

Trevecca Nazarene University Sexual Violence Policy

Trevecca Nazarene University has developed separate policies to address sexual harassment and sexual violence. The University's Sexual Harassment Policy focuses on unwelcome sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature that creates a hostile learning environment for students. In addition, the Sexual Harassment Policy addresses gender-based harassment, which may include acts of aggression, intimidation, or hostility based on gender or gender stereotyping. Gender-based sexual harassment usually does not involve conduct of a sexual nature.

The University's Sexual Violence Policy addresses more serious forms of sexual violence or misconduct such as rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, relationship violence (including domestic or dating violence), and stalking.

1. Notice of Nondiscrimination

Trevecca Nazarene University (University) does not discriminate on the basis of sex in its education programs and activities. The University is committed to providing and maintaining a healthy learning and working environment for all students, staff, faculty and other members of the University's community, free of discrimination and all forms of sexual and gender-based discrimination, harassment and violence ("sexual harassment"). Sexual harassment diminishes the dignity and impedes the academic freedom of members of the University community.

In accordance with the University's Wesleyan values, its role as an institution of higher education, and both state and federal law, the University will not tolerate any form of sexual harassment or sexual violence and is committed to taking immediate responsive action to prevent and eliminate all forms of sexual harassment or sexual violence. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the University and are against University policy.

2. Scope of Policy

This policy covers all forms of sexual violence and misconduct, including sexual assault, sexual battery, sexual coercion, sexual exploitation, rape, domestic/dating violence (also referred to as intimate partner violence), and stalking. This policy applies to conduct occurring on University property or at University-sanctioned events or programs that take place off-campus, including study abroad and internship programs. This policy shall apply to students, faculty, staff, administrators, and third parties on campus, including visitors, guests, and the agents, representatives and employees of suppliers or contractors. Third parties who violate this policy may be subject to sanctions by the University, including, but not limited to, loss of campus privileges, loss of future contracts, employment and enrollment. The University has jurisdiction to take disciplinary action against a respondent who is a current student or employee. Violations of this policy may constitute a criminal offense according to Tennessee and/or federal law. Individuals, who have been charged or convicted of any sex-based crimes, occurring on or off campus, may be subject to additional University disciplinary action.

3. Reporting of Sexual Offenses

The University encourages all community members to report sexual misconduct in order to achieve a safe campus environment free of sex-based discrimination, harassment, and violence. Victims of sexual misconduct may report the incident in the following manner:

Emergency Reporting Options: Individual safety is paramount. Victims of sexual violence who are in an emergency situation or are uncertain about what they should do are encouraged to call 911 to request assistance from emergency personnel including law enforcement and emergency medical personnel. Local law enforcement and emergency medical personnel are trained to help victims of sexual violence and can recommend the best options to ensure preservation of evidence, ensure the victim's safety, and begin a criminal investigation into the incident.

Campus Reporting Options: The reporting of a sexual violence or misconduct incident constitutes a complaint. However, depending on the nature of the claim of sexual violence or misconduct, the Complainant may be required to put the complaint in writing. The University strongly encourages all individuals to report any incident of sexual violence or sexual misconduct directly to the Title IX Coordinator or to the individuals identified below:

- A. Student-on-Student Sexual Violence or Sexual Misconduct: Students who have been a target of sexual harassment or sexual misconduct by another student under this policy must report a complaint with the Associate Vice President and Dean of Student Development or the Associate Vice President and Dean for the School of Graduate and Continuing Studies dependent upon their undergraduate or graduate student status.
- B. Faculty-on-Faculty or Faculty-on-Student Sexual Violence or Sexual Misconduct: Faculty members who have been a target of sexual violence or sexual misconduct by another faculty member or students who have been a victim of sexual violence or sexual misconduct by a faculty member must report a claim to the Title IX Coordinator, specifically the Director of Human Resources.
- C. Other Forms of Sexual Violence or Sexual Misconduct: All other forms of sexual violence or sexual misconduct, not specifically stated above, involving students, faculty, staff, or third parties, must be reported to the Title IX Coordinator, specifically the Director of Human Resources.

