

## **TITLE IX POLICY**

TMUS prohibits discrimination based on sex and is prepared to investigate, adjudicate, and discipline any student and/or employee who commits sexual harassment against another person in TMUS programs and activities within the United States. Anyone who believes he or she has been a victim of sexual harassment is strongly encouraged to notify the Title IX Coordinator.

The Title IX policy is written to provide students and employees with clear and transparent requirements for how TMUS is obligated to respond to sexual harassment so that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fundamental fairness, and TMUS officials serve impartially without bias for or against any party.

Nothing precludes TMUS from vigorously addressing misconduct (sexual or otherwise) that violates TMUS code of conduct standards under other provisions of the student/employee handbooks, or offering supportive measures to individuals impacted by misconduct or trauma even when Title IX and its implementing regulations do not require such actions.

### **REGULATORY INFORMATION**

TMUS is required to operate in compliance with federal and state non-discrimination laws and regulations in conducting its programs and activities and in its employment decisions. Such laws and regulations applicable to the Title IX policy, include but are not limited to:

- Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in programs and activities of TMUS in the United States. “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 includes its implementing regulation at 34 C.F.R. Part 106, as the same may be amended from time-to-time. Title IX is enforced by the Office for Civil Rights.
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) (“Clery Act”), which requires colleges 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.
- The Violence Against Women Reauthorization Act of 2013 as “VAWA” (34 U.S.C. 12291 *et seq*), which amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.
- California Education Code § 67386, which conditioned state funding on adoption of

student safety policies regarding sexual assault, domestic and dating violence, and stalking. Applicable codes include “affirmative consent” and “preponderance of evidence” standards; victim-centered student policies and protocols; sexual assault response protocols; complainant and witness amnesty provisions; trauma informed training program for involved officials; procedures for confidential reporting; prevention and outreach programming for incoming students. TMUS is exempt from certain other provisions of Ed. codes [67380-67386] based on a full-time enrollment of less than 1,000 students.

## **NON-DISCRIMINATION POLICY AND EXEMPTIONS**

TMUS operates in compliance with all applicable federal and state anti-discrimination laws in conducting its programs and activities and is committed to providing a learning and living environment that promotes student safety, transparency, personal integrity, civility and mutual respect.

As a Christian institution, TMUS has applied for and received approval of the regulatory exemption available under Title IX, 34 C.F.R. Section 106.12. The statutory exemption is self-executing as set forth in 20 U.S.C. Section 1681(a) (3). TMUS is also exempt from the non-discrimination restrictions in California Education Code Section 66270 (the “Act”), in accordance with Section 66271 of the Act. In essence, these laws provide that an educational institution controlled by a religious organization within the meaning of Title IX and the Act is exempt from the application of such laws to the extent they are not consistent with the institution’s religious tenets.

The categories of activities from which TMUS is exempt include the following:

- Policies regarding student recruitment and admissions prohibitions on the basis of sex
- Policies regarding rules of behavior, sanctions, or other treatment
- Policies regarding limitation of rights, privileges, advantages, or opportunities
- Policies regarding all shared private spaces (i.e. residence halls, restrooms, locker rooms)
- Policies regarding athletics
- Policies regarding employment, including pre-employment inquiries, recruitment, and discrimination in employment for pregnancy leave, childbirth, termination of pregnancy, sexual orientation, and gender identity
- Policies regarding pregnancy and marital status

In addition to the foregoing items, as a non-profit religious organization, TMUS is exempt from anti-discrimination laws in making hiring or employment decisions for jobs that are “ministerial” in nature. Whether a position is ministerial involves evaluating the functions of the job, including whether the duties primarily consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship. TMUS is also permitted to make employment decisions based on an employee’s conduct or religious beliefs and whether such conduct or belief aligns with TMUS’s religious tenets.

## **TITLE IX COORDINATOR**

TMUS has designated several employees to coordinate its efforts to comply with the responsibilities under this policy, identified respectively as Title IX Coordinator or Deputy Coordinator (interchangeably “Coordinator”).

