging a violation of the sexual misconduct policy. Person/s reporting violations on behalf of a recipient are referred to as “third-party reporters” and information they submit is referred to as “third-party reports.”

Respondent. The person alleged to have committed a sexual misconduct offense.

Responsible employee. A college employee, excluding a “confidential reporter,” who has the duty to report incidents of sexual misconduct offenses.

Standard of Proof. The college uses *preponderance of the evidence* (i.e. “more likely than not”) as a standard for proof of whether a policy violation occurred.

SEXUAL MISCONDUCT

A. Definition of Sexual Misconduct

“Sexual misconduct” is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, stalking, and retaliation. The term “sexual misconduct” will be used throughout the remainder of this policy and the complaint resolution procedures.

B. Sex Discrimination

1. Definition of Sex Discrimination

Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any college program or activity on the basis of their sex, including admissions, employment, academics, housing, and student services. Sex discrimination includes materially adverse treatment or action based on someone’s:

- biological sex
- pregnancy status
- gender

Sex discrimination also includes conduct that is defined herein as sexual harassment and sexual violence.

2. Examples of Sex Discrimination

Specific examples of conduct that may constitute sex discrimination include:

- Giving unequal pay, promotions, or other job benefits on the basis of gender.
- Allowing a person’s gender to influence the grade conferred in a class.
- Denying people access to a given degree or major because of their gender.
- Requiring a pregnant student to verify pregnancy-related absences with a doctor’s note when such verification is not required of students with other medical conditions.
- Conduct that meets the definition of sexual harassment or sexual violence herein.

C. Sexual Harassment

1. Definition of Sexual Harassment

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

2. Examples of Sexual Harassment

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, or humor
- Making sexual gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit messages, emails or texts
- Sexual violence (as defined herein)

D. Sexual Violence

1. Definition of Sexual Violence

Sexual violence is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, or because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol.

2. Examples of Sexual Violence

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part without consent
- Sexual touching with an object or body part committed by force, threat, or intimidation
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Use of the "date rape drug" to effect sexual contact with a person
- Hazing that involves penetrating a person's vagina or anus with an object.
- Forcing another person to have sexual intercourse without the person's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented

E. Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person's physical or mental disability renders them incapable of understanding the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is incapacitated by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent even if the person self-administered the alcohol or drugs.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue.
- While consent can be withdrawn, a withdrawal of consent operates going-forward. It does not change the consensual nature of sexual activity that has already occurred.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Consent may be deemed invalid when it is obtained in circumstances where one party exercised a position of direct authority or control over another. Effective consent may not exist when there is a disparity in power between the parties; an example of which is when one is in a supervisory or evaluative role over the other, such as a faculty member who is teaching a student or a director who supervises an employee.
- A victim is not required to affirmatively/physically resist or say "stop" in order for there to be Sexual Violence/Assault.

F. Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence, and stalking can also constitute sexual misconduct when motivated by a person's sex. These crimes, regardless of the motivation, are a violation of this policy.

1. Domestic Violence

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 or the victim under the domestic or family violence laws 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. Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010. Under Missouri law, domestic violence also includes "domestic assault" under Mo. Rev. Stat. §§ 565.072-565.074.

2. Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri's definitions of domestic violence and domestic assault.

3. 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. Missouri’s definition of stalking is found at Mo. Rev. Stat. § 455.010 and § 565.225.

G. Retaliation

1. Definition of Retaliation

“Retaliation” consists of materially adverse action taken against a person because the person made a good faith report of sexual misconduct or participated in the investigation of a report of sexual misconduct, such as by serving as a witness or support person.

2. Examples of Retaliation

Specific examples of retaliation include:

- Terminating a person’s employment, demoting them, denying them a promotion, reducing their pay, or “writing them up” because they made a report of sexual misconduct.
- Sending threatening text messages or social media messages to someone because they made a report of sexual misconduct or gave a statement as a witness.
- Causing physical damage to a person’s personal belongings because they made a report of sexual misconduct or gave a statement as a witness.
- Suspending a person from an activity or limiting their involvement because they made a report of sexual misconduct.
- Publishing knowingly false information about a person because they made a report of sexual misconduct.

3. Good Faith Reports

The college encourages the good faith reporting of sexual misconduct. However, the college will not allow this policy or the Complaint Resolution Procedures to be abused for improper means. Accordingly, the college may take disciplinary action against any person who makes a bad faith report of sexual misconduct, and such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of sexual misconduct if, at the time they make the report, they know the report is false or frivolous. Further, the college may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a report of sexual misconduct and such disciplinary action will not constitute prohibited retaliation.

OTHER MISCONDUCT OFFENSES

Any other college policies may fall within the Sexual Misconduct Policy when a violation is motivated by the actual or perceived membership of the complainant’s sex, including, but not limited to:

1. “Bullying” includes repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;
2. “Intimidation” includes implied threats or acts, whereby someone uses power or influence to place another person in reasonable fear of harm through threatening words and/or other conduct.
3. “Threat” includes a direct warning of bodily injury that causes someone to do something they would not have done absent the threat.

SANCTIONS

Individuals can generally expect violations of sexual misconduct to fall in these categories; however, the college has sole discretion to implement sanctions based on situations, as necessary. Definitions of these sanctions are found in the respective student or employee handbooks.