The Title IX Coordinator or those identified above, are charged with coordinating the initial assessment, initiating an investigation, and responding to allegations of sexual violence to stop the inappropriate conduct, address its effects and prevent its recurrence. The Title IX Coordinator, or those listed above, will also provide victims with information on the University's policies, procedures, and the right to file a criminal complaint with local law enforcement as well as receive interim remedial measures pending investigation of the alleged incident. All information reported to the Title IX Coordinator, or those listed above, will only be shared with those University employees or agents who will assist in the investigation and/or resolution of the complaint.

Obligation to Report: All employees of the Trevecca community have authority to redress sexual violence and a duty to report incidents of sexual violence or other student misconduct. Responsible employees also include employees who a student could reasonably believe has this authority or duty

to report incidents of sexual violence. Victims may report incidents of sexual misconduct to a “responsible employee”, which includes all faculty, administrators, staff, resident assistants and certain student employees if they are functioning in a supervisory position. If a student reports an incident of sexual misconduct to any “responsible employee”, the “responsible employee” is obligated to immediately report the incident to the Title IX Coordinator or the appropriate person identified above.

Confidential Reporting: Victims who want to make a report of sexual misconduct, but do not want to trigger an investigation by the Title IX Coordinator or the appropriate person listed above, may report the incident to the counseling staff in counseling services, the resident health care provider in the clinic, or to the University chaplains who are exempt from these reporting requirements.

False Complaints: Sexual violence is a grievous action, having serious and far-reaching effects on the lives and careers of individuals. False complaints, that is, allegations made knowing that they are not true, can have similar impact. Intentionally false charges are grounds for discipline, up to and including termination and/or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Anonymous Reporting: Victims may report an incident of sexual misconduct without being required to request disciplinary actions at that time. The University will respect an individual’s autonomy in making these important decisions and will assist each individual in making that determination.

Off-Campus Reporting Options:

- A. Local Law Enforcement: The University encourages victims of sexual violence to pursue filing a criminal complaint with local law enforcement in addition to reporting the incident to the University. The Title IX Coordinator, Associate Vice President and Dean of Student Development and Associate Provost for Graduate and Continuing Studies will advise victims of their rights to file a criminal complaint and will assist victims in contacting local law enforcement agencies if a victim decides to pursue the criminal process. The filing of a criminal complaint will not suspend the University’s investigation of the incident, unless doing so temporarily will aid local law enforcement. A victim may seek resolution through the University’s complaint process and/or the criminal complaint process through local law enforcement.
- B. Off-Campus Organizations: Victims of sexual offenses may seek help from one of the off-campus organizations that have trained professionals able to provide assistance to victims of sexual violence. These organizations are not associated with the University and therefore disclosure will not trigger a University investigation into the incident. Victims may contact the following organizations for assistance:
 - Sexual Assault Center, 615-259-9055 (Counseling, referrals, volunteering, support groups) or 800-879-1999 (24-hr crisis & support line)
 - Domestic Violence Intervention Center, 615-255-0711 (Counseling, advocacy, referrals, group counselors for domestic violence)
 - You Have the Power, 615-292-7027 (referrals, resource information)

Reporting Considerations:

- A. Victim Alcohol or Drug Use: The University seeks to remove any barriers to reporting sexual violence. The University will offer any student who reports sexual misconduct limited immunity from being charged for policy violations out of fear that they themselves or others may be accused of violating other University policies, such as drinking or drugs at the time of the incident. The University may recommend education, therapeutic remedies or accountability options for those individuals, but no conduct proceedings or conduct record (for students) or disciplinary actions (for employees) will result.
- B. Third Party Reporting: Any individual may make a report of an act of sexual violence. The report may be made without disclosing the identities of the parties involved. However, the University's ability to respond to the third party report of sexual violence may be limited by the amount of information provided.