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Kimberly Wilson, Title IX Coordinator  
TMUS Director of Human Resources  
Address: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321  
Phone: (661) 362-2844 | Email: [TitleIXCoordinator@masters.edu](mailto:TitleIXCoordinator@masters.edu)

Isaias Muñoz, Deputy Title IX Coordinator  
TMS Staff Services Coordinator | Executive Asst. for D.Min.  
Address: 13248 Roscoe Blvd., Sun Valley, CA 91352  
Phone: (818) 909-5742 | Email: [imunoz@tms.edu](mailto:imunoz@tms.edu)

In the event that an incident involves alleged misconduct by the Title IX Coordinator, please contact the Deputy. Anonymous reports of sexual harassment may be given but can prompt a need for a coordinator to reach out to a complainant to inquire into whether he or she wishes to file a formal complaint.

Title IX Complaints may also be filed:

Office for Civil Rights  
U.S. Department of Education  
50 United Nations Plaza <sup>[1]</sup><sub>SEP</sub> San Francisco, CA 94102  
Telephone: (415) 486-5555  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

### **GENERAL RESPONSE TO SEXUAL HARASSMENT**

Once TMUS has actual knowledge of sexual harassment in an education program or activity against a person in the United States, a response must promptly be made in a manner that is not deliberately indifferent. TMUS is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

## **BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

TMUS grievance process requires:

- Equitable treatment of complainants and respondents by providing remedies to a complainant when a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to TMUS's education program or activity, and may include the same individualized services (i.e., "supportive measures"), however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- An objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- Any individual designated as a Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Any person who facilitates an informal resolution process receive training on the definition of sexual harassment, the scope of TMUS's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- Any materials used to train Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment, to the extent these materials are not contrary to the doctrinal statement and religious exemption of TMUS.
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes, and a process that allows for the temporary delay of the grievance

process or the limited extension of time frames for good cause with written notice to the complainant and respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

- A description of the range of possible disciplinary sanctions and remedies that may be implemented following any determination of responsibility.
- The use of a preponderance of the evidence standard to determine responsibility and will apply the same standard for all formal complaints of sexual harassment against students or employees (including faculty) under this Title IX policy.
- Procedures and permissible bases for the complainant and respondent to appeal.
- A description of the range of supportive measures available to complainants and respondents.
- No allowance, reliance, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived that privilege.

### **DEFINITIONS**

**“Sexual harassment”** is conduct on the basis of sex that satisfies *one or more* of the following:

1. An employee of TMUS conditioning the provision of an aid, benefit, or service of TMUS on an individual's participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to TMUS's education program or activity; or
3. **“Sexual assault”** as defined in 20 U.S.C. 1092(f)(6)(A)(v), **“dating violence”** as defined in 34 U.S.C. 12291(a)(10), **“domestic violence”** as defined in 34 U.S.C. 12291(a)(8), or **“stalking”** as defined in 34 U.S.C. 12291(a)(30). These sex offenses are further defined in the “additional” section at the conclusion of this policy.

**“Coordinator”** is an employee designated by TMUS to oversee compliance with the requirements of this Title IX policy (i.e., Title IX Coordinator and/or Deputy Coordinator).

**“Complaint”** is an allegation that a student or employee has been sexually harassed before a formal complaint is submitted.

**“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute

sexual harassment.

“**Consent**” Title IX does not require TMUS to adopt a particular definition of consent with respect to sexual assault, but CA ED. Code does (see additional, at conclusion of this policy).

“**Respondent**” is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

“**Witness**” is an individual who may have information or evidence relative to an investigation.

“**Supportive measures**” are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, or deter sexual harassment.

“**Informal Grievance Process**” is an option for addressing a formal complaint of sexual harassment but does not require adherence to the Title IX formal investigation/hearings/adjudication procedures.

“**Formal Complaint**” is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that TMUS investigate.

“**Formal Grievance Process**” is an option for addressing a formal complaint of sexual harassment that requires adherence to the Title IX formal investigation/hearings/adjudication procedures.

