LINDENWOOD

UNIVERSITY

TITLE IX SEXUAL HARASSMENT POLICY

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I. INTRODUCTION, SCOPE AND PURPOSE

Lindenwood University (the "university" or "Lindenwood University") is committed to maintaining an environment that is free from sexual discrimination, sexual and gender-based harassment and violence, relationship violence, stalking and retaliation. The university does not discriminate on the basis of sex in matters of education, extracurricular activities, programs, athletics, admissions, housing, services, financial aid, or in the context of employment (collectively, the "programs and employment").

Consistent with the University's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq*.), the University prohibits Sexual Harassment that occurs within its education programs or activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

This policy prohibits Sexual Harassment meeting specific definitions according to the Title IX regulations. The University also prohibits other sexual misconduct, not falling under specific Title IX regulatory definitions. Such conduct may include Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking that occurs outside of the University's Education Programs or Activities or outside the United States; or unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but is otherwise prohibited by the University. The term sexual misconduct is used throughout this policy as a term to refer to such conduct that may be prohibited by the University and addressed through other University procedures.

Administrators, faculty member, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of University discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from University property; cancellation of contracts; and any combination of the same.

The University will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's Education Programs or Activities.

The university seeks to create a supportive climate that will encourage individuals to report incidents of Sexual Harassment.

This policy applies to Sexual Harassment that occurs within the University's Education Programs or Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education Programs or Activities. Such sexual misconduct may be prohibited by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other University policies and standards if committed by an employee, and will be referred to the appropriate University administrators and procedures.[1] In addition, complaints of sex discrimination regarding materially adverse action on the basis of sex or pregnancy discrimination are prohibited by the University's Notice of Non-Discrimination.

This policy also does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University's Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other University policies and standards if committed by an employee.

The procedures outlined in this policy are designed to achieve the following goals:

- Provide prompt and equitable supportive measures; and
- Ensure that appropriate steps are followed when Sexual Harassment is reported; and
- Protect the rights of the Complainant, the Respondent, and other parties involved in or affected by the case.

II. DEFINITONS

For the purposes of this policy, the following definitions shall apply:

SEXUAL HARASSMENT is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

[1] Conduct that is initially raised through a complaint under the Title IX Sexual Harassment Procedures may also be addressed under other procedures, in the University's discretion, when: (i) the conduct at issue, or some part of it, may constitute sexual misconduct irrespective of whether it constitutes Title IX Sexual Harassment under this policy; (ii) the Formal Complaint, or some part of it, has been dismissed under the Title IX Sexual Harassment Procedures; or (iii) a final determination of a Formal Complaint has been made under the Title IX Sexual Harassment Procedures and separate or additional action may be necessary to enforce University policies.

A. **"Quid Pro Quo Sexual Harassment"** is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

B. **"Hostile Environment Sexual Harassment"** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's Education Programs or Activities.

C. **"Sexual Assault"** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.[2]

1. "Rape" is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

2. "Sodomy" is 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.

3. "Sexual Assault with an Object" is using 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. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

4. "Criminal Sexual Contact" (formerly fondling) is the intentional touching of another person's clothed or unclothed body parts without consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This definition explicitly

[2] The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

applies when the victim is incapable of giving consent due to age, mental or physical impairment (temporary or permanent).

5. "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri and/or Illinois law.

6. "Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri and/or Illinois law.

D. **"Domestic Violence"** is 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 Missouri and/or Illinois, 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 Missouri and/or Illinois.

E. **"Dating Violence"** is violence committed by a person –

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. Where the existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

F. **"Stalking"** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

"Business Day." Business day means Monday through Friday from 8:00a.m. to 5:00p.m. (CST), except for Lindenwood paid holidays as defined in the Lindenwood Employee Guidebook.

"Complainant." means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

"Confidential." Confidentiality means that information shared by an individual with certain campus or community professionals (such as with confidential resources) *cannot* be revealed to any other individual without express permission of that individual, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor (which requires notifying child protective services and/or local law enforcement).

"Confidential Resource." Confidential resources are those campus and community professionals that *must* keep information confidential shared by an individual without express permission of that individual. These campus and community professionals include clergy, physicians, and mental health providers, all of whom have privileged confidentiality that has been recognized by the law of Missouri and/or Illinois.

"**Formal Complaint.**" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

"**Privacy."** Privacy generally means that information related to a report made under this policy will only be shared with a limited number of individuals who "need to know" in order to assist in the active review, investigation, institution of supportive measures, determination of responsibility, and any sanctions as a result of a determination of responsibility concerning the report. While not bound by confidentiality, these individuals are trained and/or instructed to be discreet and to respect the privacy of all individuals involved in the process.

"Reporting Party." A reporting party refers to a third-party individual who makes a report about an incident involving Sexual Harassment on someone else's behalf.

"Respondent." means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

"Retaliation." intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

III. UNDERSTANDING CONSENT AND INCAPCITATION

What is Consent:

- Consent is an affirmative, knowing, and voluntary decision–clearly communicated through mutually understandable words (e.g., saying "yes") and/or actions – to willingly engage in mutually acceptable sexual activity.