4. Resources

Any individual affected by sexual violence will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek the support of the University's resources. These campus resources are available to provide information about University's policy and procedure and to provide assistance to any party in the event a formal complaint is made.

- Emergency Support Services: The University encourages all victims of sexual violence to immediately seek emergency medical care and/or law enforcement. This is the best option to provide physical safety, emotional support, and medical care to the victim. It is also the best option to ensure the preservation of evidence. Contact information for emergency medical care and law enforcement are listed below:
 - Metro Police Department, 615-862-8600
 - Nashville General Hospital, 615-341-4000; 1818 Albion St. Nashville TN 37208 (provides sexual assault examinations)
 - Domestic Violence Unit, Metro Nashville-Davidson County, 615-880-3000 (assistance with obtaining orders of protection, short-term counseling)
 - 911
- Campus Resources: The University's Title IX Coordinator, Associate Vice President and Dean of Student Development, and Associate Vice President and Dean for the School of Graduate and Continuing Studies can provide victims with timely information on available on-campus and off-campus resources, reporting options, and will provide guidance regarding the various reporting options, including filing a criminal complaint against the accused perpetrator.
- Counseling and Confidential Resources: The University offers counseling to individuals who have been a victim of sexual violence, regardless of whether the victim chooses to file a formal complaint. There are also several organizations and facilities that provide confidential support off-campus. The trained professionals and staff employed by these on and off-

campus facilities are able to provide counseling, information, and support under legally protected confidentiality. Personal information disclosed to the professionals and staff employed by these organizations and facilities will not be shared with any member of the University staff or administration without the express consent of the victim.

- Education and Prevention Programs: The University is committed to the prevention of sexual violence through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include the annual overview of the University's Sexual Harassment and Sexual Violence policies during new student and new employee orientations. This program includes discussion on prohibited conduct, effective consent, bystander intervention, and the impact of alcohol and illegal drugs on sexual misconduct. The Title IX Coordinator is responsible for providing ongoing training to existing students and employees on campus.

5. Interim Measures

The University will provide the victim and the accused with reasonable interim support and protective measures to prevent and mitigate further acts of misconduct upon learning of the alleged sexual misconduct. The University reserves the right to suspend any member of the University community suspected or accused of violating this policy or to take any other interim measures the University deems appropriate, pending the outcome of an investigation or grievance. Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible and respects the rights of all involved parties. The University will determine the reasonableness, necessity, and scope of any interim measures, which may include:

- A. No Contact Order: A Complainant or Respondent may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications.
- B. Academic, Employment or Residence Modifications: A Complainant or Respondent may request an academic or employment accommodation or a change in residence after a report of sexual misconduct. An individual who requests assistance in changing their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:
 - Change of residence hall room;
 - Change in work assignment or schedule;
 - Providing an escort to ensure safe movement between classes and activities;
 - Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, providing an academic tutor, extending deadlines for assignments, rescheduling exams and assignments, providing alternative course completion options, or allowing a voluntary leave of absence;
 - Providing medical services available through the University clinic.
- C. Emotional Support: Counseling and emotional support is available to any student through the Office of Counseling Services free of charge. The University will also assist in providing a referral to off campus agencies.

- D. Interim Separation: Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the University may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

6. Title IX Coordinator

- A. The Title IX Coordinator oversees the University’s centralized review, investigation, and resolution of reports of sexual misconduct. The Coordinator is responsible for:
- B. Overseeing, investigating, and resolving all reports of sexual misconduct; receiving training in relevant state and federal laws and University policy and procedure;
- C. Advising any individual, including a complainant, a respondent, or third party, about the courses of action available at the University;
- D. Providing assistance to any University community member regarding how to respond appropriately to reports of sexual misconduct;
- E. Monitoring full compliance with all requirements and timeliness specified in the complaint procedures; and
- F. Compiling annual reports on incidents of sexual misconduct and Title IX compliance.
- G. The university’s Title IX Coordinator is:
Steve Sexton
Director of Human Resources
Trevecca Nazarene University
333 Murfreesboro Rd.
Nashville, TN 37210-2877
615-248-7792
HR@trevecca.edu