“**Official with Authority**” is an employee with authority to institute corrective measures who has a duty to report sexual harassment to the Title IX Coordinator and trigger a TMUS response.

“**Notice**” occurs when a “Coordinator” or “official with authority” witnesses sexual harassment; hears about sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant’s parent, friend, or peer); receives a written or verbal complaint about sexual harassments or sexual harassment allegations; or is otherwise notified by other means.

“**Preponderance of Evidence**” is the standard of evidence that will be used in TMUS’s Title IX grievance processes to determine responsibility. It is understood to mean, concluding that a fact is “more likely than not” to be true.

## **EMPLOYEE DUTY TO REPORT**

Employees of TMUS, depending on their role, “*must*” “*must only*” or “*may*” report sexual harassment to the Title IX Coordinator and trigger a TMUS response, as follows:

- Officials with Authority “*must*” report sexual harassment to a Coordinator, and include: President, Vice President/Provost, Chief Financial Officer, Human Resources Director, Vice President of Student Life, Dean(s) of Students, Resident Directors, Athletic Director,

Athletic Coaches, Campus Safety Director, Campus Safety Officer.

- Confidential resources “*must only*” with a complainant’s written informed consent, report sexual harassment to a Coordinator.
- All others “*may*” report sexual harassment to a Coordinator but are not under obligation.

The mere ability, or a separate obligation to report sexual harassment, or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of TMUS. “Notice” requires a report of sexual harassment to a Coordinator or “Official with Authority” as defined in this Title IX policy. Irrespective, if anyone reports sexual harassment to a person to whom notice charges TMUS with actual knowledge (i.e, Coordinator or Official with Authority), then TMUS is obligated to respond.

### **CONFIDENTIAL RESOURCES**

Employees working in specific roles as pastoral counselors or professional licensed counselors (i.e. “confidential resources”), when providing informed consent to a complainant of sexual harassment, are exempt from a duty of reporting to a Coordinator and must maintain confidentiality.

The following roles, on and off campus, are confidential resources:

- On-campus:
  - Members of the pastorate or chaplains working within the scope of their licensure or ordination
  - Professional counselors working within the scope of their licensure
- Off-campus:
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains

All of the above offer confidentiality, but only when working within those roles and not in extreme cases of immediate threat or danger or abuse of a minor.

On-campus members of the pastorate/chaplains and other on-campus confidential resources working within the scope of their licensure or ordination are strongly encouraged by the Clergy Act to submit timely, *anonymous*, aggregate statistical information unless they believe it would be harmful to a specific client, patient or parishioner. Clergy reports are submitted to the Director of Campus Safety.

### **PRE-COMPLAINT MEETING**

After receiving notice of sexual harassment, the Coordinator will request a meeting with the complainant to ask questions about the allegations and offer available supportive measures. A complainant will not be forced to come to the meeting and may decline to answer any questions he or she chooses, and still receive supportive measures.

A complainant will be offered a copy of the Title IX Policy and informed of their rights outside of this policy, such as the right to contact law enforcement and pursue criminal charges.

If a complainant desires to file a formal complaint, the Coordinator will outline the options for each grievance process (informal vs formal). If a complainant does not desire to file a formal complaint, the Coordinator will facilitate supportive measures and document any notes on the meeting as a complainant retains the right to change their mind and file a complaint.

### **REQUESTS FOR CONFIDENTIALITY**

The only persons at TMUS who can file a formal complaint to initiate a Title IX grievance process are: (1) the complainant themselves; or (2) the Title IX Coordinator (who is in a specially trained position to evaluate whether a grievance process is necessary under particular circumstances even without a complainant desiring to file the formal complaint or participate in the grievance process).

If a complainant wishes to file a formal complaint the Title IX Coordinator will provide them with the information needed to file a complaint. If a complainant does not wish to file a formal complaint and/or requests confidentiality (in the sense of a complainant's identity not being exposed to the respondent and not launching an investigation) the Title IX Coordinator will offer supportive measures without an investigation being conducted – unless the Title IX Coordinator believes it would be clearly unreasonable in light of known circumstances to *not* to investigate a complainant's allegations against the respondent.