STUDENT SANCTIONS

- Verbal Reprimand or Written Warning
- Probation
- Deferred Suspension
- Suspension
- Expulsion

Behavioral actions may include, but not limited to: alcohol/drug assessment and/or treatment, community service, confiscation of prohibited property, counseling, educational assignments, fines, housing review, loss of privileges, mentoring, restitution, and sexually-transmitted disease testing. Academic actions may also include withholding diploma, revocation of degree, or a transcript notation.

EMPLOYEE SANCTIONS

- Verbal Warning
- Written Warning
- Suspension and/or Final Warning
- Termination

Additional actions may include, but not be limited to, required counseling, training, education, confiscation of prohibited property, performance improvement plan, HR employee file notation.

SANCTIONS FOR SEXUAL MISCONDUCT

Any person found responsible for a sexual misconduct offense will likely receive a recommended sanction ranging from a warning to an expulsion (for students) or a warning to a termination (for employees), depending on the severity of an incident, and previous disciplinary violations.

The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The initial hearing officer or any appeals officer will not deviate from the range of recommended sanctions unless there is a compelling justification.

OPTIONS FOR REPORTING: CONFIDENTIAL, FORMAL, & EMERGENCY REPORTING

Ozark Christian College encourages individuals to report sexual misconduct and to talk to somebody about what happened for support and so the college can respond appropriately. The college understands that this can be difficult and wants individuals to be aware of the reporting and confidential disclosure options available to them – so they can make informed choices about where to turn.

Generally, when college employees are told of sexual misconduct, they are expected to immediately report allegations of suspected sexual conduct to appropriate officials, with very limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report to appropriate college officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for an individual to report crimes and policy violations and to expect action taken. The following options are available:

CONFIDENTIAL REPORTING

If an individual would like to talk with someone but wants details of an incident to be kept confidential, there are resources on campus and off campus. On-campus resources are Julie Gariss, Idleman Ministry Center, IO-107, and Randy Gariss, Idleman Ministry Center, IO-101.

These employees will maintain confidentiality as pastoral counselors, except in extreme cases of immediate threat or danger, or abuse of a minor. These employees will submit anonymous, aggregate statistical information for Clery Act purposes unless they believe it to be harmful to a specific person.

Off-campus (this list includes some, but not all) confidential resources available:

- **Lafayette House:** 1809 S Connor Ave, Joplin, 800-416-1772. Lafayette House will provide a **victim's advocate** (and go to a hospital, at the request of the victim) and a number of additional resources.
- **Ozark Center Crisis Services:** 3006 McClelland Blvd, Joplin, 800-247-0661, 417-347-7720 (24/7 crisis helpline).

EMERGENCY REPORTING

Immediate assistance is available by calling Ozark Christian College Security at (417) 626-1200. The college can assist in facilitating medical treatment, contacting a victim's advocate, support person, Title IX Coordinator, Deputy Coordinators, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Off-campus emergency resources are:

- Joplin Police Department, 303 E 3rd St, Joplin, MO, 417-623-3131
- Hospitals—all provide sexual assault exams for victims to preserve evidence:
<https://www.rainn.org/get-information/aftermath-of-sexual-assault/preserving-and-collecting-forensic-evidence>
 - Freeman West, 1102 W 32nd St, Joplin Missouri, 417-347-1111
 - Freeman East, 932 E 34th St, Joplin, Missouri 64804, 417-347-1111
 - Mercy, 100 Mercy Way, Joplin, Missouri 64804, 417-556-3729

FORMAL REPORTING

Individuals who report sexual misconduct to employees (other than to confidential reporters) can expect action to be taken by the Title IX Coordinator and/or Deputy Coordinators. If a person reports an offense but does not wish for his or her name to be shared, does not want an investigation to take place, does not want a formal resolution to be pursued, the complainant may make such a request to the Title IX Coordinator or Deputy Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with federal law. In cases indicating patterns, predatory behavior, threat, weapons and/or violence, the college will be unlikely to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the college to honor that request, the college will offer interim actions to the victim and the community, but will not otherwise pursue formal action.

Formal reporting affords privacy to the complainant, and only a small group of officials who need to know will be told. The complainant will be notified as to whom, if anyone, would be told. Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge will be kept as small as possible to preserve a complainant's rights and privacy. Reports can be made via email, phone, or in person to the Title IX Coordinator or Deputy Coordinator.

II. REPORTING SEXUAL MISCONDUCT

The College encourages individuals or third-party witnesses to report sexual misconduct incidents to the Title IX Coordinator, Title IX Deputy Coordinators, Student Affairs Office, and/or appropriate law enforcement officials.

Additionally, anonymous reports can be made by victims and/or third parties using online reporting posted at <https://occ.edu/anonymous-reporting>. Anonymous reports may prompt a need for the institution to investigate; however, the college may be limited in the investigation and outcome of such reports.