- Consent must be given freely, willingly, consciously, and knowingly by each participant to any desired sexual contact.

- Consent may be withdrawn by any consenting party at any time during the sexual activity. Withdrawal of consent must be demonstrated by words and/or actions that indicate a desire to end sexual activity. Once an individual has communicated withdrawal of consent, all sexual activity must end.

When is there NOT Consent:

- When no clear consent (either verbal or nonverbal) is given, there is not effective consent.

- Consent cannot be given by someone who is incapacitated.

- Consent cannot be given if it is done through intimidation, force or coercion.

- A current or previous dating or sexual relationship, by itself, does not constitute consent. Even in the context of a relationship, there must be mutually understandable communication (verbal or nonverbal) that clearly indicates a willingness to engage in sexual activity.

- Consent cannot be inferred from silence, passivity or lack of resistance. Without outward communication or action, consent does not exist.

- Consent cannot be inferred from an individual's attire or physical appearance.

- A verbal "no," even if perceived to be indecisive, constitutes a lack of consent.

- A person is not able to give valid consent if her or she is under the age of 17.

- A person is not able to give valid consent if his or her physical condition or disability impairs his or her ability to give consent. A person could lack capacity to give consent for reasons such as voluntary or involuntary consumption of alcohol or drugs, being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

"Force or Coercion." In some situations, an individual's ability to freely, willingly, and knowingly give consent is taken away by another person or circumstances. Examples include, but are not limited to

- When an individual is physically forced to participate. Force is the use or threat of physical violence and/or imposing on someone physically in order to gain sexual access. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. Any sexual activity that is forced is by definition without consent.
- When an individual is intimidated, threatened (perceived or otherwise), isolated, or confined. Such intimidation could involve the use or threat of a weapon.

- When an individual is coerced or unreasonably pressured to participate in sexual activity. When someone makes clear that they do not want to engage in sexual activity, wants something to stop, or does not want to go past a certain point of sexual interaction – continued pressure past that point can be considered coercive behavior. When evaluating coercive behavior, factors such as the frequency, duration, location (isolation of recipient of unwanted contact), and intensity of coercive behaviors will be considered. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

"**Incapacitation."** A person violates this Policy if they have sexual contact with someone they know, or should know, to be mentally incapacitated or to have reached the degree of intoxication that results in incapacitation.

An individual who is incapacitated cannot communicate consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/or physically helpless, unable, unconscious, asleep or unaware that the sexual activity is occurring.

Evaluating incapacitation requires an assessment of how the consumption of drugs and/or alcohol affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, capacity to appreciate the nature and quality of the act, or level of consciousness.

Warning signs that a person may be so impaired by alcohol and/or drugs that they no longer have the capacity to give consent may include, but is not limited to

- Difficulty walking, stumbling, or falling down;

- Being unable to stand or walk without assistance;

- Slurred speech or inability to communicate clearly;

- Inability to focus or confusion about what is happening;

- Vomiting; or

- Combativeness, emotional volatility, or other marked change in demeanor.

The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person in the same position would know or should have been aware of the Complainant's incapacitation. A Respondent cannot rebut a violation of this policy merely by asserting that he, she, or they was/were drunk or otherwise impaired and, as a result, did not know that the other person was incapacitated. Alcohol, drugs, or other intoxicants do not negate or diminish the responsibility of an individual to obtain consent.

"Intimidation." Intimidation is implied or expressed threats or acts that cause fear of harm in another.

IV. DETERMINING HOSTILE ENVIRONMENT SEXUAL HARASSMENT AND STALKING

When determining whether reported conduct constitutes Hostile Environment Sexual Harassment the university will consider any relevant factor which may include, but is not limited to, the following;

- May be committed by or against anyone, regardless of sex, gender, sexual orientation, gender expression, or gender identity;
- May occur between people of the same sex or different sexes;
- Does not have to be "directed at" a specific person or persons to constitute harassment;
- Often includes a power differential between the parties based on differences in age or educational, employment, or social status;
- Some examples of sexual harassment may include, but are not limited to (1) unwelcome touching, kissing, hugging or massaging; (2) pressure for sexual activity; (3) sexual Innuendos or sexual humor; (4) obscene gestures; (5) sex-based stalking; (6) sexually explicit profanity; (7) sexual graffiti, pictures or posters, etc.

When determining whether reported conduct constitutes Stalking the university will consider any relevant factor. Examples include, but are not limited to, the following:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, texts, and messages on online bulletin boards;
- Unwelcome/unsolicited written communications about a person or the person's family, friends, or co-workers;
- Sending/posting unwelcome and/or unsolicited messages with another's username; or

- Implicitly or explicitly threatening physical conduct or any combination of these behaviors toward an individual person.

V. TITLE IX COORDINATOR

The university has designated a Title IX coordinator to oversee all reports of sexual misconduct at the university and to facilitate the university's compliance with Title IX.

The Title IX coordinator may delegate certain responsibilities to the Title IX deputy coordinator(s) or others, as appropriate. The University's deputy Title IX coordinator, if any, is responsible for assisting the Title IX coordinator.