### **SUPPORTIVE MEASURES**

Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to TMUS's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or TMUS's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules,
- Campus escort services (as available)
- Mutual restrictions on contact between the parties

- Changes in work or housing locations (as available)
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures.

TMUS will maintain confidentiality related to the supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of TMUS to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **EMERGENCY REMOVAL**

Nothing in this policy precludes TMUS from removing a respondent from TMUS's program or activity on an emergency basis, provided that TMUS undertakes an individualized safety and risk analysis, determine that an immediate threat to the physical health or safety to any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. TMUS will maintain confidentiality related to emergency removals, provided said confidentiality does not impair TMUS's ability to implement the emergency removals. Unless other exigent circumstances exist, once a decision is made on emergency removal, an appropriate safe exit plan will be developed in consultation with the Director of Campus Safety, Deans and/or the Director of Human Resources, as applicable.

Nothing in this policy precludes Human Resources from placing a non-student employee respondent on administrative leave during the pendency of a grievance process.

### **RETALIATION**

TMUS expressly prohibits retaliation by any person, including TMUS officials, against any person exercising rights under Title IX, and complaints for retaliation may be filed at any time to the Title IX Coordinator.

No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participate or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation as prohibited under this section.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding also does not constitute retaliation; however, a

determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

### **DISCIPLINARY SANCTIONS**

Sanctions may be imposed, singly or in combination, upon a respondent only after a finding of responsibility. Factors considered in sanctioning are further defined in the Student/Employee 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

#### **Range of Employee Disciplinary Measures**

- Suspension, termination, or other disciplinary action as appropriate.
- Removal from the premises or withdrawal of consent to enter or be present on the premises pending the outcome of an investigation and thereafter, if required.
- Notification of security and law enforcement agencies of any threats and violent acts, and initiation of criminal arrests and prosecutions.
- Reassignment/relocation of personnel or job duties, if required.
- Termination of any business relationship.
- Any other action TMUS deems to be necessary or required under the circumstances.

### **FILING FORMAL COMPLAINT**

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of TMUS with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information listed for the Title IX Coordinator in this policy.

Once a complainant signs a formal complaint the Title IX Coordinator will respond to the filed formal complaint by initiating the specific grievance process desired by the complainant (except where dismissal is required).

When a Title IX Coordinator signs a formal complaint, a coordinator is not in an adverse position in relation to a respondent. The Title IX Coordinator is initiating an investigation based

on allegations of which he or she has become aware and does not become a party to the grievance process nor become a complainant.

### PROCEDURES

- A formal complaint must be a *written* document or electronic submission (such as by email or through an online portal provided for this purpose by TMUS), that contains the complainant’s physical or digital signature, to ensure that the complainant is the person filing the formal complaint.
- The complaint must include:
  - A request that TMUS investigate the allegation of sexual harassment,
  - The identity (i.e., name and address) of a complainant must be disclosed,
  - The identity (i.e., name or address, if known) of a person(s) alleged to be responsible for the sexual harassment, and
  - Sufficient details of the alleged harassment *must be included* (i.e., what, when, where, why, how).
- The formal complaint *must be signed* and dated by the complainant alleging sexual harassment against themselves, or by the Title IX Coordinator. Such date shall be the “date of the complaint” for purposes of this policy.

When a grievance process is initiated in situations where a complainant *did not wish* to file a formal complaint and the Title IX Coordinator signed the complaint, a complainant retains the *right to refuse to participate*.

If the case proceeds, the Title IX Coordinator is obligated to send all parties notices during the formal grievance process (e.g., the Title IX Coordinator must send *both parties* written notice of allegations, a copy of the evidence for inspection and review, written notice of interviews requested, a copy of the investigative report, written notice of any hearing, and a copy of the written determination regarding responsibility). The sending of required notices is meant to preserve the right of a complainant to change their mind and participate and is *not meant* to pressure a complainant to participate (and is a requirement of federal law). This practice is equally provided to respondents who choose not to participate in a formal grievance process. This means a complainant and respondents will receive notifications about the formal grievance process even where the complainant and/or respondent do not wish to participate in the process or receive any notifications.