A. Initial Evaluation of the Report

When the college receives a report of sexual misconduct, the Title IX Coordinator or designee will conduct an initial evaluation of the report to determine whether the conduct alleged could constitute a violation of this policy if true. If the conduct as alleged does not constitute a violation of the policy, the Title IX Coordinator or designee may refer the report to be addressed under any other applicable college policy. However, the report will not be further addressed under this policy or the Complaint Resolution Procedures. If the Title IX Coordinator or designee determines the conduct alleged could constitute a violation of this policy if true, the Title IX Coordinator or designee will attempt to make contact with the alleged victim.

B. Contact with the Alleged Victim

The Title IX Coordinator or designee will make contact with the alleged victim of the conduct and advise the alleged victim of his or her options under the policy and otherwise, including:

- Voluntarily contacting parents or a relative.
- Seeking legal advice.
- Offering personal counseling.
- Contacting law enforcement with the college's assistance.
- Requesting an investigation and making a complaint under the Complaint Resolution Procedures.
- Requesting that no further action be taken and that the potential victim's identity not be disclosed.
- Seeking accommodations such as alternative housing or academic accommodations.

The Title IX Coordinator or designee will give the alleged victim documentation that outlines these options and provides contact information for local resources and support organizations.

C. Decision on Proceeding

In the event the alleged victim requests an investigation and wishes to make a complaint, the Title IX Coordinator or designee will appoint an Investigating Officer (as defined in the Complaint Resolution Procedures) and the report will be investigated and resolved in accordance with the Complaint Resolution Procedures. The college will make all reasonable and appropriate efforts to preserve an alleged victim's privacy and will conduct the investigation and resolution with discretion. However, the college cannot guarantee complete confidentiality due to state and federal laws governing the reporting of certain types of misconduct as well as the necessity for information to be disclosed to the potential perpetrator and others involved in the investigation.

If the alleged victim wishes to pursue a complaint, the alleged victim must reduce the complaint to writing or describe the complaint so that the Title IX Coordinator or designee can document it in writing. The written complaint shall include the following:

- The name of the alleged victim.
- The name of the alleged perpetrator.
- The details of the alleged sexual misconduct.
- The names of any persons believed by the alleged victim to have relevant information.
- Any other information the alleged victim believes is pertinent to the alleged misconduct.

The written complaint will be provided to the appropriate Investigating Officer as specified in the Complaint Resolution Procedures. If the alleged victim requests that the report not be investigated and/or is unwilling to be a Complainant under the Complaint Resolution Procedures, the college will take all reasonable steps to address the report consistent with the request. However, the college's ability to address the reported misconduct may be limited.

The college reserves the right to initiate or continue proceedings under the Complaint Resolution Procedures, despite an alleged victim's wishes to the contrary, when, considering the totality of circumstances, a report involves serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the college community. In such a case, the college will act as a Complainant under

the Complaint Resolution Procedures. The Title IX Coordinator or designee is responsible for determining whether the college will act as a Complainant under the Complaint Resolution Procedures. In the event that an alleged victim initiates a complaint under the Complaint Resolution Procedures, but then elects to withdraw the complaint, the college may also proceed with resolution of the complaint to provide at its discretion.

At the conclusion of the initial assessment, and in consultation with the Title IX Coordinator, interim measures may be put in place.

INTERIM MEASURES

A Title IX officer may provide interim measures to address the short-term effects of a sex-based offense, and/or retaliation, while an inquiry, investigation, and/or resolution is in process. Interim measures are designed to redress harm to the alleged victim and the community and to prevent further violations. These interim measures may include: provision of counseling or support services; reasonable changes in academic, living, transportation, or work arrangements; and entry of a “no contact” order or similar order to ensure separation of the parties. The college will keep interim measures as private as possible. These measures may include, but are not limited to:

1. Referral to counseling and/or health services (students) or to HR (employees)
2. Education for the campus community
3. Altering housing situation (resident students)
4. Altering work arrangements for students or employees (on campus)
5. Providing campus escorts through the Student Affairs Office
6. Implementing contact limitations between the parties
7. Offering adjustments to academic deadlines and schedules, chapel attendance, etc. (students)
8. Interim suspension
 - The college may interim suspend an individual pending completion of an investigation and resolution, particularly when, in the judgment of the Title IX officer, the safety or well-being of any member of the campus community may be jeopardized by the presence on-campus of the respondent or the ongoing activity of a student organization whose behavior is in question.
 - When an interim suspension is imposed, the individual will be given opportunity to meet with a Title IX officer prior to imposition, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX officer has sole discretion to implement or stay an interim suspension under this policy on and to determine its conditions and duration. Violation of an interim suspension is grounds for expulsion (students) or termination (employees).
 - During an interim suspension, an individual/s may be denied access to college housing, campus email, intranet, facilities, activities, and/or events for which the individual might otherwise be eligible. At the discretion of the Title IX officer, alternative coursework or other options may be pursued to ensure as minimal an impact as possible on the respondent.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution’s ability to provide those accommodations or measures.

When an employee (other than confidential employee) is informed of an incident, he or she must report the allegation to the Title IX Coordinator or a Deputy Coordinator, who will initiate a Title IX inquiry. The preliminary inquiry is to determine if there is reasonable cause to believe an offense has occurred. When reasonable cause is identified, the college will initiate an investigation that is thorough, reliable, impartial, prompt, and fair to both parties. This investigation determines whether the college’s Sexual Misconduct Policy has been violated. If so, the college will promptly implement an effective remedy

designed to end the conduct, prevent its recurrence, and address its effects. The college aims to bring all allegations to a resolution within sixty (60) business days, which can be extended for appropriate cause by the Title IX Coordinator with notice to the parties.

If an alleged victim has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the alleged victim should provide such information to the Title IX Coordinator or Deputy Title IX Coordinator so that the college can take all reasonable and legal action to implement the order with respect to those persons and areas the college controls.

Interim measures may be requested by any party at any time. Any person who believes interim measures are being violated should report the alleged violation in the same manner for reporting sexual misconduct as set forth herein. Interim measures are temporary measures taken to ensure equal and continuing access to its programs and activities and to ensure the safety of the college community. They do not constitute a finding of guilt and may be removed if a complaint is found not to be substantiated.

III. INVESTIGATION AND RESOLUTION PROCEDURES

A. Complaint Resolution Procedures

All complaints of sexual misconduct will be investigated and resolved pursuant to the attached “Sexual Misconduct Complaint Resolution Procedures,” which, along with this policy, are the exclusive means of resolving complaints of sexual misconduct. To the extent this policy and/or the Complaint Resolution Procedures conflict with any other college policy, this policy and/or the Complaint Resolution Procedures, as the case may be, will control. Under the Complaint Resolution Procedures, the party making a complaint is referred to as the “Complainant” and the person accused of misconduct is referred to as the “Respondent.”

B. General Principles Applicable to the Investigation and Resolution Process

In conducting its investigation under the Complaint Resolution Procedures, the college will:

- Make reasonable and appropriate efforts to preserve the privacy of the parties involved while recognizing that absolute confidentiality is not possible.
- Provide equal information to both parties about the investigation and resolution process.
- Conduct a thorough, fair, and impartial investigation that provides the parties an equal opportunity to present information and equivalent procedural safeguards.
- Allow the parties to be accompanied to all meetings and hearings by an advisor or support person.
- Keep the parties apprised of the progress of the investigation and anticipated time to resolution.
- Provide the parties an equal opportunity to meet with the Investigating Officer and to be present and testify (if applicable) at any hearing required by the Complaint Resolution Procedures, though not during the deliberative process.
- Provide the parties an equal opportunity to comment during the investigation.
- Move promptly to conduct the investigation and complete the resolution in a timely manner.
- Avoid conflicts of interest that could call into question the integrity of the process.
- Provide simultaneous written notice to the parties of the outcome of a complaint and the outcome of any appeal.
- If a complaint of sexual misconduct is substantiated, take appropriate corrective, disciplinary, and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects.

C. Sharing of Information

As a general rule, the college will share information about the complaint, and information received during the investigation, only with those persons who have a need to know and those whose participation is necessary to ensure a full and fair investigation and resolution under this policy and the Complaint

Resolution Procedures. However, once a report is made to anyone other than a Confidential Resource, absolute confidentiality cannot be guaranteed. Further, while the outcome of a particular complaint and any related discipline and remedial steps will generally be shared only with the parties, the college reserves the right to share the outcome of a particular complaint more broadly, to the extent such disclosure is permitted by applicable laws, including the Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Campus SaVE Act.

PARTICIPATION OF ADVISORS IN THE RESOLUTION PROCESS

The complainant and respondent are entitled to an advisor (support person) of their choosing to guide and accompany them throughout the process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses who is both eligible and available. Certain individuals are disqualified from serving as an advisor, including witnesses, administrators involved in the process, or who supervise one of the parties, anyone who may be strategically chosen to deprive another party of their likely advisor, etc. At the request of either party, the college can offer suggestions of campus advisors who could be available.

At each stage of the Complaint Resolution Procedures (interviews, meetings, hearings, etc.), the Complainant and Respondent may be accompanied by a support person of their choice. The support person's role is to provide support and private counsel to the party. The support person will not be permitted to present information, argue, or actively participate in the proceedings and is expected to be discreet with the information he or she receives during the process.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, resolution, and/or appeal. Advisors can help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The college cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the college is not obligated to provide one. The college does not provide funds for advisors.

Reporting parties may wish to contact organizations such as:

- Lafayette House (<https://lafayettehouse.org>)
- The National Center for Victims of Crime (<https://victimsofcrime.org>), which maintains the Crime Victim's Bar Association

Responding parties may wish to contact organizations such as:

- FACE-Families Advocating for Campus Equality (<https://facecampusequality.org>)
- SAVE-Stop Abusive and Violent Environments (<https://saveservices.org>)

Advisors are subject to the same campus rules, whether attorneys, faculty members, staff, students, parents, etc. The college expects an advisor to adjust his or her schedule for attendance at scheduled college meetings. The college does not typically change scheduled meetings to accommodate an advisor's inability to attend but will work with a party to identify a time conducive to meeting, within reason. A party may elect to change advisors and is not locked into using the same advisor throughout.

The parties must advise the investigator or Title IX Coordinator of the identity of their advisors prior to the first meeting. The parties must provide subsequent notice to the investigators if they change advisors at any time. No personal audio or video recording of any kind is allowed other than as required by college procedure is permitted during meetings with campus officials.

Advisors may not present on behalf of their advisee in a meeting or interview and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly

with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview with the investigator conducting that interview or meeting. This pre-meeting will allow advisors to clarify questions and allows the college an opportunity to clarify the advisor's role.

Advisors are to refrain from interference with the college investigation and resolution. If the advisor disrupts or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, the meeting will typically continue without the advisor present. Subsequently, a Title IX officer will determine whether the advisor may be reinstated, replaced by a different one, or whether the party will forfeit an advisor for the remainder of the process.

If the parties wish to review information with their advisors, the college provides a consent form that authorizes such sharing. The parties must complete this form before the college is able to share records with an advisor. The parties may view the investigative summary in the presence of a Title IX Coordinator, Deputy Coordinator, or Investigator only and may not make copies or photos of the record. Advisors are expected to maintain the privacy of the records shared with them by the college. These records may not be used for any purpose not explicitly authorized by the college.

ADDITIONAL NOTES

Ozark Christian College students and employees are responsible for knowing the information, policies, and procedures outlined in this document. The college reserves the right to make changes to this document as necessary, and those changes take effect when they are posted online. Check the student or employee portal for the updated versions of all policies and procedures. If government regulations change in a way that impact this document, this document will be construed to comply with government regulations in their most recent form. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

SPECIAL RESOLUTION PROCESS PROVISIONS

AMNESTY FOR COMPLAINANT

The college encourages individuals to report sexual misconduct offenses. Sometimes, individuals are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as drinking at the time of the incident. It is in the best interests of this community that individuals choose to report and that witnesses come forward to share what they know. To encourage reporting, the college offers victims (and witnesses) of sexual violence amnesty from policy violations related to the incident. The college may provide educational and/or supportive options to those who offer their assistance to others in need.

ATTEMPTED VIOLATIONS

In most circumstances, the college will treat attempts to commit any of the violations listed in the sexual misconduct policy as if those attempts had been completed.

CONFLICTS OF INTEREST AND BIAS

The college is committed to ensuring that its resolution processes are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is bias or

conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. Petitions should be made to the Title IX Coordinator.

FALSE REPORTS

The college will not tolerate intentional false reporting of incidents. It is a violation of the Ozark code of student conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

NOTIFICATION OF OUTCOMES

Outcomes in a resolution process are part of an education record of the respondent and are protected from release under a federal law, FERPA. However, the college observes certain legal exceptions:

- Parties in sexual misconduct proceedings have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The college may release publicly the name, nature of the violation and sanction for any person found in violation of a college policy that is a "crime of violence," including: arson; burglary; robbery; criminal homicide; sexually violent offenses; assault; destruction, damage, vandalism of property; intimate partner violence; stalking; and kidnapping/abduction. Any information that could lead to the identification of the complainant will not be released.

NOTIFICATION OF PARENTS

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or violation of this sexual misconduct policy. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

PAST SEXUAL HISTORY/CHARACTER

Past sexual history/character of a party will not be admissible by the other party in the proceedings unless such information is highly relevant, (such as, pertaining to past or subsequent interactions between the parties that offer context, establishing a pattern of behavior, and/or predatory conduct).

RECORDKEEPING

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator indefinitely in the electronic Title IX Coordinator database.

TRAINING FOR THOSE IMPLEMENTING THESE PROCEDURES

Personnel tasked with implementing these procedures, e.g.: Title IX Coordinator, Deputy Coordinators, investigators, adjudicators, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings, and determine appropriate sanctions in reference to this sex-based offenses policy and procedures, confidentiality, and privacy; and applicable laws, regulations, and federal regulatory guidance.

COLLEGE-INITIATED PROCEEDINGS

As necessary, the college reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of sexual misconduct offenses.

WITNESS PARTICIPATION IN AN INVESTIGATION

Witnesses are expected to cooperate with and participate in the college's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in the process.

ADDITIONAL FEDERAL OBLIGATIONS

ANNUAL SECURITY REPORT (ASR)

In addition to Title IX requirements, the Clery Act requires the college to submit an Annual Security Report with only statistical data concerning crimes in the past year. Several campus employees are designated Campus Security Authorities and have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes. Personally identifiable information is confidential, but statistical information must be passed along to campus public safety regarding incident type and location (on or off-campus, in the surrounding area) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime.

FEDERAL TIMELY WARNING REPORTING

Individuals reporting a sexual misconduct offense should be aware that college 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 college will 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.

SEXUAL VIOLENCE PREVENTION EDUCATION

The college takes measures to provide a safe campus environment for its students and employees. We offer prevention and awareness programs to promote awareness of sexual violence. Ongoing annual training is also presented and monitored to encourage participation. The programs include:

- Biennial review of the Ozark Christian college Sexual Misconduct Policy which prohibits all forms of sexual violence and harassment, as stated in the student and employee handbooks;
- Title IX compliance training
- Bystander intervention training
- Recognizing signs of abusive behavior
- Alcohol and drug abuse prevention program

SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES

I. GENERAL PRINCIPLES

A. Applicability

These Complaint Resolution Procedures apply to the resolution of all complaints under the Sexual Misconduct Policy. They apply to the resolution of complaints against all members of the college community, and they are the exclusive means of resolving complaints of sexual misconduct.

B. Administration

For purposes of these Complaint Resolution Procedures, “Investigating Officer” means the Title IX Coordinator, Deputy Title IX Coordinator, and/or their designee(s). The Investigating Officer shall have responsibility for administering these Complaint Resolution Procedures and may consult with other counsel as needed.

C. Promptness, Fairness, and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these Complaint Resolution Procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a Complainant, Respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall designate another appropriate individual to administer these procedures.

D. Training

These procedures will be implemented by officials who receive annual training on the issues related to sexual misconduct, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

E. Participation

All members of the college community are encouraged and expected to fully cooperate with any investigation and resolution under these Complaint Resolution Procedures. College employees who fail to cooperate and/or participate will face discipline, up to and including termination. In the event an alleged victim refuses to participate under these Complaint Resolution Procedures, the college may proceed as a Complainant. If a Respondent refuses to participate, the Complaint Resolution Procedures will be completed despite the Respondent’s lack of participation and may result in a finding of misconduct *in absentia*.

II. INITIATION OF PROCESS

A. Timing of Investigation and Resolution

The college will strive to conclude its investigation and resolution of the complaint in a timely manner. Both the Complainant and the Respondent will be given periodic updates regarding the status of the investigation. If either the Complainant or Respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed.

B. Complaints Involving Multiple Parties

In most cases, a complaint will involve a single Complainant and a single Respondent. To the extent there are multiple Reporting Parties making complaints against a single Respondent, or a single Complainant making complaints against multiple Responding Parties, each complaint will be addressed separately under this Complaint Resolution Procedures unless the complaints arise from the same transaction of facts. To the extent multiple complaints arise from the same transaction of facts, the Investigating Officer, in consultation with the Title IX Coordinator, may merge the complaints into a single investigation and

resolution process. Similarly, where the Respondent makes a reciprocal allegation of sexual misconduct or where the Complainant later makes additional allegations that relate to the original complaint, the Investigating Officer, in consultation with the Title IX Coordinator, may combine all related and relevant allegations of sexual misconduct into one investigation and resolution process.

C. Notification to the Respondent

Once a complaint is received by the Investigating Officer, the Investigating Officer will promptly notify the Respondent and provide the Respondent with the opportunity to review a copy of the written complaint. Written notice to the Respondent will include the identities of the parties involved, the specific provisions of the Sexual Misconduct Policy allegedly violated, and the alleged conduct, including information about the date and location of the alleged incident.

D. Selection of Process

The Investigating Officer will communicate with each party, separately, to discuss the pertinent avenues for resolution as set forth below. Considering the parties' wishes and other circumstances, the Investigating Officer will then determine whether the complaint will be resolved through informal or formal process. The Investigating Officer will then notify the parties of the process to be used.

III. INFORMAL RESOLUTION

A. Nature of Informal Resolution

Informal resolution is a process by which the Investigating Officer, working alone or in concert with other appropriate college administrators (such as a supervisor if the parties are employees), attempts to resolve a complaint to the mutual satisfaction of both the Complainant and Respondent. Informal resolution may include, but is not limited to, mediation, agreed-upon separation of the parties, referral of the parties to their respective counseling programs, agreed-upon educational or training programs for one or more of the parties, the agreement of a party to apologize for their conduct, and other agreed-upon remedial measures which may include agreed upon forms of discipline. Although informal resolution may involve some investigation by the Investigating Officer in order to understand the background of the complaint, informal resolution is not intended to reach a formal determination as to whether or not sexual misconduct occurred, unless the Respondent admits to the conduct at issue.

B. When Informal Resolution May Be Used

Informal resolution is intended to resolve complaints quickly and collaboratively. However, not all complaints are amenable to informal resolution. The Investigating Officer may determine that informal resolution is not appropriate in some circumstances, such as where informal resolution has failed between two parties in the past, the resolution sought by one party is of a type that cannot be achieved through informal resolution, where the conduct is particularly serious, or where the Respondent is accused of a pattern of misconduct.

Both parties must agree to use informal resolution. If either party does not wish to use informal resolution, formal resolution will be used. Both parties have the right to end informal resolution at any time and insist upon formal resolution. Similarly, if the Investigating Officer determines that efforts at informal resolution have been unsuccessful and have no prospect for success, the Investigating Officer may convert the matter to formal resolution, irrespective of the parties' wishes.

C. Documentation of Informal Resolution

If the parties reach agreement on an informal resolution, the Investigating Officer, in consultation with the Title IX Coordinator and other appropriate college administrators, will review the resolution and may reject it, approve it, or require modifications prior to approval. In the event the Investigating Officer approves the resolution, the Investigating Officer will prepare a written memorandum setting forth the terms of the resolution. The Investigating Officer will present the written memorandum to the parties for their review and signature. The Investigating Officer will then provide the parties with simultaneous

written notification that the case has been resolved pursuant to informal resolution. The Investigating Officer may transmit a copy of the written memorandum to other college administrators or employees whose involvement is necessary to effectuate the resolution and/or for inclusion in appropriate personnel files.

D. Monitoring of Implementation

In the event the terms of an informal resolution require future action or inaction, the Investigating Officer may monitor the implementation of the informal resolution and maintain jurisdiction over a particular complaint until the terms of the informal resolution are satisfied. In the event the terms of the informal resolution are not satisfied, the Investigating Officer, after consulting with the Title IX Coordinator, may reactivate the complaint and immediately commence its resolution under the formal process.

E. No Right of Appeal

Because it is collaborative and must be agreed to by both parties, there is no right to appeal the outcome of an informal resolution.

IV. FORMAL RESOLUTION

A. Nature of Formal Resolution

Formal resolution is a process by which a formal determination is made as to whether sexual misconduct occurred. If a finding is made that sexual misconduct occurred, formal resolution will also result in a decision regarding disciplinary action to be taken against the perpetrator, as well as remedial measures that may be necessary to remedy the effect of the sexual misconduct on the victim. Unlike informal resolution, formal resolution involves an in-depth investigation and determination of facts under a preponderance of the evidence standard. The formal resolution process is the same regardless of whether the alleged perpetrator is a student, faculty member, or non-faculty employee/other member of the college community. The appeal processes, however, differ depending on the identity of the alleged perpetrator.

B. Rules of Evidence

Formal rules of evidence do not apply in any of the formal resolution processes specified below. Nonetheless, evidence that is irrelevant or whose prejudicial effect substantially outweighs its probative value may be excluded from consideration. A Complainant's irrelevant sexual history will be excluded from consideration.

C. Timing of Investigation

The Investigating Officer will conduct investigations in a way that facilitates the resolution of complaints in a timely manner. The timing of investigation activities may be impacted by the unavailability of parties or witnesses, scheduling conflicts, intervening breaks, prior attempts at informal resolution, the complexity of a case, and the need to avoid interference with a pending law enforcement investigation. The investigator will provide updates regarding the timeline of the investigation to the parties throughout the course of the investigation.

D. Formal Resolution Process

1. Investigating Officer

The Title IX Coordinator may assign a designee to serve as the Investigating Officer at his or her discretion.

2. Application of Code of Student Conduct

Where the Respondent is a student, complaints of sexual misconduct shall be investigated and resolved pursuant to this Policy. Parties' right to appeal in cases in which the Respondent is a student are outlined below and are consistent with the right to an appeal hearing outlined in the Student Conduct Process.

3. Complainant

Only the alleged victim or the college (acting pursuant to the Sexual Misconduct Policy) may act as a Complainant. In the event the college acts as a Complainant, it will designate a specific individual (typically an administrator) to participate on its behalf.

4. Investigation

Once the case is identified for formal resolution, the Investigating Officer will conduct an investigation to gather information and statements from witnesses and other sources. The investigation will involve interviews with the Complainant, Respondent and witnesses and the collection of non-testimonial information and/or materials, such as email, text messages, security camera footage, and the like. Witnesses and information and/or materials may be identified and/or submitted by the parties or independently gathered by the Investigating Officer. The Investigating Officer may decline to interview witnesses or collect information that the Investigating Officer deems irrelevant. The scope of the investigation shall be at the discretion of the Investigating Officer. Throughout the investigation, the parties will have those rights specified in the Sexual Misconduct Policy.

The Investigating Officer will prepare a written investigation report summarizing the allegations of sexual misconduct, the scope of the investigation, the information collected, and appending any statements or summaries of statements or interviews provided. The investigation report will include findings of fact and the basis for those findings, and a determination about whether a Policy violation more likely than not occurred. If necessary, the Investigating Officer will attach an addendum with sanctions and remedial measures. Information will be redacted, as appropriate, when the information affects one party but not the other. The Investigating Officer will provide written notices of outcome to the parties and will enclose the investigation report and addendum, if any.

E. Appeals

1. Appeals

Both the Complainant and Respondent, have the right to appeal the finding as to whether or not sexual misconduct occurred and/or the discipline imposed. Appeal procedures differ depending on the status of the Respondent.

2. Appeal Process – Student Respondent

In order to appeal, the aggrieved party must submit a written statement of appeal to the Student Affairs Office within ten (10) business days of receiving the notice of outcome of the investigation. The written statement must include the ground for appeal and describe the basis for it in detail. The Student Affairs Office will provide a notice of appeal being filed to the non-appealing party.

The grounds for appeal are limited to the following:

- The discipline imposed is too severe or too lenient.
- New information, previously unavailable, would have resulted in different discipline.
- Material and prejudicial violation of procedural rights occurred that affected the determination of the discipline.

In the event the written statement of appeal fails to state a permissible ground for appeal and/or does not describe the basis for the appeal, the appeal may be summarily dismissed. Upon receiving a valid appeal, the Student Affairs Office will prepare the matter for a Conduct Committee. The Conduct Committee will review the appeal and the investigation file. The Conduct Committee may interview the parties in order to obtain additional information, and, if applicable, will meet with the parties on an equal basis.

The Conduct Committee will resolve the appeal and will provide notice of the appeal decision to the parties. The Conduct Committee will clearly state whether the previous decision was upheld or overturned. The Conduct Committee will provide the Complainant and Respondent with simultaneous

written notification of the outcome of the appeal no later than ten (10) business days after the written notice of appeal was filed. The decision of the Conduct Committee is final.

3. Appeal Process for Complaints Against Administrators, Faculty, Staff, and Third Parties

In order to appeal, the aggrieved party must submit a detailed written statement of appeal to the President or the Executive Vice President of Administration within ten (10) business days of receiving notification of the outcome of the investigation.

An appeal must be based on one or more of the following grounds:

- The discipline imposed is too severe or too lenient.
- New information, previously unavailable, would have resulted in different discipline.
- Material and prejudicial violation of procedural rights occurred that affected the determination of the discipline.

In the event the written statement of appeal fails to state a permissible ground for appeal and/or does not describe the basis for the appeal, the appeal may be summarily dismissed. Upon receiving a valid appeal, the Executive Vice President of Administration will, within three (3) business days, provide a copy of the written statement of appeal to the other party. Thereafter, the party so notified will have ten (10) business days to submit a written response to the appeal to the Executive Vice President of Administration.

The Executive Vice President of Administration will evaluate the written appeal and any written response. Within five (5) business days of receiving the written response (or the time for a written response expiring with no response submitted), the Executive Vice President of Administration will provide simultaneous written notification to the parties of the Compliance Officer's decision. The Executive Vice President of Administration's determination of the appeal is final.

F. Documentation

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer and the Appeals Officer, as appropriate, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings. Upon the conclusion of an investigation, investigation files will be maintained by the Title IX Coordinator.

G. Intersection with Other Procedures

These complaint resolution procedures are the exclusive means of investigating and determining complaints alleging violations of the Sexual Misconduct Response and Prevention Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other college procedures for investigating and determining complaints, these complaint resolution procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Response and Prevention Policy. The findings (as may be modified by any subsequent appeal) are final and binding with respect to any other related college disciplinary proceedings that may be instituted thereafter.

APPENDIX 1: MISSOURI STATE CRIMINAL DEFINITIONS AND PENALTIES

These legal definition links are provided as a service for individuals who wish to report criminal behavior to the Joplin Police Department or Jasper County Sherriff.

In the state of Missouri, sexual violence statutes include domestic assault, rape, statutory rape, sexual misconduct, sexual abuse, sexual solicitation, harassment, and stalking and are found in the Missouri Statutes 565 and 566 (see: <http://revisor.mo.gov/main/Home.aspx>)

CONSENT

In Missouri statute 556.061.14 consent is defined as:

"Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- a. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- b. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- c. It is induced by force, duress, or deception;

DOMESTIC ASSAULT

- Domestic assault, first degree 565.072.
- Domestic assault, second degree 565.073.
- Domestic assault, third degree 565.074.
- Domestic assault, fourth degree 565.076.

SEXUAL OFFENSES

- Rape in the first degree 566.030
- Rape in the second degree 566.031
- Statutory rape, first degree 566.032
- Statutory rape, second degree 566.034
- Sexual misconduct, first degree 566.093
- Sexual misconduct, second degree 566.095
- Sexual abuse, first degree 566.100
- Sexual abuse, second degree 566.101

SEXUAL HARASSMENT

- Harassment, first degree 565.090
- Harassment, second degree 565.091

STALKING

- Stalking, first degree 565.225
- Stalking, second degree 565.227

APPENDIX 2: RIGHTS OF THE COMPLAINANT

An individual reporting a sex-based offense (complainant) has the right to:

- Investigation and appropriate resolution of all credible reports or notice of sex-based offenses made in good faith to college officials;
- Notification in advance, when possible, of any public release of information regarding incident;
- Have no personally identifiable information released to the public, without his or her consent;
- Respectful treatment by college officials;
- Be fully informed and have college policies/procedures followed without material deviation;
- Formal resolution of any reported misconduct involving violence;
- Support from college officials in reporting sex-based offenses;
- Be informed of options to notify law enforcement authorities (and for assistance by campus authorities to notify such authorities), or to not to report, if desired;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- Notification of possible interim measures to redress violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (excludes name of the alleged victim/complainant, who is always revealed);
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Regular updates on the status of the investigation and/or resolution;
- Have report heard by Title IX officers who have received annual sex-based offenses training;
- Preservation of privacy, to the extent possible and permitted by law;
- Meetings and interviews that are closed to the public;
- Bring an advisor of the complainant's choosing to all phases of investigation and resolution;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the college is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

APPENDIX 3: RIGHTS OF THE RESPONDENT

The individual accused of a sex-based offense (respondent) has the right to:

- Investigation and appropriate resolution of all credible reports of sex-based offenses made in good faith to college officials;
- Notification in advance, when possible, of any public release of information regarding report.
- Respectful treatment by college officials;
- Be fully informed and have college policies/procedures followed without material deviation;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- Notification of possible interim measures to redress alleged violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (excludes name of the alleged victim/complainant, who is always revealed);
- Be fully informed of the nature of the reported violation and possible sanctions, policies, and procedures of the campus resolution process, and timely written notice of all alleged violations;
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Have reports heard by Title IX officers who have received annual sex-based offenses training;
- Meetings, interviews, and hearings that are closed to the public;
- Bring an advisor of the respondent's choosing to all phases of investigation and resolution;
- A fundamentally fair resolution, as defined in the sex-based offenses policy and procedures;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- A decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the college is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.