Questions about the applicability of this policy or the university's compliance with Title IX can be directed to the university's Title IX coordinator, or the Office for Civil Rights:

- Title IX Coordinator. Paula R. Stewart, MS., Evans Commons, Room 3030, 209 S. Kingshighway, St. Charles, MO 63301, Ph: 636.255.225, pstewart@lindenwood.edu

- Office for Civil Rights, Kansas City Office, U.S. Department of Education. One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106, Ph: 816.268.0550, OCR.KansasCity@ed.gov.

VI. REPORTING SEXUAL HARASSMENT AND SEXUAL MISCONDUCT

The university encourages all university members to promptly report all incidents of Sexual Harassment as soon as possible in order to maximize the university's ability to respond promptly and effectively. **The university does not, however, limit the time frame for reporting.**

After receiving a report under "Reporting Sexual Harassment," the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls, or could fall within the scope of this policy (see "Scope"); and

- Whether the conduct, as reported, constitutes, or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter under this Policy. The Title IX Coordinator will evaluate the conduct as possible violations of other university policies contained in the Student Handbook or Employee Guidebook. The Title IX Coordinator will consult with the Assistant Vice President for Student Affairs and/or the Associate Vice President of Human Resources (or their designees) to determine a course of action consistent with other universities policies.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see "Supportive Measures"); to discuss and consider the Complainant's wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. The Title IX Coordinator will provide the Formal Complaint form to the Complainant. The Complainant must sign the Formal Complaint to begin the investigation phase.

A Complainant may choose to make a report to the university and may choose to make a report to law enforcement. The Complainant may pursue either or both of these options at the same time. The university will encourage the Complainant to report sexual misconduct to law enforcement. However, the Complainant will not be required to do so. If the Complainant choses to file a complaint with law enforcement, the university will do its best to assist law enforcement where possible and, if the Complainant wishes, the university can help him, her, or them in notifying law enforcement. However, should the matter be subject to both the Formal investigation process and law enforcement, the university will complete its own independent investigation and will not rely solely upon law enforcement investigations and/or conclusions.

A. Reporting Contacts

These designated reporting contacts have been trained to make the reporting party aware of available options and alternatives, to aid the reporting party in making an informed decision as to a course of action, and to enable the reporting party to follow through in that decision. The reporting contacts are private – but not confidential – resources, as defined above. The designated reporting contacts are

- Title IX Coordinator. Paula R. Stewart, MS, Evans Commons, Room 3030, 209 S. Kingshighway, St. Charles, MO 63301, Ph: 636.255.2265, pstewart@lindenwood.edu.

- Vice President, Student Affairs. Dr. Aaron Voyles, Evans Commons 3040, 209 S. Kingshighway, St. Charles, MO 63301, Ph. 636-949-4712, avoyles@lindenwood.edu

- Director of Public Safety & Security. Mike Nelson, 1905 A First Capitol Dr., St. Charles, MO 63301, 636.949.4911, mnelson2@lindenwood.edu

- Vice President for Human Resources (for employees). Dr. Amanda Price, Stumberg Hall, 209 S. Kingshighway, St. Charles, MO 63301, Ph. 636.949.4477, aprice@lindenwood.edu.

Although certain individuals or entities are designated reporting contacts, **all** employees, including but not limited to faculty and staff, who are aware of sexual misconduct are **required** to report the information to the Title IX coordinator unless otherwise designated as a confidential resource.

B. Amnesty

To encourage reporting and participation in the processes under this Policy, individuals who in good faith report Sexual Harassment, participate in an investigation or hearing process, either as a Complainant, Respondent, reporting party, witness, or bystander, will not be subject to disciplinary action by the university for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The university may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

C. Retaliation

The university will not tolerate retaliation against any student, employee, or third party who makes a report of sexual misconduct, participates in an investigation related to a report of sexual misconduct, or participates in a hearing or appeal process relating to such a report. Any incidents of retaliation should be reported to the Title IX coordinator or a designated reporting contact and may be subject to the same investigation, hearing, and appeal process set forth below. The university will take prompt and corrective action against all acts of retaliation.

D. Response Protocol

The university will respond to all reports of sexual misconduct in a timely and effective manner consistent with this policy. In addition

- All university employees who are aware of sexual misconduct, through first-hand knowledge, receipt of a disclosure, or other indirect means, are required to immediately report all known information to the Title IX coordinator (unless otherwise designated as a confidential resource), including the names of the individuals involved, the date and location of the alleged incident, the nature of the report and any supporting evidence and/or documentation, if known.

- The reporting contact will assist the Complainant in getting to a safe place, if necessary. In doing so, the reporting contact will coordinate with Public Safety, or the Title IX coordinator as needed.
- The reporting contact, Public Safety, and/or the Title IX coordinator will encourage the reporting party to seek immediate medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the reporting party agrees to such treatment.

    - **Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking.** If a Complainant is a victim of relationship violence or sexual assault, in particular, time and preservation of evidence may be a critical factor for criminal prosecution or for obtaining an order of protection. If a Complainant is a victim of relationship violence or sexual assault, his, her, or their priority should be to get to a place of safety. In addition, to preserve evidence, do not (a) wash, clean, or change clothes, (b) shower, (c) use sanitary products, (d) use the restroom, (e) touch anything that the accused party may have touched, and/or (f) cover up injuries, if any, with make-up, lotions, or creams.