### CONSOLIDATION:

TMUS may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts and circumstances. Where a grievance process involving more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

### NOTICE OF ALLEGATIONS

Upon receipt of a formal complaint, TMUS must provide the following written notice to the parties who are known:

- Written notice of TMUS’s grievance process that complies with this section, including any informal resolution process.
- Written notice of the allegations of sexual harassment potentially constituting sexual harassment (as defined in the Title IX policy), including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involving in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, in known.
- Written notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Written notice that informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- Written notice that informs the parties of any provision in TMUS’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Written notice that informs the parties of other relevant information the Title IX Coordinator believes will assist the parties in preparation for the grievance process.

If in the course of an investigation, TMUS decides to investigate allegations about the complainant or respondent that are not included in the notice provided by this section, TMUS must provide notice of the additional allegations to the parties whose identities are known.

### **DISMISSAL OF A FORMAL COMPLAINT**

TMUS “must” dismiss the formal complaint or any allegations therein for the purposes of sexual harassment under Title IX, if at any time during the investigation or hearing: (1) the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Title IX policy even if proved, or (2) did not occur in TMUS’s education program or activity; or (3) did not occur against a person in the United States.

“Education program and activity” means locations, events, and circumstances in the United States where TMUS exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and includes buildings owned or controlled by student organizations officially recognized by TMUS. The Title IX Coordinator is trained to think through the scope of TMUS’s program or activity for the purposes of Title IX.

TMUS “may” dismiss the formal complaint or any allegations therein, for the purposes of sexual harassment under Title IX, if at any time during the investigation or hearing: (1) a complainant notifies the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein; (2) the respondent is no longer enrolled or employed by the school; or (3) specific circumstances prevent TMUS from gathering sufficient evidence to reach

a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, TMUS must promptly send written notice of the dismissal and reason(s), simultaneously to the parties.

Title IX policy dismissals do not preclude action under another provision of TMUS's code of conduct.

### **INFORMAL GRIEVANCE PROCESS**

After a formal complaint is filed, a complainant may choose to participate in a TMUS facilitated informal resolution process so long as both parties give voluntary, informed, written consent. TMUS will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, TMUS may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.

However, at any time prior to reaching a determination regarding responsibility TMUS may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that TMUS:

- Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- Obtains the parties' voluntary, written consent to the informal resolution process; and
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### **FORMAL GRIEVANCE PROCESS**

A formal complaint must be submitted, and written notice provided to both parties before initiating a formal grievance process under Title IX. The Title IX policy prescribes a consistent, transparent grievance process for resolving formal complaints of sexual harassment.

### **INVESTIGATION**

When investigating a formal complaint and throughout the grievance process, TMUS must:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on TMUS and not on the parties.

- TMUS cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless TMUS obtains the party's voluntary, written consent to do so for a grievance process. If a party is not an eligible student under this policy (i.e., under the age of consent), then TMUS must obtain the voluntary, written consent of a "parent" as defined in 34 CFR 99.3.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. However, TMUS may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which TMUS does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completion of the investigative report, TMUS must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. TMUS must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

### HEARINGS

At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenge

credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of TMUS under the Title IX policy to otherwise restrict the extent to which advisors may participate in the proceedings.

At the request of either party, TMUS must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing and requests TMUS to provide one, an advisor of TMUS' choice will be provided to either party without fee or charge. The advisor will conduct cross-examination on behalf of that party. TMUS assigned advisor(s) are not trained attorneys and will not be able to assist you with complex legal issues related to your case. TMUS advisors are trained to maintain a support and counseling role similar to the role of a Resident Director.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at TMUS's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. TMUS must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

#### *DETERMINATION REGARDING RESPONSIBILITY*

TMUS provides for a determination regarding responsibility following the hearing. Decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility following the hearings process. To reach this determination, the decision-maker(s) must apply the preponderance of evidence standard as described in this policy.