7. Confidentiality

Maintaining Confidentiality: The University encourages victims to report sexual offenses immediately. However, the University realizes that victims may desire to maintain confidentiality or report the incident anonymously. The University is committed to supporting the student’s interest in confidentiality. However, requests for confidentiality may be overridden by the University in order to comply with Title IX obligations. To comply with the mandates of Title IX, the University may be required to disclose information regarding the incident to a limited number of necessary “responsible employees” to ensure appropriate steps can be taken to eliminate a hostile environment and protect the campus. Different employees on campus have varying obligations to maintain confidentiality.

- A. Professional Licensed Counselors: Professional licensed counselors who provide mental-health counseling to members of the University community are not required to report any information about sexual offenses to the Title IX coordinator without a victim's permission. Following is the contact information for Counseling Services: 615-248-1346. The offices are located in the Smith House.
- B. The University chaplain(s) are not required to report any information about sexual offenses to the Title IX coordinator without a victim's permission. Following is the contact information for the University chaplain(s): 615-248-1378. The offices are located on the third floor of the McClurkan Building.
- C. The resident health care provider in the clinic is not required to report any information about sexual offenses to the Title IX coordinator without a victim's permission. Following is the contact information for the resident health care provider in the clinic: 615-248-1261. The clinic is located on the back side of Georgia Hall.
- D. Responsible Employees: All University employees, with the exception of those listed below who are considered confidential resources, have authority to redress sexual violence and a duty to report incidents of sexual violence or other student misconduct. Responsible employees also include employees who a student could reasonably believe has this authority or duty to report incidents of sexual violence. Responsible employees MUST report all known relevant details about the alleged sexual offense to the Title IX Coordinator. If the victim wishes to maintain confidentiality, the victim should report the incident to the counseling staff in counseling services, the resident health care provider in the clinic or to the University chaplains on campus, or other off-campus licensed mental health providers or advocacy organizations. The following employees are the University's responsible employees: all faculty, administrators, staff, resident assistants and certain student employees working on a part-time basis in a supervisory position.

Victim Requests for Anonymity: If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

- A. Evaluating Requests for Confidentiality: The Title IX coordinator [or designee] will make the final determination on whether the University is able to comply with Title IX while honoring the victim's request for anonymity. The Title IX Coordinator must balance the victim's desire for confidentiality against the overall campus safety. Factors to consider include: (a) was a weapon involved in the incident; (b) is the accused a repeat offender; (c) does the incident create a risk of occurring again; (d) are there other sources of evidence that could be used to identify the accused (i.e., surveillance cameras); and (e) will the University be able to eliminate the hostile environment without disclosing the identity of the victim.
- B. Victim Notification Prior to Disclosure: If the University is unable to honor the victim's request for confidentiality, the University will notify the victim before the victim's identity is disclosed to the accused.

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegations. The privacy of the parties will be respected and safeguarded at all times. For purposes of this policy, privacy and confidentiality have distinct meanings:

Privacy means that information related to a report of sexual misconduct will only be shared with a limited number of individuals who are University employees who need to know in order to assist in the active review, investigation, or resolution of the report.

Confidentiality means that personally identifying information, such as names or information that directly or indirectly identifies the individuals involved in the incident cannot be revealed to another individual without express permission of the individual, unless there are circumstances posing an imminent risk of harm to self or others.

Complete confidentiality is only available when information is disclosed to professionals who are mandated by law to protect the confidential disclosures. On campus, these individuals include: professional counselors in counseling services, resident health care provider in the clinic, or the University chaplains.

Any University employee who is not specifically designated as a completely confidential resource is required to report incident of sexual misconduct to the Title IX coordinator.