- The Title IX coordinator will make notifications to appropriate university officials, and, where possible, limit the information provided to such officials by taking the Complainant's preferences into consideration (consistent with the section on privacy and confidentiality). Including informing Public Safety consistent with the University's Clery Act obligations.

- The Complainant will be given the option to file a criminal report with the St. Charles Police Department or another appropriate jurisdiction. A reporting party's decision not to notify the police at the time of the initial report does not preclude the reporting party from filing a criminal report at a later date, provided the conduct is within Missouri's applicable statute of limitations.

- The reporting contact and/or Title IX coordinator will provide the reporting party a copy of available resources both on and off campus, including coordinating with a campus or off-campus counselor.

- The Title IX Coordinator will review the processes and procedures contained in Lindenwood's Title IX Sexual Harassment Policy, including whether the Complainant wishes to file a Formal Complaint.

- If the Complainant files a Formal Complaint, the Title IX coordinator shall provide written notice to the Complainant and the Respondent. The notice shall contain the following:

    - a statement of allegations with sufficient detail; and
    - that the Complainant and the Respondent have a right to an advisor of their choosing throughout the process. The university will appoint an advisor at the end of the investigation phase if the party does not have an advisor of choice; and
    - that the university prohibit knowingly making false statement or knowing submitting false information; and
    - that the parties will have the opportunity to review and inspect evidence; and
    - that the Respondent is presumed not responsible of any allegations.

    - After written notice is provided to the Respondent, he, she, or they shall have sufficient time to prepare to respond to the allegations before any initial interview.

- Resources, including supportive measures, will be made available to the Respondent by the Title IX coordinator.

VII. REQUESTS FOR ANONYMITY OR THAT NO REPORT BE PURSUED

Recognizing that sexual misconduct can include criminal acts that violate the security of the entire campus community, there may be instances where the university has a responsibility to investigate or disclose

information regarding the circumstances related to a specific incident, despite a reporting party's request to the contrary. The university will balance individual and community safety considerations with a reporting party's request, the privacy interests and autonomy of a Complainant, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The university's ability to act to protect the interests of the Complainant and other students is limited by the information provided to it.

Where a Complainant chooses not to file a Formal Complaint, the Title IX coordinator, with input from whatever administrators he or she deems advisable, may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to):

- The seriousness, persistence, or pervasiveness of the sexual misconduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether the Respondent has been arrested and/or charged with a crime;
- Whether there have been other reports of sexual misconduct against the Respondent;
- The right of the Respondent to receive notice and relevant information before disciplinary action is sought;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct;
- Whether the Respondent has a history of arrests or prior conduct violations (at the university or elsewhere) indicating a history of violence or sexual misconduct;
- Whether the Respondent threatened further acts of sexual misconduct or other violence against the Complainant or others;
- Whether the sexual misconduct was committed by multiple individuals;
- Whether a weapon was involved in the incident;
- Whether the Respondent is faculty, staff, and/or under the control of the university;
- Whether the circumstances suggest there is an increased risk of future acts of sexual misconduct; and

- Whether the university possesses other means to obtain relevant information (e.g., security cameras, witnesses, physical evidence, etc.).

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

VIII. PRIVACY AND CONFIDENTIALITY

The difference between confidentiality and privacy is defined in the Definitions section above. Regardless of whether a party is designated as a confidential or private resource, the university seeks to respect the privacy of all parties involved. The university will treat information that it receives in a manner that respects both the Complainant and the Respondent. Recognizing that sexual misconduct can include criminal acts that violate the entire campus community, there may, however, be instances where the university has a responsibility to investigate and/or disclose information regarding the circumstances related to a specific incident. Individual and community safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

A. Employee Reporting Responsibilities

All university staff and faculty who are aware of sexual misconduct are considered responsible employees and are required to report this information to Lindenwood's Title IX coordinator unless otherwise designated as a confidential resource.

B. FERPA

FERPA limits the extent to which the university may disclose personally identifiable information in student records. Whenever it is necessary to comply with FERPA, the university reserves the right to redact or limit information provided under this policy. To the extent any provision of this policy is inconsistent with FERPA, the university will follow FERPA.

C. The Clery Act and Record Keeping

The Clery Act requires the university to maintain anonymous statistical information in the university's daily crime log and Annual Security Report regarding reports of Clery-identified crimes. The information contained in the Clery report tracks the number of Clery-reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident. The university may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. In addition, if a report of a violation of this policy discloses a serious and continuing threat to the campus community as defined in the Clery Act, the university will issue a timely warning notification to the community to protect the health or safety of the community.

At no time will the university release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

IX. SUPPORTIVE MEASURES

After a report of Sexual Harassment, the university will offer reasonable and appropriate measures to facilitate a Complainant's or a Respondent's continued access to university programs and employment. The supportive measures shall not unreasonably burden either party. The university offers a wide range of supportive measures for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the university's response to a report of sexual misconduct. These measures are designed to restore and preserve equal access to the school's education program or activities and protect the safety of all parties or the schools' educational environment or deter sexual harassment. Supportive measures may be imposed on an interim basis or may be extended permanently.

In every report under this policy, the Title IX coordinator will discuss the need for potential supportive measures with the associate vice president of student affairs (in the cases where the Respondent is a student) or the vice president for human resources (in the cases where the Respondent is faulty or staff) – or their designee. Upon receiving information regarding the nature of the report, the associate vice president for student affairs or vice president for human resources (or designee) will make an immediate assessment of any risk of harm to the Complainant, the Respondent or the broader campus community, and may institute measures he, she, or they deem advisable to protect the Complainant, the Respondent or broader campus. These steps will include considering and/or implementing supportive measures, where deemed advisable and at his, her, or their sole discretion.

Potential supportive measures include, but are not limited to

- Imposition of a No Contact Order, which prohibits the Respondent and/or the Complainant from communicating through any manner or medium with the other. Parties will be notified of such orders in person or via their university email accounts, and failure to comply with such orders may result in disciplinary action;
- Rescheduling of exams and assignments or other course related adjustments;
- Change in class schedules, including the ability to transfer course sections or withdrawal from a course;
- Change in seating assignment;
- Change in an employee's work schedule or job assignment;
- Change in a student's university-sponsored or controlled housing;
- Assistance from university support staff in completing housing relocation;

- Limit of an individual's or organization's access to certain university facilities or activities pending the outcome of the matter;
- Leaves of absences;
- Providing an escort to ensure safe movement between classes and activities;
- Providing access to medical services;
- Providing academic support services;
- University-imposed administrative leave or separation;
- Information regarding how to obtain a civil protection order; and/or
- Any other remedy, which can be tailored to the involved individuals to achieve the goals of this policy.

Supportive measures are available regardless of whether a reporting party pursues a report or investigation under this policy. The university will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the remedial or protective measures.

The university will also provide reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any relationship with the university.

A civil order of protection may also be available from the St. Charles County Courthouse located at 300 N. 2nd Street, St. Charles, MO 63301 or another appropriate jurisdiction. The Title IX Coordinator or Department of Public Safety is available to assist with this process.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

X. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

The university may be permitted to remove a Respondent from campus on an emergency basis. In order for the university to remove a Respondent from campus, it must conduct an individualized safety and risk analysis. After the analysis, the university may remove a Respondent if the university determines that an

immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

If the university determines there is an immediate threat to the physical health or safety of any student or other individual, the Title IX Coordinator will provide notice of the removal to the Respondent. The Respondent shall have an opportunity to challenge the removal determination immediately by providing written notice to the Title IX Coordinator. The Title IX Coordinator will designate an Emergency Removal Appeal Officer and notify the parties of the appeal. The Emergency Removal Appeal Officer will make an appeal determination within two (2) university business days. Either party may submit any evidence they would like the ER Appeal Officer to consider within 24 hours of notice of the appeal. The ER Appeal Officer's determination on emergency removal is final.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

XI. THE INVESTIGATION AND PROCEDURES AFTER THE FORMAL COMPLAINT

The university's process for resolving reports of Sexual Harassment will be prompt and equitable and conducted with the oversight of the Title IX Coordinator. If the Complainant or Title IX Coordinator files a Formal Complaint, the process shall be as set forth below.

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

A. Formal Investigation

When a Formal Complaint has been filed, a trained investigator (or trained investigators) will conduct a prompt, thorough, and impartial investigation. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of university policy and can subject a student or employee to disciplinary action. The investigator and/or the Title IX coordinator will provide timely updates to the Complainant and Respondent, as appropriate or requested, about the timing and the status of the investigation.

The investigator and Title IX Coordinator have the discretion to consolidate multiple reports against a Respondent, reports against more than one Respondent, or reports where the parties are accusing one another (cross complaints) into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

It is the responsibility of the investigator – not the parties – to gather relevant evidence, to the extent possible. The investigator will conduct a fair and reliable fact-gathering process in light of the circumstances. The investigator will be responsible for interviewing the Complainant and the Respondent, interviewing potential

witnesses, collecting relevant documentation and physical evidence, creating a timeline (to the extent possible), and preparing a written report documenting the complete investigation.

The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information during the formal investigation process. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

The investigator will determine the relevance of any proffered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.

Medical and counseling records of a Complainant or Respondent are privileged and confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party becomes part of the file and may be available to review by the opposing party, if deemed relevant to the formal investigation.

A Complainant's prior sexual history will never be used as evidence of character or reputation and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the parties, and the Respondent asserts that the conduct was consensual, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is not typically relevant and will only be permitted if it is probative of a material fact, for example, to explain an injury or physical finding.

In gathering information, the investigator may also consider other reports of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern or other material fact.

B. Access to Evidence

During the investigation the university will allow each party and the party's advisor to review and inspect any evidence obtained as part of the investigation and that is directly related to the allegations, including evidence upon which the school does not intent to rely in reaching a determination.

