

Sexual Misconduct Policy

GENERAL POLICY:

The Master's University and Seminary (Master's) is committed to creating and maintaining a community where all individuals who participate in Master's programs and activities can work together in an atmosphere free of violence, harassment, discrimination, exploitation, or intimidation. Master's strictly prohibits the offenses of domestic violence, dating violence, sexual assault, stalking and all forms of sexual harassment, discrimination and misconduct.

The Master's University is committed to fostering holiness in the lives of our students, faculty and staff. This includes issues of sexuality. Scripture is clear that any sexual activity outside of marriage between a man and a woman is sin and not to be pursued. Students who engage in sexual activity, even consensually, outside the bonds of marriage, are acting in a manner that violates student conduct standards as described in the student handbook in conjunction with the doctrinal statement of The Master's University. When a member of our community sexually violates another, the University is committed to pursuing investigation and disciplinary actions according to Title IX regulations and delineated in the following policy for sexual misconduct.

All members of the Master's community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate administrator's attention, protective measures will be taken to reasonably ensure that such conduct ends and is not repeated. Remedial measures will be taken to reasonably ensure that the effects on the reporting party and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy is intended to define community expectations and establish procedures for determining when those expectations have been violated.

Master's uses the preponderance of the evidence (also known as "more likely than not") as the standard of proof for whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence," and "burdens of proof" are not applicable, but Master's never assumes a responding party is in violation of University policy. Campus resolution proceedings are conducted to account for the totality of all evidence available, from all relevant sources.

TITLE IX ADMINISTRATOR / DEPUTY COORDINATORS

The Master's Title IX Administrator oversees compliance with all aspects of the Sexual Misconduct Policy. The Administrator reports directly to the Director of Student Services, and is based at the office of Campus Safety on the North Academic Campus. Questions about this policy should be directed to the Title IX Administrator.

Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the Master's Title IX Administrator or one of the Deputy Coordinators listed in this policy:

Chris Powell, Director of Campus Safety; Title IX Administrator; Clery Act Administrator
Campus Safety Business Office: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321 Phone: (661) 362-2208
E-mail: TitleIXAdministrator@masters.edu

Depending on the reporting party's affiliation with the University, a specific Title IX Deputy will be assigned to oversee the investigation.

Title IX Deputy Coordinators for undergraduate and graduate student (or applicant) reporting party:

Dave Hulet, Dean of Men
King Hall: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2832
Email: dhulet@masters.edu

Jenn Kintner, Dean of Women
King Hall: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2831
Email: jkintner@masters.edu

Sabrina Jensen, Campus Nurse
Health Center: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2662
Email: sjensen@masters.edu

Steve Waldeck, Director of Athletics
The MacArthur Center: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2767
Email: swaldeck@masters.edu

Title IX Deputy Coordinator for The Master's University and Seminary faculty, administration and staff:

Kent Haney, Director of Human Resources
Vider Hall: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2844
Email: khaney@masters.edu

Sarah DeWolfe, Human Resources Benefits Manager
Vider Hall: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2843
Email: sdewolfe@masters.edu

Anonymous reports can be made by reporting parties and/or third parties by emailing: TitleIXAdministrator@masters.edu. Note that anonymous reports may prompt a need for the institution to conduct an inquiry.

In the event that an incident involves alleged misconduct by the Title IX Administrator, reports may be made directly to:

Dr. Joseph Keller, Dean of Students
King Hall: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321
Phone: (661) 362-2226
E-mail: jkeller@masters.edu

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
Email: ocr.sanfrancisco@ed.gov

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

As previously stated, consensual sexual activity is in violation of our doctrinal commitments and standards of student conduct; however, for the purposes of this policy a description of Consent is provided.

Consent is sexual permission. Consent can be given by word or action, but nonverbal consent is not as clear as talking about what you want and what you don't want sexually. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity—without actions demonstrating permission—cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn. Additional guidance from the State of California is provided within the California Crime Definitions section of this policy on “Consent.”

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

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

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, which will likely result in removing the employee from the supervisory or evaluative responsibilities, or shifting the student out of supervision or evaluation by someone with whom they have established a consensual relationship. This includes Resident Advisors (RAs) and students over whom they have direct responsibility. While no relationships are prohibited by *this* policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee as

specified in the employee handbook.

FEDERAL COMPLIANCE OBLIGATIONS

The Master's University is required to operate in compliance with applicable federal and state non-discrimination laws and regulations in conducting its programs and activities and in its employment decisions. Such laws and regulations include, but are not limited to:

1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color and national origin in the programs and activities of the University. This policy of non-discrimination also complies with the Internal Revenue Service Revenue Ruling 71-447 required to maintain the University's tax-exempt status.
2. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, race, religion, color or national origin.
3. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the recruitment and admission of students, the recruitment and employment of faculty and staff, and the operation of its programs and activities.
4. The Americans with Disabilities Act of 1990 (Public Law 101-336), the purpose of which is to afford the disabled equal opportunity and full participation in life activities and to prohibit discrimination based on disability in employment, public service, public accommodations, telecommunications and transportation.
5. The Age Discrimination Act of 1975, which prohibits age-based discrimination against persons of all ages in programs and activities of the University.
6. The Age Discrimination in Employment Act of 1967, which prohibits discrimination against persons aged 40 and over regarding employment decisions.
7. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), which requires Universitys and universities across the United States to disclose information about crime on and around their campuses. The Clery Act is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.
8. Title IX of the Education Amendments of 1972, which prohibits all forms of discrimination on the basis of sex (including sexual harassment) in programs and activities of the University. Title IX is enforced by the Office for Civil Rights.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

As a religious educational institution, Master's is exempted from certain provisions of the above laws and regulations relating to discrimination on the basis of religion.