8. Retaliation

The University will not tolerate retaliation. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a resolution process is a violation of University policy. Retaliation should be reported to the Title IX Coordinator for investigation, which may result in disciplinary action regardless of the outcome of the underlying complaint of sexual misconduct.

9. Prohibited Conduct and Definitions

The following conduct is prohibited:

- A. Sexual Offenses: Broad expression encompassing a range of prohibited sex-based and sexually-motivated behaviors, including, but not limited to: sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, stalking, or any conduct prohibited by applicable federal, state, or local law. Individuals who commit sexual offenses may face significant disciplinary sanctions, including expulsion as well as criminal prosecution or other legal action for committing a sexual offense.
- B. Sexual Assault: Illegal sexual contact that involves force upon a person without consent or is inflicted upon a person who is incapable of giving consent due to age or physical or mental incapacity. Sexual assault includes the following:
 - Oral, vaginal, or anal penetration, no matter how slight, with any object or body part

- without consent,
- Nonconsensual touching of another person in a sexual manner,
- Intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission.

Verbal misconduct or any misconduct that does not involve unwanted sexual touching does not constitute sexual assault under the University's policy but may constitute sexual harassment or another form of misconduct. Likewise, consensual premarital sexual contact, while not a violation of the University's policy against sexual assault, conflicts with the University's behavioral expectations and also may constitute misconduct.

C. Sexual Violence: refers to acts perpetrated against a person's will. Sexual violence can be committed by anyone (students, employees, or third parties), and includes rape, sexual assault, and sexual battery. Sexual violence is divided into two categories:

- Forcible Sexual Violence: use of physical force to compel a person to engage in a sexual act against his or her will, whether or not the act is completed,
- Non-Forcible Sexual Violence: attempted or completed sex act involving a person who is unable to understand the nature or condition of the act, to decline participation, or to communicate unwillingness to engage in the sexual act, e.g., because of illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure.

D. Sexual Harassment: Unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either:

- Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation or a basis for academic decisions or other decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating hostile or offensive work or educational environment.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender stereotyping.

E. Sexual Exploitation: act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples include: observing another individual's nudity or sexual activity; nonconsensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; exposing one's genitals in nonconsensual circumstances; possession, distributing, viewing or forcing others to view pornography.

- F. Stalking: A pattern of unwanted contact and harassment directed at a specific person that places the person in reasonable fear of bodily injury or reasonably causes substantial emotional distress. Stalking includes cyberstalking, which is a form of stalking occurring in electronic media such as the Internet, social networks, blogs, cell phones, texts, or emails that are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Examples of stalking include: unwelcome and repeated visual or physical proximity to a person; repeated oral or written threats; unwelcomed/unsolicited written communications, including letters, cards, texts, emails, instant messages, or messages on social media or message bulletin boards.
- G. Domestic/Dating Violence: (a.k.a. intimate partner violence): Describes physical, sexual, or psychological harm by a current or former partner or spouse. Domestic/dating violence can vary in frequency and severity. It occurs on a continuum, including physical violence, sexual violence, and emotional violence and stalking. The abuse can occur in person or electronically. It often takes the form of threats, assaults, or property damage.
- H. Hostile Environment: Conduct that is sufficiently serious to limit or deny a student or employees ability to participate in or benefit from an educational program offered by the University. When assessing whether a hostile environment exists, the University will consider such factors as the harm caused, repetitiveness, and extreme nature of the conduct.
- I. Consent: The voluntary agreement to engage in sexual activity. Consent is lacking when a person knows or should have known that the person subject to sexual contact did not give consent. Consent is not effective if it results from the use of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their free will. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive. An individual who is incapacitated from alcohol or drugs (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. Furthermore, past consent does not imply future consent.

Trevecca Nazarene University promotes a biblical sexual ethic that reserves consenting intimate sexual expression within a marriage between a man and a woman. Intimate sexual expression outside the biblical boundary of marriage may increase the risk of miscommunication about consent and is a violation of University policy.