At the conclusion of the investigation, the investigator will complete a written investigation report that fairly summarizes relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The Title IX Coordinator will transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

The investigator will seek to finalize the investigative report within 35 business days of receiving the Complainant's report, but this timeframe may be extended due to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law

enforcement, to accommodate the availability of witnesses, to account for university breaks or vacations, and/or to address other legitimate reasons.

C. Right to an Advisor

From the point a Formal Complaint is made, and until an investigation, determination, and appeal are complete, the Complainant and the Respondent may have an advisor of their choice present at any meeting related to the investigation or disciplinary proceeding. An advisor of choice may include an attorney retained by a party at their own expense. Any party accompanied by such an advisor may be required to execute an appropriate FERPA waiver.

Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Advisors may participate in an advisory capacity to the party they are advising and may be present with the party he, she, or they are advising during all meetings, interviews, and hearings that are a part of the investigation, determination, and appeal process. They may only participate directly during the questioning portion of the live hearing. If a party wishes to speak privately with their advisor during any meeting, interview, or hearing, that party may request a brief recess from the meeting, interview, or hearing. The advisor may not be a fact witness or otherwise have any conflicting role in the process, as determined by the Title IX coordinator.

At the conclusion of the investigation, if the Complainant or Respondent does not have an advisor of choice or if the Complainant or Respondent wish to change advisors or have another advisor appointed, the university shall assign a hearing advisor. The hearing advisor is a staff or faculty member designated by the university to assist parties during the live hearing in order to cross examine any or all of the evidence. The Title IX Coordinator will assign the hearing advisor at the conclusion of the investigation and before the investigator submits the finalized investigative report. The Title IX Coordinator will provide the investigative report to the hearing advisor.

XII. HEARING AND DETERMINATION PROCEDURE

The Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in "Access to Evidence."

After the hearing officer is appointed by the Title IX Coordinator, the Title IX Coordinator will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice.

A. Party's Written Response to Investigation Report

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;

- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in "Sexual History," or for any other reason;

- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;

- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;

- Any objection that the party has to the University's Hearing Procedures;

- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;

- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;

- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;

- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting questioning as specified in "Hearing."

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and

- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

B. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be notified of a request for attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

The Title IX Coordinator shall make reasonable efforts to secure requested witnesses' presence.

C. Hearing Procedures

The live hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. The pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel together in the same physical location or virtually, at the discretion of the hearing officer. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

While the Hearing Procedures and decisions from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing statement.

The order of the hearing shall be as follows unless otherwise determined by the hearing officer:

- The hearing officer will read the "Rules of Decorum";
- The parties, hearing advisors and witnesses will agree to the Rules of Decorum;
- The hearing officer will ask questions of the parties;
- The Complainant's advisor will ask questions of the Respondent;

- The Respondent's advisor will ask questions of the Complainant;
- Any witnesses present will answer questions of the hearing officer, Complainant's advisor; and the Respondent's advisor, in this order (the hearing officer shall determine in which order the witnesses' will be called for questioning);
- The Complainant will make a closing statement;
- The Respondent will make a closing statement.

Either party is not permitted to question the other party or any witness.

The Complainant and Respondent's closing statements shall be directed to the hearing officer and not at the other party. It should follow the Rules of Decorum. At any time, the hearing officer may stop either party during their closing statement if he, she, or they feel the statement is directed at the other party or does not follow the Rules of Decorum.

The hearing officer cannot draw an inference about the determination regarding responsibility based solely on the party's or witness's absence from the live hearing or refusal to answer any questions during the live hearing.

Within 10 university business days from the date of the live hearing's conclusion, the hearing officer shall make a determination as to whether, based on the preponderance of the evidence standard, the Respondent committed an act or acts of sexual misconduct in violation of this policy. A determination letter will be provided via the party's Lindenwood email account, the party's personal email account or via hand-delivery. The determination letter will be sent to each party, simultaneously, containing the following:

- Summary of the allegations of sexual harassment and the specific prohibited conduct; and
- Summary of the procedural steps taken from the time the university received the Formal Complaint, including notifications to the parties, interviews; and
- Findings of fact supporting the determination; and
- A statement regarding determination of responsibility as to each allegation; and
- A statement of rationale for the result as to each allegation; and
- If applicable, any disciplinary sanctions the school imposes on the Respondent; and
- Appeal procedures and permissible bases for appeals.

Sanctions for violations of this policy may include those listed under Supportive Measures, and are included, but are not limited to expulsion, suspension, disciplinary probation, mandated counseling, assessment, alcohol, sexual harassment, and/or drug education program, restrictions on campus privileges, restrictions on campus housing, restrictions on participating in student activities or sports, community service, educational sanctions, No-Contact Orders, changes to employees' work schedules or job assignments, leaves of absence, university-imposed administrative leave or separation, employee counseling, termination, and/or any other sanction which can be tailed to the involved individuals to achieve the goals of this policy.

In determining the appropriate sanction, the hearing officer may consider the following factors:

- The nature and violence of the conduct at issue;

- The impact of the conduct on the Complainant;
- The impact of the conduct on the university community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the university or elsewhere, and any criminal convictions or arrests;
- How the university has previously sanctioned similar conduct;
- Whether the Respondent has accepted responsibility for the conduct;
- Maintenance of a safe and respectful learning, living and working environment;
- Protection of the university community; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate outcome in each case.