The written determination must include:

- Identification of the allegations potentially constituting sexual harassment as defined in this Title IX policy,
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held,
- Findings of fact supporting the determination,
- Conclusions regarding the application of TMUS's code of conduct to the facts,
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions TMUS imposes on the respondent, and whether remedies designed to restore or preserve equal access to TMUS's education program or activity will be provided by TMUS to the complainant, and
- TMUS's procedures and permissible bases for the complainant and respondent to appeal.

TMUS must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that TMUS provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

### APPEALS

TMUS must offer both parties an appeal from a determination regarding responsibility, and from a TMUS's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter,
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

There are no additional bases for appeal to a determination (or dismissal) under the Title IX policy.

As to all appeals, TMUS must:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties,
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator,
- Ensure that the decision-maker(s) for the appeal comply with the same standards of

impartiality (i.e., without prejudice of the facts, and without bias or conflicts of interest for or against either party) and training set forth for decision-maker(s) in this Title IX policy,

- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome,
- Issue a written decision describing the result of the appeal and the rationale for the result,
- Provide the written decision simultaneously to both parties.

## **ADDITIONAL**

### **ACCESSIBLE FORMAT**

Individuals with disabilities can obtain this policy and/or any associated forms in an accessible format by making a request to the Title IX Coordinator.

### **LIMITED AMNESTY**

In accordance with CA ED. Code 67386, providing that an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of TMUS's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### **CONSENT**

In accordance with CA ED. Code 67386, the following definition of consent will be used in determinations of sexual assault, dating violence, domestic violence, and staking.

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. In evaluating the existence or non-existence of consent, the following additional considerations apply:

It shall not be a valid excuse to allege lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious, or under the age of 18.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The written notice of determination and sanctions will be sent simultaneously by the Title IX Coordinator to the parties along with procedures for an appeal.

### CSA REPORTS (CLERY ACT)

In accordance with the Clery Act, certain campus officials deemed Campus Security Authorities (CSAs), have a separate duty to report certain crimes that occur on campus and on public property surrounding the campus (*without personally identifying information*) to the Director of Campus Safety.

### DELAYS

Temporary delays or extensions in the grievance procedures may occur for good cause (i.e., concurrent criminal investigation; absence of a party, a party's advisor, or a witness; or the need for language assistance or accommodation for disabilities). Delays will be accompanied with written notice to the complainant and respondent of the delay and extensions and the reasons for the action.

### PARENTAL NOTIFICATION/EXERCISE OF RIGHTS

TMUS reserves the right to notify parents/guardians of dependent students in Title IX processes as required by law and/or act on behalf of a "complainant," "respondent," "party," or other individual, including but not limited to filing a formal complaint.

### PAST SEXUAL BEHAVIOR

Title IX provides rape shield protections for complainants, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless: (1) offered to prove that someone other than the respondent committed the alleged misconduct; or, (2) offered to prove consent. All such information sought to be admitted in Title IX proceedings will be presumed irrelevant, and any request to overcome this presumption by either party will need to be made in writing prior to the convening of the outcome committee.

TMUS must record or transcribe hearings, making the recordings available to the parties for review in keeping with the Title IX policy guidelines. TMUS must maintain records of supportive

measures provided (*if no supportive measures were provided, documentation records must include reasons why such a response was not clearly unreasonable in light of known circumstances*), investigations (*following filing of a formal complaint*), hearings (including recordings), appeals, informal resolutions and the result, and supportive measures, as well as all materials used to train Title IX officials (including those facilitating informal resolutions), for seven years.

### SEXUAL OFFENSES

These offenses meet the Title IX definition of “sexual harassment” (i.e., “sexual assault,” “dating violence,” “domestic violence,” and “stalking”).

1. *“Sexual Assault”* means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. *Beginning with the 2018 data, all offense types previously published in those two categories are now published in one category as Sex Offenses.* Sex Offenses means any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.
  - a) Rape: (Except Statutory Rape) means the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  - b) Sodomy: means Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  - c) Sexual Assault With An Object: means to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
  - d) Fondling: means the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
  - e) Incest: means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
  - f) Statutory Rape: means non-forcible sexual intercourse with a person who is under the statutory age of consent
2. *“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, and
  - iii. The frequency of interaction between the persons involved in the relationship.
3. “*Domestic Violence*” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
4. “*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

#### TRAINING OF TITLE IX OFFICIALS

Title IX Coordinator(s), investigators and decision-makers (and any person who facilitates an informal resolution process) must receive training on a number of topics, including not only policies and procedures, but also how to serve impartially. Any materials used to train these officials, must not rely on “sex stereotypes” and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Materials used to train Title IX officials are publicly available at <https://www.masters.edu/title-ix>.

## **PREVENTION AND AWARENESS PROGRAMS AND CAMPAIGNS**

TMUS offers a wide variety of faith based curriculum and teachings in the context of employment meetings, academic classes, chapel services, athletics, student life events, and extracurricular activities, which encourage students to work, study and live together in an atmosphere free of discrimination based on sex.

It is the collective responsibility of TMUS community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual harassment from occurring, primary prevention and awareness programs are offered to every incoming student and employee to prevent sexual assault, dating violence, domestic violence, and stalking, and in addition provide ongoing prevention and awareness campaigns for students and faculty, as follows:

- All incoming TMUS 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.
- All employees have these training presentations available to them, but employees with a duty to report are required to watch video training presentations on reporting obligations as applicable under Title IX (Coordinator(s), official with authority) and/or the Clery Act (CSA).
- TMUS community is made aware of sexual assault prevention resources, including educational material on risk reduction and bystander intervention which is readily available within this policy.
- The Human Resources Department requires a two-hour sexual harassment prevention training for new employees and supervisors, who must participate in this training every two years (Title VII).

### **BYSTANDER INTERVENTION PROGRAM**

A bystander is someone who sees a risk to an individual for sexual harassment 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.
- Do not do anything that you do not 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; do not 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 harassment:

- Clearly communicate your intentions and give the other person a chance to clearly relate their intentions to you. Understand and respect personal boundaries.
- Do not 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.
- 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.
- Do not take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Do not share intimate content, pictures, images, and videos.
- Understand that consent to some form of behavior does not automatically imply consent to

any other forms of behavior. Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent.

## **RED FLAG PROGRAM**

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 is not 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 does not seem right, pay attention and be careful!

It is 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 does not 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 priority should be to get to a place of safety. You should then tell a trusted friend. TMUS encourages prompt reporting of sexual harassment.

The following section outlines the procedures a victim should follow if sexually assaulted:

Filing a report with TMUS will not:

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

The adult complainant of a sexual assault has the choice of whether:

- The investigation should be pursued through the criminal justice system and/or campus civil rights proceedings
- TMUS 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 or civil court, are encouraged to bring a copy to the Director of 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 is 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.

## **RESOURCES**

TMUS seeks to give care and support to victims of sexual harassment. The following are some institutional, regional, and national resources available to every student and employee.

### **TMUS RESOURCES**

*University:*

- Los Angeles County Sheriff's Department: 911
- Campus Safety Department: (661) 362-2500
- Human Resources Department: (661) 362-2842
- Dean of Women: (661) 362-2831
- Dean of Men: (661) 362-2832
- Campus Nurse: (661) 362-2662

*Seminary:*

- City of Los Angeles Police Department: 911
- Grace Community Security Officer: (818) 909-5777
- Human Resources Department: (661) 362-2842

## **COMMUNITY RESOURCES**

- 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>
- 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: (661) 253-0258  
<https://www.supportnorthridge.org/what-we-support/center-for-assault-treatment-services>
- Domestic Violence Program of the Child & Family Center:  
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/cpsemernumbers.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; TTY: (800) 787-3224  
<http://www.thehotline.org>