10. Investigations/Complaint Procedure

The Title IX Coordinator (Director of Human Resources) shall be informed of all reported complaints of sexual or gender harassment or sexual violence. In cases where the person complaining of the harassment (the complainant) and the person complained about (the respondent) are both students, the Associate Vice President and Dean of Student Development or the Associate Vice President and Dean for the School of Graduate and Continuing Studies, dependent upon their undergraduate or graduate student status, in consultation with the Title IX Coordinator (Director of Human Resources), will assume primary responsibility for overseeing the investigation process. In all other cases, the Title IX Coordinator (Director of Human Resources) shall assume primary responsibility for overseeing the investigation process. If a complaint is filed against the Title IX Coordinator, the University President or any President's Cabinet level administrator, the University

retains the right to appoint an investigator and/or decision maker for the purpose of ensuring that the process is fair, impartial, and equitable.

As part of the investigation, the investigator will seek to interview the complainant and the respondent. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible, such as:

- A. The name, department, and/or position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation;
- B. A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses;
- C. The alleged effect of the incident(s) on the complainant's opportunity to benefit from the University's programs or activities;
- D. The names of other individuals who might have been subject to the same or similar acts of discrimination, harassment, or retaliation;
- E. Although it is not required, any steps the complainant has taken to try to stop the alleged discrimination, harassment, or retaliation;
- F. Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

Any respondents are also expected to provide all requested information in connection with the investigation.

Informal Resolution Process: Allegations of sexual assault or relationship violence may not be resolved using an informal resolution process (i.e., mediation). However, other alleged violations of this policy, including some allegations of sexual harassment or discrimination, may be resolved using an informal resolution process if (1) the University determines, in its discretion, that such a process would be appropriate; and (2) all parties agree to participate.

The parties to any such informal process will not be required to interact directly with one another without the University's involvement. Instead, the University may arrange for or facilitate mediation between the involved parties and coordinate other informal resolution measures. Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. The University may also commence the formal resolution process at any time. In addition, any party can pursue resolution if he or she is dissatisfied with a proposed informal resolution.

Formal Resolution Process: The formal resolution process applies (1) when any party so requests in connection with a matter that is eligible for informal resolution; and (2) to all matters that are not eligible for informal resolution (i.e., matters involving alleged or suspected sexual assault or sexual violence). The University may also elect to use the formal resolution process in any matter when the University deems it appropriate. As part of the formal resolution process, the University may

determine that further steps are required to complete the University's investigation and determine an appropriate finding.

- A. Disciplinary Procedure: Disciplinary proceedings shall follow applicable procedures as set forth in the Trevecca Nazarene University Student Handbook or the Faculty and Human Resources Handbook.
- B. Standard of Review: In all cases involving sexual harassment or sexual violence, any person alleging a violation of this policy must prove a violation by the preponderance of the evidence. This means that the accused has "more likely than not" violated the policy. Expressed as a percentage, the preponderance standard would require a violation if there was at least a 51 percent chance that the accused committed sexual harassment/violence.
- C. Right to File Criminal Complaint: Any individual who files a complaint under this policy that involves sexual assault, violence, or rape shall be advised of their right to file a separate criminal investigation. The University will continue its investigation into any complaint reported under this policy, even if the complainant files a criminal complaint. The filing of a criminal complaint will not suspend the University's investigation of the incident, unless doing so temporarily will aid local law enforcement.
- D. Notification to the Accused: The Title IX Coordinator (Director of Human Resources) will promptly inform the respondent of the identity of the person who will conduct the investigation and the respondent will be provided with ample opportunity to respond to the complaint.
- E. Intermediate Corrective Measures: During an investigation, both the complainant and the accused may request intermediate corrective measures, such as changes to housing assignments, changes to academic schedule, counseling, as well as no contact orders, whereby the complainant and the accused agree not to contact each other during the course of the investigation. Other corrective measures may also be requested by either the complainant or the accused, or recommended by the Title IX Coordinator (Director of Human Resources). (See #5 Interim Measures, pg. 5.)
- F. Prompt and Thorough Investigation: All complaints of sexual harassment or sexual misconduct will be promptly and thoroughly investigated. The university will endeavor to complete investigations within 60 days following receipt of the claim. However, depending on the facts and complexity of the complaint and other extraneous circumstances, the investigation may require additional time to complete.
- G. Confidentiality: The investigation will be conducted with discretion; only individuals who may have substantial information directly relevant to the complaint will be interviewed as witnesses. Only University employees who have a need to know the circumstances surrounding the complaint, i.e., those involved in the investigation and resolution of the complaint, will be informed.
- H. Notification of the Outcome: The complainant and the accused shall receive notice of the outcome of the investigation. The notification shall state whether a violation under this policy has occurred.