If the Respondent is suspended and later wishes to return to campus after completing his, her, or their period of suspension, the university shall notify the Complainant if (a) the Respondent's request to return has been approved, and (b) when the Complainant is currently enrolled in the university.

XIII. THE APPEAL PROCESS

Either party may appeal the determination letter. All appeals are due, in writing, to the Title IX coordinator within five (5) university business days following the determination letter being sent. If a request is not received within five university business days, the determination letter shall be final. Limited extensions to appeal will only be given for extraordinary circumstances and shall be approved by the appeal officer at his or her discretion.

If a party appeals, such appeal shall consist of the Respondent's or Complainant's name, the email address where he, she, or they can be reached, a plain, concise, and complete written statement outlining the basis for the appeal (see below) and all relevant information to substantiate the grounds for appeal.

The appeal will be decided by an appeal officer. The appeal officer is an administrator designated by the university to determine appeals. The appeal officer will be appointed upon filing of an appeal by either party. The Title IX Coordinator shall inform the parties of the administrator appointed as the appeal officer in writing via email. If the appeal officer has a conflict of interest or bias against the Complainant or Respondent, as determined by the Title IX coordinator, the Title IX Coordinator will appoint another appeal officer, at his, her or their discretion. Any such proposed conflict may be raised by the Title IX Coordinator, the appeal officer, the Complainant or the Respondent by notifying the Title IX Coordinator in writing of such conflict and the factual basis for any alleged conflict.

The grounds for appeal may only be one or more of the following:

A. Procedural irregularity that affected the outcome of the matter;
B. 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
C. 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.

The other party will have an opportunity to review the appeal and may submit a written response to the appeal to the appeal officer within three university business days following the appeal being sent to that party. The appeal officer may, in the appeal officer's discretion, provide both parties with an opportunity to speak to the merits of the appeal in person, through videoconference, or over the phone.

Except in extraordinary circumstances, appeals will be resolved by the appeal officer within seven university business days following receipt of the request for appeal, but only after the other party has had three university business days to respond. The Appeals Officer shall issue a written decision describing the result of the appeal and the rationale, with simultaneous, written notice to both parties. The written decision shall be provided to each party simultaneously via their Lindenwood student email account or personal email account.

The decision of the Appeal Officer is a final determination.

XIV. INFORMAL RESOLUTION

At any time after the parties are provided written notice of the Formal Complaint, and prior to reaching a final determination, the university may facilitate an informal resolution that does not involve a full investigation and determination. This process is not available if the Respondent is a non-student employee accused of committing Sexual Harassment against a student. Before beginning any informal resolution process, the university shall obtain the Complainant and Respondent's voluntary, written consent to the informal resolution. Additionally, the university shall provide written notices to the Complainant and Respondent containing the following:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and

The records that will be maintained or could be shared.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. Informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

XV. TIMEFRAME

Except for good cause, the university will attempt to resolve a Formal Complaint, including the investigation, hearing and appeal process, between 65-75 university business days following receipt of a report. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, fairness, and impartiality. The university may extend this timeframe for good cause and will communicate any delay in the process in writing to the parties, including an updated timeframe for completion and the reason(s) for the delay. Good cause may exist for a variety of factors, including but not limited to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for university breaks or vacations, and/or to address other legitimate reasons.

XVI. DISMISSAL OF A COMPLAINT

The university may dismiss a Formal Complaint of Sexual Harassment if at any time:

- the Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw; or
- the Respondent is no longer enrolled or employed by the school; or
- specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

Upon dismissal of a Formal Complaint, the university shall send written notification of the dismissal to the Complainant and Respondent simultaneously.

XVII. RESOURCES

Any individual who has experienced sexual misconduct is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals, and/or crisis counseling resources. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

The university is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a Complainant, Respondent, witness, or third party, will have equal access to support consistent with the individual's needs and available university resources. This section provides contact information for university resources, resources in the St. Charles and St. Louis community, and national resources.

Prompt intervention can do much to mitigate trauma associated with acts of sexual misconduct and enhance recovery. Complainants are encouraged to utilize appropriate resources, whether or not they report the sexual misconduct to law enforcement or the university. Any campus community member in need of resources or assistance relating to any of the matters covered by this policy is encouraged to contact one of the on-campus or off-campus resources or reporting contacts listed in this policy.

A. Emergency Resources

For emergency assistance, Complainants are strongly encouraged to contact the Office of Public Safety & Security ("Public Safety"), the local police department, and emergency medical or counseling services.

EMERGENCY ASSISTANCE AND MEDICAL CARE

9-1-1

St. Charles Police Department
1781 Zumbehl Road, St. Charles, Missouri
636.949.3300
(911 if emergency)

Lindenwood University Public Safety & Security Office
1905 A First Capitol Dr. Charles, Missouri 63301-1695
24/7 Security Direct Line: 636.949.4911

Student Counseling and Resource Center
Evans Commons, 3rd Floor
636.949.4525

Private reports can also be submitted on the Office of Title IX university website at: www.lindenwood.edu/title-ix

Anonymous reports can also be submitted on the university website at: http://www.lindenwood.edu/student-life/campus-security/reporting-crime/. Sexual misconduct submitted through the anonymous website will be shared with the Title IX coordinator.

B. Confidential Resources

The *only* university resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, *i.e.,* suspected child abuse or neglect or imminent risk of harm to self or others) are

- Disclosure to a licensed counselor at the Student Counseling and Resource Center;
- Disclosure to a medical professional in the context of the physician-patient relationship; and
- Disclosure to a member of the clergy when the communication is made in the clergy member's professional capacity of giving religious or spiritual advice.

Speaking confidentiality with a licensed counselor in the Student Counseling and Resource Center (or any other confidential resource) does not require a report to Public Safety, the Title IX coordinator, or any other reporting body, without the consent of the Complainant.

- University Resources.
  - **Student Counseling and Resource Center**, Evans Commons, Third Floor, (636) 949-4525
  - **Student Health Center,** Evans Commons, Third Floor, (636) 949-4525
  - **Pastoral Counselor,** Dr. Jesse Lee, University Chaplain, McCluer Hall 123, (636) 949-4441, jlee@lindenwood.edu
- Medical Services in the Community.
  - **SSM Health St. Joseph Hospital – St. Charles**, 300 1st Capitol Drive, St. Charles, MO 63301, (636) 947-5000
  - **AWARE (Barnes-Jewish Hospital South),** 1 Barnes Jewish Hospital Plaza – BNO, St. Louis, MO (314) 362-9273
  - **Mercy Hospital -** 607 S. New Ballas Road, St. Louis, MO 63141, (314) 251-6000
- Additional Confidential Resources in the Community
  - **Bridgeway Behavioral Health,** Sexual Assault Program, 1601 Old S. River Rd, St. Charles, MO, 24-hour Hotline: 1 (877) 946-6854 or (636) 224-1202
  - **Turning Point Advocacy Services,** PO Box 426, Warrenton, MO 63383, (636)456-1186, http://www.turningpointdvs.com/
  - **The St. Louis Anti-Violence Project,** Serving the Lesbian, Gay, Bisexual, and Transgender Community, P.O. Box 15067, St. Louis, MO, Hotline: (314) 503-2050
  - **YWCA – St. Louis Regional Sexual Assault Center,** 1155 Olivette Executive Parkway., St. Louis, MO (314) 531-1115, (314) 531-7273 (24-hour access)

- **Alternatives to Living in Violent Environments (ALIVE), (**314) 993-2777 (24-hour access/crisis line)
- **Safe Connections**, (314) 531-2003 (text/call crisis hotline), (314) 646-7500 (counseling and support services)

- Additional National Online Confidential Resources

a. **National Sexual Violence Resource Center,** https://www.nsvrc.org/
b. **Rape, Abuse, & Incest National Network (RAINN),** 24 hours hotline (800)656-HOPE (4673) or https://www.rainn.org/
c. **National Domestic Violence Hotline,** https://www.thehotline.org/, (800)799-7233 or (800)799-3224(TTY) **Campus Resources (private, but not confidential)**

C. Campus Non-Confidential Resources

The following campus departments can provide resources, guidance and assistance to students. These departments are required to share all reports of Sexual Misconduct with the Title IX Coordinator.

- Office of Residential Life, Ms. Allison Johnson, Director, ajohnson8@linenwood.edu, Evans Commons 3010
- Public Safety. 1905 A First Capitol Dr., St. Charles, MO, (636) 949-4911

D. Staff and Faculty Resources

The university is concerned with the well-being of its staff members, its faculty, and their families. An Employee Assistance Program (EAP) is a benefit set up by Lindenwood to provide employees assistance for themselves and their immediate family members in dealing with personal concerns. Assessment, short-term counseling, and referral services are available for concerns such as domestic violence, anxiety, marital issues, relationship issues, etc. To use the services, contact

- www.paseap.com or Call (800)356-0845 or
- Jessica Loyd, Human Resources, (636) 627-2577, jloyd@lindenwood.edu

XVIII. TRAINING

The university will offer students and employees with primary prevention and awareness programming, initiatives, strategies and campaigns that promote awareness of and seek to end sexual harassment, relationship violence, sexual assault, sexual exploitation, retaliation, and stalking ("awareness programming"). Such awareness programming will include (a) a statement that sexual misconduct is prohibited, (b) definitions of those offenses, (c) the definition of consent, (d) safe and positive options for bystander intervention to prevent harm or intervene in risky situations, (e) recognition of signs of abusive behavior and how to avoid potential attacks, and (f) ongoing prevention and awareness campaigns.

The investigators, advisors, appeal, and hearing officers will be trained at least annually by the Title IX coordinator and/or outside sources on issues relating to sexual harassment; including the definition and scope of the school's education program or activity, serving impartially, issues of relevance to create an investigative report and during questioning at the live hearing, using technology at live hearings. The training materials will be posted to the university's website at www.lindenwood.edu/student-life/title-ix.

XIX. RECORDKEEPING

Throughout all stages of the investigation and adjudication, the Title IX Coordinator is responsible for maintaining documentation of all proceedings conducted under this policy.

The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the University's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.