FEDERAL CRIME DEFINITIONS:

For the offenses of domestic violence, dating violence, sexual assault, and stalking, such statistics shall be compiled for the campus Annual Security and Fire Safety report (Clery Act report) in accordance with the federal crime definitions used in section 4002(a) of the Violence Against Women Act of 1994.

Domestic Violence (42 USC § 13925): The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Sexual Assault (42 USC § 13925): The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal or State law, including when the victim lacks capacity to consent.

Dating Violence (42 USC § 13925): The term “dating violence” means violence committed by a person

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim, and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship
 - (ii) The type of relationship
 - (iii) The frequency of interaction between the persons involved in the relationship.

Stalking (42 USC § 13925): The term “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.

CALIFORNIA CRIME DEFINITIONS:

This section is included to provide community members with State of California laws related to sexual misconduct, including but not limited to, the definition of consent in relation to sexual offenses, domestic violence, dating violence, sexual assault and stalking.

Consent: Consent is an affirmative, unambiguous and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

Consent in California Penal Code includes: “For the purposes of this policy, the age of consent is consistent with 261.5 PC. Additional information on ‘consent’ may be found in 261.6 PC and 261.7 PC, for purposes of prosecution under 261 PC, 262 PC, 286 PC, 262 PC, 288a PC, and 298 PC.”

Domestic Violence: This is defined as using force or violence against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship. Domestic Violence in California Penal Code includes: 243(e)(1) PC; 273.5 PC; 262 PC; 422 PC; 273d PC; 273a PC; 368 PC.

Dating Violence: Under California law, dating violence is covered by the definition and statutes of domestic violence when the act constitutes a crime and is committed by a person in an “intimate relationship” with the individual. Dating Violence in California Penal Code includes: Refer to Domestic Violence laws.

Sexual Assault: This occurs when physical sexual acts are performed without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threats, intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication). Sexual Assault in California Penal Code includes: 243.4(d)(1) PC; 243.4(a) PC; 261 PC; 261.5 PC; 262 PC; 266c PC; 289 PC; 286 PC; 288(a). A conviction of sexual assault may result in the requirement to register as a sex offender under 290 PC for the rest of one’s life.

Stalking: This is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others. Punishment ranges from misdemeanor to felony offense. Stalking in California Penal Code includes: 646.9 PC.

ADDITIONAL SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct (purpose or intent is not an element of sexual harassment).

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Administrator or Deputy Coordinator. Remedies, education and/or training will be provided in response.

Individuals engaged in sexual harassment may be disciplined when their actions take the form of quid pro quo harassment and/or retaliatory harassment and/or create a hostile environment.

A hostile environment is created when sexual harassment is sufficiently severe or persistent or pervasive and objectively offensive, so that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s educational [and/or employment], social and/or residential programs.

Quid Pro Quo Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person having power or authority over another. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance. This includes when submission to such conduct would be a condition for receiving the benefits of any educational or employment program.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- without consent and/or by force.

3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- without consent and/or by force.

4. SEXUAL EXPLOITATION

Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit or for the benefit or advantage of anyone other than the one being exploited, and if the behavior does not otherwise constitute one of other sexual misconduct offenses.

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent.

Coercion: Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition nonconsensual, but nonconsensual sexual activity is not by definition forced.

This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or the influence of rape drugs. Incapacitation is defined as a state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (i.e., to understand the "who, what, when, where, why or how" of their sexual interaction). Use of alcohol or other drugs will never function to excuse any behavior that violates this policy. (Possession, use and/or distribution of any of these substances, including

Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>). For reference to the pertinent criminal statutes on sexual misconduct offenses, please see the Federal Crime and California Crime Definitions section of this policy.

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other community members of educational or employment access, benefits or opportunities on the basis of sex or gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Student Handbook);
- Bullying, defined as repeated and/or severe aggressive behavior, likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally: that is, speech or conduct not otherwise protected by the 1st Amendment;
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship with each other;
- Stalking (1 and 2)
 - Stalking 1 is:
 - A course of conduct
 - Directed at a specific person
 - On the basis of actual or perceived membership in a protected class
 - That is unwelcome, AND
 - Would cause a reasonable person to feel fear
 - Stalking 2 is:
 - Repetitive and menacing
 - Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- Any other University policies may fall within this section when a violation is motivated by the actual or perceived sex or gender of the reporting party.

RETALIATION:

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity subject to limitations imposed by the 1st Amendment. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of University policy.

Master's prohibits any form of retaliation against a reporting party. No member of the Master's community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who

files a complaint, serves as a witness, or assists or participate in a proceeding in any manner. Any allegations of retaliation will result in an immediate investigation and appropriate action and should be reported to a Title IX Administrator or Deputy Coordinator.

SANCTIONS:

The following sanctions may be imposed upon any member of the community found to have violated the Sexual Misconduct Policy. Factors considered in sanctioning may be further defined in the Student Handbook, Faculty Handbook, and Employee Handbook. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

Student Sanctions (listed below and defined in the Student Handbook)

- Reprimand
- Fines
- Work details
- Required counseling
- Probation
- Suspension
- Expulsion from the residence halls or from the institution
- Withholding diploma
- Revocation of degree
- Transcript notation
- Other actions

The decision-making body reserves the right to lessen or broaden any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

CONFIDENTIALITY AND REPORTING OF OFFENSES UNDER THIS POLICY

All University employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality (meaning they are not required to report actual or suspected discrimination or harassment to appropriate University officials), thereby offering options and advice without any obligation to inform an outside agency or individual unless a reporting party has requested information to be shared. Other resources exist for a reporting party to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the University:

CONFIDENTIAL REPORTING

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

- On-campus:
 - Members of the pastorate/chaplains working within the scope of their licensure or ordination
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors

- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger or abuse of a minor. On-campus members of the pastorate/chaplains working within the scope of their licensure or ordination are strongly encouraged to submit timely, anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

FORMAL REPORTING OPTIONS:

All University employees (including student employees) have a duty to report, unless they fall under the “Confidential Reporting” section of this policy. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Administrator or Deputies. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, or human subject research do not provide notice that must be reported to the Administrator or Deputies by employees. Remedial actions may result without formal University action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Administrator or Deputies, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community but will not otherwise pursue formal action. A reporting party has the right and can expect to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Additionally, anonymous reports can be made by reporting parties and/or third parties by emailing TitleIXAdministrator@masters.edu. Note that these anonymous reports may prompt a need for the institution to investigate. Reports to the Title IX Administrator or Deputies can be made via email, phone or in person. See the contact information listed in this policy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of University policy and can be subject to disciplinary action for failure to comply with University policies.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials—those deemed Campus Security Authorities—have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Safety regarding the type of incident and its general location (e.g., on or off-campus, in the surrounding area, etc.) 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, to ensure greater

community safety. Mandated federal reporters include Master's Student Care, Campus Safety, local police, coaches, athletic directors, residence life staff, student activities staff, Human Resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

FEDERAL TIMELY WARNING REPORTING OBLIGATIONS

Victims of sexual misconduct should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a reporting party'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.

TRAINING OF OFFICIALS

The investigation and any hearing for incidents of sexual misconduct will be conducted by campus officials who receive training in how to identify these offenses, conducting an investigation, and how to conduct a hearing process that protects the safety of reporting party and promotes accountability. The process will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or accused.

INVESTIGATION AND RESOLUTION PROCEDURES

Master's considers all forms of sexual misconduct a serious violation of biblical principles and institutional policy and uses formalized procedures to prevent, correct and discipline any violation of these policies. The biblical principles and policy guidelines that inform this process and additional student disciplinary processes may be found within the Student Handbook.

DEFINITIONS

1. Reporting Party: In this process, the person alleging a violation of policy is referred to as the reporting party.
2. Responding Party: In this process, the person who is alleged to have violated campus policy is referred to as the responding party or respondent.
3. Complaint: A complaint is an allegation that a student or employee has been subjected to discrimination or sexual harassment.

OVERVIEW OF REPORTS CONCERNING DISCRIMINATION AND/OR HARASSMENT

The University does not permit discrimination in its programs and activities on the basis of race, color, national origin, sex, disability, veteran status, age, or any other characteristic protected by University policy. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in these policies and report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the University will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation will determine whether the University nondiscrimination policy has been violated. If so, the University will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

The University aims to bring all allegations to a resolution within a 60-business-day time period, which can be extended as necessary for appropriate cause by the Title IX Administrator or Deputies with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter. The Title IX Administrator or Deputies engage in a preliminary inquiry that is typically 1-3 days in duration. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations, with the University commonly aiming for a completion window of 10-14 days. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which the University aims to complete in 10-14 days from the end of the investigation. A failed informal resolution which triggers a formal resolution may require the University to extend this timeline accordingly. From there, appeals may be requested, with a three-day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal request and another 7-10 days for a final resolution to be reached. In rare cases where a remanded decision results in a new hearing, the results of that hearing can be appealed once, which would typically add another 10-14 days to the final results.

The reporting party and the community must work together to prevent further violations. The University will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Education for the community
- Altering the housing situation of the responding party (resident student [or the reporting party, if desired])
- Altering work arrangements for student employees
- Academic issues such as (but not limited to) altering academic schedules, missed classes or exams, requesting extensions regarding coursework
- Changing the respondent course schedule as needed
- Access to academic support
- Implementing contact limitations between the parties

Master's may provisionally suspend a student, student employee or organization pending the completion of an investigation and resolution, particularly when, in the judgement of the Title IX Administrator or Deputies, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases for which an interim suspension is imposed, the responding party will be given the opportunity to meet with the Title IX Administrator or Deputies prior to such suspension being imposed, or as soon thereafter as reasonably possible, to explain why they believe the suspension should not be implemented. The Title IX Administrator and Deputies have discretion to implement or stay an interim suspension and to determine its condition and duration.

Violation of an interim suspension under this policy is grounds for expulsion from Master's or termination of student employment. During an interim suspension a student or student employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Administrator or Deputies, this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Administrator or Deputies, alternative coursework options may be pursued (in consultation with the Department of Academic Affairs) to ensure as minimal an impact as possible on the responding party.

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

Formal and Informal Resolution Procedure for Reports of Misconduct

This procedure applies to any member of the University community (faculty, student, staff and administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including faculty, students, staff, administration, guests, visitors, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, faculty and employee handbooks.

Informal Resolution

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, staff or administrators. The person impacted should keep a written log that can aid in future investigation and resolution. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Office of the Title IX Administrator or Deputies will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The University does not require an impacted party to contact the person involved or that person's supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

Formal Resolution Process for Reports of Misconduct by Students

The Office of Student Care is designated to formally investigate reports of discrimination and/or harassment by students, to address inquiries and to coordinate the University's compliance efforts regarding reports of misconduct by students, regardless of the University role of the reporting party (e.g., student, faculty, staff, guest or visitor). The University will act to end the discrimination and/or harassment, prevent its recurrence, and remedy its effects on the reporting party and the University community.

Notice of a formal report can be made in person, by phone, via email or in writing to the Title IX Administrator or Deputies.

The following are recommended elements for a report made to the Title IX offices:

- Clear and concise description of the alleged incident(s) (i.e., when and where it occurred)
- Any supporting documentation and evidence
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the responding party and their supervisor
 - This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication used in the course of each effort.
 - If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why.
- The desired remedy sought

- Name and all contact information for the reporting party
- Signature of the reporting party

Upon receipt of a report, the Deputies will confer with the Title IX Administrator on interim action, accommodations for the reporting party (at no cost to the reporting party where possible), or other necessary remedial short-term actions.

If the reporting party wishes to pursue a formal resolution or if the University, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Administrator will appoint trained investigators (typically using a team of two deputies) to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are to be completed expeditiously, normally within 10-14 business days of notice to the Title IX Administrator or Deputies. Investigations may take longer depending on their nature or complexity.

The University's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the University may briefly delay (for several days or weeks) its investigation or resolution process in order to cooperate with law enforcement (e.g., to allow for criminal evidence collection) when criminal charges are being investigated for the incident in question. The University will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, entailing interviews with all relevant parties and witnesses, collection of available evidence and identification of expert sources when necessary.

The investigators or investigation team will take the following steps (not necessarily in this order):

- In coordination with campus partners (e.g., the campus Title IX Team), initiate any necessary remedial actions.
- Determine the identity and contact information of the reporting party.
- Identify the exact policies allegedly violated.
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and which policy violations should be alleged as part of the report.
- If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action.
- Meet with the reporting party to finalize their statement
- Prepare the notice of charges on the basis of the initial inquiry.
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline of ten (10) business days.
- As appropriate, provide regular updates to both the reporting and responding parties throughout the investigation.
- Make a finding, based on a preponderance of evidence (whether a policy violation is more likely than not).
- Present the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or reject all findings.
- Share the findings and update the reporting party on the status of the investigation and the outcome.

At any point during the investigation, if it is determined there is no reasonable cause to believe that a University policy has been violated, the Title IX Deputies, in consultation with the Title IX Administrator, have authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. The reporting party may request from the Title IX Administrator an extraordinary decision to re-open the investigation or to refer the matter to a hearing, which will only be granted by the Title IX Administrator in exceptional circumstances.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision, delivered to the parties without undue delay between the notifications, explains appeals options and procedures and any changes to the results that could occur before the decision is finalized.

In the event that the responding party rejects the findings in part or entirely, the Dean of Students may convene the Appeal Committee for Sexual Misconduct to determine whether the responding party is in violation of the contested aspects of the report. The goal of the appeals hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

Where the responding party is found in violation as the result of a hearing, the Office of Student Care will impose appropriate sanctions for the violation, in consultation with the Title IX Administrator, when applicable.

Participation of Advisors in the Resolution Process

All parties are entitled to one (1) advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter who is both eligible and available. People who will be called as witnesses may not serve as advisors. The parties may choose advisors from outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those trained by the University, and they are not eligible to be trained by the University.

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

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceedings 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 are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt 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, that meeting will typically continue without the advisor present. Subsequently, the Title IX Administrator or Deputies will determine whether the advisor may be reinstated, whether s/he may be replaced by a different advisor or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish the University to share documentation related to the allegations with their advisors. The University will provide a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the University. These records may not be shared with third parties, disclosed publicly or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. Likewise, the parties must notify the investigators at least two (2) business days in advance of any change in advisors during the process. It is the sole responsibility of the parties (not the investigators) to provide any previously disclosed documentation and/or information to advisors. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

REQUESTING AN APPEAL

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Office of Student Care post investigation can be appealed by any party according to the grounds described below. Post hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

All sanctions imposed by the original hearing body will remain in effect during the appeal. A request may be made to the Dean of Students to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that sanctions will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Any party who files an appeal request must do so in writing to the Dean of Students, within 3-5 business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided in person and/or mailed to the local mailing address of the respective party as indicated in University records and emailed to the party's University-issued email accounts. If there is no

local address on file, mail will be sent to the party's permanent address. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The Office of Student Care will share the appeal request with the other party (i.e., if the responding party files an appeal, the appeal is shared with the reporting party, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). A letter will be sent from the Dean of Students to both parties with one of three possible outcomes for the appeal:

1. It may dismiss an appeal request as untimely or ineligible.
2. It may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level.
3. It may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting an appeal must show clear error in the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original hearing.

The ONLY grounds for appeal are as follows:

1. A procedural (not substantive) error occurred that significantly impacted the outcome of the hearing (e.g. material deviation from established procedures, etc.).
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The imposed sanctions fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If the appeal request is remanded to reopen the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level, at the discretion of the Office of Student Care. If the appeal remands to the hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural error cannot be cured by the original hearing officer (as in cases of bias), a new hearing may be required with new hearing officer(s). The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

The procedures governing the hearing of appeals include the following:

- All parties should be promptly informed of the status of requests for appeal, the status of the appeal consideration and the results of the appeal decision.
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued.
- Appeals are not intended to be full rehearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.
- Appeals hearings should defer to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the

- original hearing body merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Dean of Students stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals officer will typically render a written decision on the appeal to all parties within five (5) business days of hearing of the appeal. The appeals officer's decision to deny an appeal request is final.

Additional Notes

Master's students are responsible for knowing the information, policies and procedures outlined in this document. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check the online Student Handbook for the updated versions of all policies and procedures. If government regulations change in a way that impacts this document, this document will be adjusted to comply with government regulations in their most recent form. Reports of misconduct made after the fact may raise issues of policy and procedure application, if policies and procedures have changed. 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

a. University-initiated Proceedings

As necessary, the University reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the reporting party.

b. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding party and is protected from release under a federal law, FERPA. However, the University observes the legal exceptions as follows:

- Parties to nonconsensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed in writing of the outcome, essential findings/rationale, and any sanctions that may result, without condition or limitation, and without substantial delay between notifications to each party.
- The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, the University will not release any information that could lead to the identification of the reporting party.

c. Alternative Testimony Options

For sexual misconduct reports and other reports of a sensitive nature, whether the reporting party is serving as the reporting party or as a witness, alternative testimony options will be given, such as allowing the reporting party to testify apart from the physical presence of the responding party (e.g., by

Skype or phone). While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

d. Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible as evidence from the other party in the investigation or hearing unless such information is determined to be highly relevant. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be reviewed in advance of the hearing by the Dean of Students. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the Dean of Students may supply previous reports of good faith allegations and/or findings to the investigators, the hearing officers, and appeals officer to consider as evidence of a pattern and/or predatory conduct.

e. Witness participation in an investigation

Witnesses are expected to cooperate with and participate in the University'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 a hearing. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype or similar technology if they cannot be interviewed in person. Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

f. Training for those implementing these procedures

Personnel tasked with implementing these procedures (e.g., Title IX Administrator, Deputies or investigators, hearing officer, appellate officer, 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 sexual harassment and discrimination allegations; the University's Sexual Misconduct Policies and Procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

g. Conflicts of Interest and Bias

The University is committed to ensuring that its resolution processes (e.g., investigation, hearing, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest the reason why the petitioner believes the bias or conflict could materially impact the outcome. When the allegation involves a responding party who is an employee, petitions should be submitted promptly to the Director of Human Resources. When the allegation involves a responding party who is a student, petitions should be submitted promptly to the Dean of Students. Such petitions may also be made to the Title IX Administrator or to the University Executive Vice President in the event that the potential conflict or bias involves the Title IX Administrator.

h. Record-keeping

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept on file by the Title IX Deputy Coordinator (Human Resources for employees; Student Care for students) and/or Title IX Administrator.

STATEMENT OF THE RIGHTS OF THE REPORTING PARTY

The rights of the reporting party are as follows:

- The right to investigation and appropriate resolution of all credible reports or notices of sexual misconduct or discrimination made in good faith to University officials.
- The right to be informed in advance of any public release of information regarding the incident.
- The right of the reporting party not to have any personally identifiable information released to the public without his or her consent.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the party so chooses. This also includes the right not to report, if this is the reporting party's desire.
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus safety and other campus officials.
- The right to be notified of available counseling, mental health care, victim advocacy, health care, legal assistance, student financial aid, visa and immigration assistance or other student services for victims of sexual assault, both on campus and in the community.
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others.
- The right to notification of, options for, and available assistance in changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from University support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;

- Exam, paper or assignment rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
 - The right to be fully informed of campus policies and procedures, as well as the nature and extent of all alleged violations contained within the report.
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
 - The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing.
 - The right to be informed of the names of all witnesses who will be called to give testimony, at least two business day prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons. (This does not include the name of the reporting party, which will always be revealed.)
 - The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
 - The right to regular updates on the status of the investigation and/or resolution.
 - The right to have reports heard by hearing and appeals officers who have received annual sexual misconduct training.
 - The right to a panel comprised of representatives of both genders, if a panel is to be used.
 - The right to preservation of privacy, to the extent possible and permitted by law.
 - The right to meetings, interviews and/or hearings that are closed to the public.
 - The right to petition that any member of the conduct body be recused on the basis of demonstrated bias.
 - The right to bring a victim's advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceedings.
 - The right to provide evidence by means other than being in the same room with the responding party.
 - The right to have the University compel the presence of student, faculty and staff witnesses, the opportunity (if desired) to ask questions (indirectly) of all present witnesses (including the responding party), and the right to challenge documentary evidence.

- The right to make or provide an impact statement in writing to the Title IX Administrator or Deputies following determination of responsibility, but prior to sanctioning.
- The right to be informed in writing of the outcome and sanction of the resolution process, without undue delay between the notifications to the parties, and usually within one (1) business day of the end of the process.
- The right to be informed in writing as to when a decision of the University will be considered final (any changes to the sanction must occur before the decision is finalized), to be informed of the right to appeal the (finding and) sanction of the resolution process, and to be informed of the procedures for doing so in accordance with the standards for appeal established by the University.

STATEMENT OF THE RESPONDING PARTY'S RIGHTS

The rights of the responding party are as follows:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to University administrators.
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right to be informed of and have access to campus resources for medical, health, counseling and advisory services.
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions.
- The right to review, at least two (2) business days prior to the hearing, all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
- The right to be informed, at least two (2) business days prior to the hearing, of the names of all witnesses who will be called to give testimony, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons. (This does not include the name of the reporting party, which will always be revealed.)
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process.
- The right to have reports heard by hearing and appeals officers who have received annual training.
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias.

- The right to a panel comprised of representatives of both genders if a panel is to be used.
- The right to meetings, interviews and hearings that are closed to the public.
- The right to have the University compel the presence of student, faculty and staff witnesses, the opportunity to ask questions (indirectly) of all present witnesses, and the right to challenge documentary evidence.
- The right to have an advisor of the responding party's choice to accompany and assist in the campus resolution process.
- The right to a fundamentally fair resolution, as defined in these procedures.
- The right to make or provide an impact statement in writing to the Title IX Administrator or Deputies following determination of responsibility, but prior to sanctioning,
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact and without prejudice;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within one (1) business day of the end of the process.
- The right to be informed in writing as to when a decision of the University will be considered final (any changes to the sanction must occur before the decision is finalized), to be informed of the right to appeal the (finding and) sanction of the resolution process, and to be informed of the procedures for doing so in accordance with the standards for appeal established by the University.

Additional Policy Provisions

a. Attempted Violations

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

b. False Reports

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

c. Limited Amnesty for Reporting Parties and Witnesses

The University community strongly encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many reporting parties as possible choose to report to University officials and that witnesses come forward to share what they know. While policy violations cannot be overlooked, there is

the potential for limited amnesty from any consequences of minor policy violations that come to light as a result of a reporting party's report of sexual misconduct, for the reporting party or those who offer their assistance to others in need.

d. Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk or change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

EDUCATION AND TRAINING PROGRAMS

It is the collective responsibility of the Master's community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, Master's provides primary prevention and awareness programs to students and employees to prevent domestic violence, dating violence (includes rape and acquaintance rape), sexual assault and stalking, in addition to providing ongoing prevention and awareness campaigns for students and faculty.

PRIMARY AND ONGOING PREVENTION AND AWARENESS PROGRAMS AND CAMPAIGNS

- All incoming Master's students, continuing students, and employees are frequently taught the degradation of sexual immorality and the design of abstinence prior to marriage from a biblical worldview. These biblical principles are strategically communicated through student and faculty/staff chapel messages, class lectures and resident hall meetings.
- The Master's community is made aware annually of sexual assault prevention resources, including educational material on risk reduction and bystander intervention available free to all students, faculty and staff upon request by contacting the office of Student Care and Campus Safety. Risk reduction and bystander intervention educational material is also readily available within this policy.
- A DVD program called *Speak Out & Stand Up* raises awareness about sexual assault. This DVD program is available for checkout from the Library, the Office of Student Care, and the Campus Safety Business Office.
- The Human Resources Department requires a two-hour sexual harassment prevention training for all new employees.

BYSTANDER INTERVENTION PROGRAM

A *bystander* is someone who sees a risk to an individual for sexual misconduct and takes steps of positive intervention to prevent it. This training program offers safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking. It includes recognizing situations of potential harm, understanding cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene.

Bystander Intervention Steps:

1. **Recognize when to intervene.** You are not being asked to place yourself in jeopardy to stop a crime in progress. There are many situations that occur prior to the incident of domestic violence, dating violence, sexual assault or stalking that are appropriate for intervention. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.
2. **Consider whether the situation needs attention.** You are encouraged to embrace your biblical responsibility to pay attention to situations that put friends, family and co-workers at risk for incidents of domestic violence, dating violence, sexual assault or stalking.
3. **Decide if there is a responsibility to act.** The following factors are commonly understood to influence a person's willingness to act. These include the presence of other witnesses, the uncertainty of the situation, the apparent level of danger or risk to the individual and the setting of the event. Personal characteristics of the bystander also contribute to a decision to act.
4. **Take Action.** There are a variety of ways to intervene. Some of them are direct, and some of them are less obvious to the perpetrator. Choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. There is no single rule that can account for every situation so use good judgment and always put safety first. Specific actions to take include:
 - Make up an excuse to get him/her out of a potentially dangerous situation.
 - Let your friend or co-worker know that his or her actions may lead to serious consequences.
 - Never leave his/her side, despite the efforts of someone to get him/her alone or away from you.
 - Use a group of friends to remind someone behaving inappropriately that his or her behavior should be respectful.
 - Create a diversion, such as turning on lights or turning off music.
 - Call the authorities when the situation warrants.

RISK REDUCTION PROGRAM

Risk Reduction refers to options designed to decrease perpetration and bystander inaction in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Risk Reduction Tips:

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a nonconsensual sexual act. Suggestions to avoid committing a nonconsensual sexual act are also offered below:

- Establish biblical convictions on issues relating to sexual immorality and personal holiness.
- Hang out with others who share your biblical convictions.
- Make known your limits as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Give serious thought before sharing intimate content, pictures, images and videos with others, even those you may trust.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- Hang out where there are other people and you feel safe.
- Abstain from alcohol and drugs. Your best defense is having a clear mind. If you do not abstain from alcohol and drugs, recognize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Be aware of “date rape drugs” and how they are used. Do not leave your beverage unattended or accept a drink from an open container.
- Establish “buddy systems” with your friends and watch out for one another. Agree to tell each other when you are leaving.
- Always have extra money to get home.
- Have a plan for someone you can call if you need help.
- Do not allow yourself to be isolated with a person you do not know or trust. Travel with a friend or in a group. If you go on a date with someone you do not know very well, tell a close friend what your plans are. Do not be alone with him/her in his/her home, your home or a friend’s home. Be aware of your surroundings at all times.
- Don’t do anything that you don’t want to do just to avoid disagreement, unpleasantness or embarrassment.
- Trust your conscience and act courageously. If you feel uncomfortable, scared or pressured, act quickly to end the situation. Say, “Stop it” and leave or call for help. Use a confident voice and body posture. Look directly at him or her and say “No” in a firm, serious voice. Match your body language to your words; don’t laugh and smile while saying “No.”
- Keep the doors to homes, dorm rooms and cars locked.
- Walk only in lighted areas after dark.
- Know where the phone is located.

These suggestions are not meant to endorse any form of biblical immorality but may help you reduce the risk of being accused of nonconsensual sexual misconduct:

1. Clearly communicate your intentions and give the other person a chance to clearly relate their intentions to you.
2. Understand and respect personal boundaries.

3. DON'T MAKE ASSUMPTIONS about consent, about someone's sexual availability, about whether they are attracted to you, about how far you can go, or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
6. Do not share intimate content, pictures, images and videos
7. Understand that consent to some form of behavior does not automatically imply consent to any other forms of behavior.
8. Silence, passivity or non-responsiveness cannot be interpreted as an indication of consent.

RED FLAG PROGRAM

RECOGNIZE WARNING SIGNS OF ABUSIVE BEHAVIOR AND ATTACK AVOIDANCE

It is important to identify the warning signs of abusive behavior for domestic violence, dating violence, sexual assault and stalking. We will identify these behaviors as “red flags.” Red flags are small signs in a person’s behavior or communication that tell you things are NOT OK. Red flags are things said or done that make you feel the person you are with is not safe or cannot be trusted. A red flag is sometimes described as that feeling inside you that is warning you something isn’t right and to be careful. What constitutes a red flag may differ from person to person, so pay attention to what you think and feel. If something makes you uncomfortable or doesn’t seem right, pay attention and be careful!

It’s a “Red Flag” if the person you are with:

- Has a reputation for being sexually promiscuous.
- Makes suggestive remarks about your clothes or your appearance.
- Ignores, interrupts or makes fun of you.
- Sits or stands too close to you or stares at you.
- Misuses alcohol or uses illegal drugs.
- Tries to get you to use drugs or alcohol.
- Tries to touch or kiss you or gets into your “personal space” when you barely know him/her.
- Wants to be alone with you before getting to know you.
- Gets angry or sulks if he/she doesn’t get what he/she wants.
- Pressures you to be alone together.
- Tries to make you feel guilty for saying “no.”
- Checks your cell phone or email without permission.
- Constantly puts you down.
- Has extreme jealousy or insecurities.
- Has an explosive temper.
- Tries isolating you from family or friends.
- Physically hurts you in any way.
- Acts possessive.

Ways to Say No:

- Say “No.”
- Give a reason.
- Give an excuse.
- Suggest an alternative.
- Avoid or leave the situation.

WHAT SHOULD I DO IF I AM SEXUALLY ASSAULTED?

If you are in immediate danger, call 911. Your first priority should be to get to a place of safety. You should then tell a trusted friend.

Master's encourages prompt reporting of sexual misconduct. The following section outlines the procedures a victim should follow if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred.

Filing a report with Master's will not:

- Obligate the victim to prosecute, nor
- Subject the victim to scrutiny or judgmental opinions.

The adult reporting party of a sexual assault has the choice of whether:

- The investigation should be pursued through the criminal justice system and/or campus grievance proceedings
- Master's will assist the victim in notifying authorities, if s/he so chooses

Assault victims have the right to decline to notify such authorities.

An assault victim, who legally obtains valid orders of protection, no-contact orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court, are encouraged to bring a copy to the Office of Student Care and Campus Safety for evaluation and civil enforcement.

DO I NEED MEDICAL ATTENTION?

For your safety and well-being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases and pregnancy, and to preserve evidence for potential prosecution against the offender.

To preserve evidence, it is best that you do not bathe, shower, or change clothes before a medical exam. Even if you have already bathed, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used as evidence.

Time is a critical factor for evidence collection and preservation. Whether or not you decide to go forward with prosecution of the offender, it's critical for medical professionals to collect forensic evidence within 72 hours of the assault.

WHAT WILL HAPPEN AT THE MEDICAL FACILITY?

First, a sexual assault nurse examiner will interview you to get an account of what happened. The nurse will perform a forensic examination to evaluate injuries and collect physical evidence, which is similar to a gynecological examination. Once the exam is finished, the evidence will be packaged up by the nurse and turned over to the Sheriff's department for processing. Because hospital employees are mandated reporters they will call law enforcement, but victims of sexual assaults are not required to cooperate or participate in the criminal justice system. You may simply decline to speak with law enforcement.

WHO CAN I CONTACT?

Master's seeks to give care and support to victims of sexual misconduct. The following are some institutional, regional and national resources available to every student and employee.

MASTER’S RESOURCES:

Student:

- Los Angeles County Sheriff’s Department: 911
- Campus Safety Department: (661) 362-2500
- Weekend On Call Resident Director: (661) 362-2211
- Associate Dean of Students (Women): (661) 362-2831
- Associate Dean of Students (Men): (661) 362-2832
- Campus Nurse: (661) 362-2662

Employee:

- Los Angeles County Sheriff’s Department: 911
- Campus Safety: (661) 362-2500
- Human Resources Department: (661) 362-2843
- Campus Nurse: (661) 362-2662

COMMUNITY RESOURCES

- Strength United (formerly known as Valley Trauma Center): Rape crisis advocates are available on the 24-hr. hotline (818) 886-0453 or (661) 253-0258. Strength United serves the San Fernando and Santa Clarita Valleys with free or low-cost services, such as individual, family and group counseling. Address: 25115 Avenue Stanford, Suite 122, Valencia, CA 91355-4819. Tel: (661) 253-1772 or (661) 253-0258; fax: (661) 253-2316
<http://www.csun.edu/eisner-education/strength-united>
- (CATS) Center for Assault Treatment Services: CATS is a program of Northridge Hospital Medical Center located in Van Nuys, California. CATS is a 24-hour, seven-day-a-week program for COMPLAINANTS of domestic and sexual assault and child COMPLAINANTS of sexual abuse of all ages in the San Fernando and Santa Clarita Valleys of Los Angeles County, California.
Tel: (818) 908-8632
<http://www.abuse-assaultservices.org>
- Santa Clarita Pregnancy Center: Patient Education: pregnancy options, sexually transmitted disease/infection, sexual self-control, sexual health education and post-abortion care and education. Women’s Health Services: pregnancy testing, ultrasound confirmation of pregnancy, prenatal care referrals, adoption referrals, HIV screening, STD/STI testing and/or referral and STD/STI treatment and/or referral. Men's Health Services: HIV screening, STD/STI testing and/or referral and STD/STI treatment and/or referral. SCV Pregnancy Center Also Offers: life skills education, community resource referrals, post-abortion support groups and educational presentations.
Tel: (661) 255-0082
<http://www.scvpc.org>
- Domestic Violence Center of Santa Clarita Valley:
Tel: (661) 259-HELP (4357)
<http://dvc-scv.com>
- Child Protective Services Abuse Reporting Telephone Numbers:
Tel: (800) 540-4000
<http://www.childsworld.ca.gov/res/pdf/cpsemergnumbers.pdf>

NATIONAL RESOURCES:

- National Sexual Assault Hotline:
Tel: (800) 656-HOPE
<https://rainn.org>

- National Teen Dating Abuse Helpline:
Tel: (866) 331-9474
<http://www.loveisrespect.org>
- Suicide and Crisis Hotlines:
Tel: (800) 784-2433; (800) 273-8255; (800) 799-4TTY
- National Domestic Violence Hotline: Call 24 hours a day, seven days a week. They can help you in more than 100 languages. It is free and private. The National Domestic Violence Hotline links you to the following resources in your community: domestic violence shelters, emergency shelters, legal help and social service programs.
Tel: (800) 799-7233; (800) 799-7233; (800) 787-3224; TDD: (800) 787-3224
<http://www.thehotline.org>