- I. Disciplinary Action: If, after a full and fair investigation, the Title IX Coordinator (Director of Human Resources), together with the appropriate University officials, determines that a member of the University community violated the Sexual Violence Policy, appropriate action will be recommended, including but not limited to:
- reprimand;
 - training/education;
 - disciplinary sanctions; or
 - termination or expulsion.

If the conduct complained of, or the conclusion reached through the investigation process, does not constitute a violation under this policy, the complainant and the accused will be informed, no further action will be taken, and nothing will be placed in the respondent's file.

No recommendation for action will be made without providing the respondent with an opportunity to respond to all complaints raised against him/her. The respondent will receive timely written notification of the recommendation.

- J. Right to Appeal: The complainant and the accused have a right to appeal a decision made under this policy pursuant to the applicable procedures set forth in the Trevecca Nazarene University Student Handbook, the Trevecca Nazarene University Faculty and Human Resources Handbook.
- K. Additional Information: Further information on sexual or gender harassment or sexual violence may be found in the office of the Director of Human Resources, the Associate Vice President and Dean of Student Development or the Associate Provost for Graduate and Continuing Studies.
- L. Record Keeping: The Director of Human Resources shall keep a separate record of each investigation.

Rights of Complainants and Respondents: The University shall provide any individual suspected or accused of violating this policy with a written explanation of the suspected or alleged violations of this policy or university policies. Complainants and respondents shall both be provided with the following in connection with the resolution process of suspected or alleged violations of this policy:

- A. A copy of all relevant policies which apply to the allegation(s);
- B. Information regarding their rights: the University's commitment to confidentiality wherever possible, campus support resources (i.e., counseling and chaplain's office), reporting options including their right to file a complaint with the local police, and the University's policy against retaliation;
- C. Information about how the University will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about complainants, to the extent permissible by law;

- D. Written notification of existing counseling, health, mental health, victim advocacy, legal assistance, chaplain and pastoral care support, and other services available for victims of sexual assault, domestic violence, dating violence, and stalking both on campus and in the community;
- E. Written notification of existing counseling and chaplain and pastoral care support available to respondents;
- F. The opportunity to speak on their own behalf;
- G. Provisions for the prompt, fair, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- H. The opportunity to submit other information on their behalf;
- I. The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law);
- J. For all cases related to this policy, including domestic violence, dating violence, sexual assault, or stalking, the parties will have the same opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice from the University community. The advisor cannot speak for the accused student; the advisor can only advise the student. Students must notify the person coordinating the investigation if they intend to bring an advisor and must provide the advisor's name 24 hours in advance of the hearing.
- K. The opportunity to request the University to take reasonable and necessary action to prevent further unwanted contact of complainant with the respondent including, but not limited to, the immediate relocation of the complainant to safe alternate housing and transfer of classes, if requested, if such changes are reasonably available;
- L. The opportunity to request other changes to their academic, living, transportation, and working situations if requested and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the alleged policy violation to campus security or local law enforcement.

11. Sanctions

The University will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. Individuals who are found responsible under this policy may face disciplinary sanctions up to and including expulsion and/or termination of employment. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights.