

TITLE IX POLICY OVERVIEW

Union University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community (Students, Faculty, and Staff) in a Christ-centered setting resting on the Union Community's core values, which are based on Scripture.

A. SCOPE

Union prohibits sex discrimination as defined under Title IX, unless an appropriate religious exemption applies. This Policy governs the conduct of Union Students, Faculty, and Staff (non-Faculty employees of Union). The Policy applies to Union's education programs and activities. This Policy covers any violation of Title IX that discriminates based on sex.

While Union is committed to the principles of free inquiry and expression, the discrimination, harassment, and sexual misconduct prohibited by this Policy are neither legally protected expression nor the proper exercise of academic freedom.

B. STATEMENT OF UNION UNIVERSITY'S VALUES RELATED TO TITLE IX

The preamble to Title IX of the Education Amendments of 1972 states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Union prohibits conduct as described in the preamble to Title IX because, except for circumstances when a religious exemption applies, such conduct is inconsistent with and contrary to Union's mission and core values. It is Union's Policy not to discriminate based on sex as set forth in Title IX, unless an appropriate religious exemption applies. Union strictly prohibits retaliation as stated herein.

All violations of prohibited conduct under this Policy will result in discipline, including potential separation from the University. Some forms of prohibited conduct may also violate state and federal laws, and criminal prosecution may occur independently of any disciplinary action Union may impose. Union prohibits discrimination on the bases of sex in any of its educational or employment programs or activities, and Union will not tolerate discrimination or harassment because of sex, unless an appropriate religious exemption applies.

This Policy sets forth the process that Union will use to investigate and respond to reports of Prohibited Conduct or violations of this Policy or Title IX. Union will respond to reports of alleged violations with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse side effect of the conduct of individuals, members of the campus community, or related programs or activities. In addition, Union may implement interim measures before the conclusion of an investigation designed to provide the Complainant and/or Respondent with continued access to University programs and activities and protect individual and campus safety.

C. NOTICE OF NON-DISCRIMINATION

It is the Policy of Union to prohibit unlawful discrimination and harassment against any member of its community based on the individual's sex. As a religious institution, Union retains the right to make employment, admission, and education decisions on the basis of its Christ-centered focus and interpretation of Scripture, consistent with its Community and Core Values.

D. TITLE IX COORDINATOR

The Title IX Coordinator (or Deputy Title IX Coordinator acting as the Title IX Coordinator's Designee) is responsible for coordinating the University's compliance with Title IX and related provisions of other applicable statutes, such as related provisions of the Clery Act as amended by the Violence Against Women Act (VAWA). The Title IX Coordinator oversees Union's response to all reports of Prohibited Conduct to assure consistent application and implementation of this Policy and applicable state and federal law. The responsibilities of the Title IX Coordinator include, but are not limited to:

- Assist Complainants in identifying the appropriate University Policy or Policies and Procedures for resolution of the allegation in a prompt and equitable manner.
- Ensure overall Title IX compliance including review of applicable University Policies to ensure institutional compliance with applicable state and federal laws.
- Oversee the Deputy Title IX Coordinators and other designees as appropriate.
- Serve as the central clearinghouse for all sexual harassment/sexual misconduct allegations that arise in the Union community to assure consistent and equitable application and implementation of all Policies.
- Coordinate education and prevention efforts including oversight of training for the Union community regarding Title IX related provisions of the Clery Act (as amended by VAWA) and prohibited conduct defined in this Policy.
- Monitor Union's administration of its own applicable Policies, including record keeping, adherence to deadlines, and other procedural requirements.
- Respond to any report regarding conduct that may violate this Policy. The Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial and protective measures, and monitors the administration of any request for an appeal.
- Ensure that proper training of those charged with implementation of the Policy, including, but not limited to the Coordinator, Deputy Coordinator, Investigators, Decision Makers, and anyone who facilitates an informal resolution process.
- Implement any remedies effectively.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators or external professionals who have appropriate training or experience.

The contact information for the Title IX Coordinator and Deputy Coordinators are listed in the following section under "Reporting Options."

E. REPORTING OPTIONS

Union expects all faculty, staff, students, and visitors to report potential violations to the Title IX Coordinator or Deputy Coordinators.

Anyone can make a report of an alleged violation as follows:

1. **Option 1:** A report may be made online using the [Title IX Incident Report Form](#), which is available on the Title IX Resource Page on Union's website. All reports are automatically forwarded to the Title IX Coordinator and Deputy Coordinators.
2. **Option 2:** A report may be made to one of the following individuals in person, by mail, by email, or by phone:

- **Title IX Coordinator:** Dr. Michele Atkins
Assistant Provost for Accreditation and Research
1050 Union University Drive
Box 1804
Jackson, Tennessee 38305
matkins@uu.edu /731-661-5465
- **Title IX Deputy Coordinator:** Dr. Bryan Carrier
Vice President for Student Life
1050 Union University Drive
Box 1806
Jackson, Tennessee 38305
bcarrier@uu.edu/731-661-5090
- **Title IX Deputy Coordinator:** Dr. John Carbonell
Associate Vice President for Human Resources
1050 Union University Drive
Box 1805
Jackson, Tennessee 38305
jcarbonell@uu.edu/731-661-5081

When initiating either option, an individual does not need to know whether they wish to request any particular course of action or how to label what happened. Union will provide supportive measures to the Complainant and/or Respondent at no cost. After receiving a report, the Title IX Coordinator will promptly communicate with the Complainant to discuss supportive measures and explain the process for filing a formal complaint.

Title IX complaints under this Policy operate independently of and separate from any other applicable University Policy or discipline or law enforcement investigation.

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

To contact law enforcement:

- Union University Safety and Security: (731) 394-2922
- Jackson Police Department: (731) 425-8400

To access on-campus medical treatment contact:

- Union University Student Health Services: (731) 661-5284

F. DEFINITIONS

For the purposes of this Policy the following terms are defined as:

1. "Prohibited Conduct"- refers to actions taken in violation of this Policy or Title IX.
2. "Complainant"- refers to an individual who is alleged to be the victim of Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action.
3. "Respondent"- refers to an individual who has been reported to be the perpetrator of Prohibited Conduct.

4. "Witness"- refers to an individual who may have information relevant to a report of Prohibited Conduct. A witness may be a student, staff member, faculty member, or a third party unaffiliated with Union.
5. "Reasonable Person" refers to a reasonable person under similar circumstances and with similar identities to the individual.
6. "Substantial Emotional Distress" refers to significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling or interfere with one's normal daily activities and relationships.

G. GUIDING PRINCIPLES TO PROCESSING TITLE IX REPORTS OR COMPLAINTS

Certain guiding principles apply to the processing of a Title IX report or complaint of Prohibited Conduct under this Policy at Union.

1. Those members of the Union community who participate in the Title IX process will be free of any conflict of interest or bias. If a Complainant or Respondent believes the Title IX Coordinator, Investigator, Decision Maker, Advisor, or other member of the Union community has a conflict of interest or bias, the Complainant or Respondent should report such to the Title IX Coordinator or one of the Deputy Coordinators. As soon as the potential conflict or bias becomes known, the Title IX Coordinator will make a determination on the validity of the alleged conflict of interest or bias. If the Title IX Coordinator determines the allegations of a conflict of interest or bias are valid, the Coordinator will take steps necessary to resolve the situation. In the event the Title IX Coordinator is alleged to have a conflict of interest or bias, one of the Deputy Coordinators will investigate the alleged conflict of interest or bias and, if appropriate, remediate the situation.
2. Union will provide equitable treatment to the Complainant and Respondent.
3. Union will presume that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
4. All members of the Union community who participate in the process as a Coordinator, Investigator, Decision Maker, Advisor, or other role as sanctioned by Union shall receive adequate and unbiased training.
5. Union will process the report or complaint in a reasonably timely manner.
6. Union will not determine a person's credibility based upon that person's status as a Complainant, Respondent, or Witness.
7. Union's investigation of a report or complaint of alleged misconduct will be based on an objective evaluation of the relevant evidence.

H. RETALIATION

Union prohibits retaliation. Neither Union nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the 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 or Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or

circumstances as a report or informal or formal complaint of sex discrimination, or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation.

If anyone feels that he or she has been retaliated against, the person may file a complaint alleging retaliation in accordance with the grievance procedures herein for sexual harassment.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding as provided for in this Policy does not constitute retaliation prohibited under this Policy. However, a determination regarding responsibility, alone, is insufficient to conclude that a party made a materially false statement in bad faith. For example, if a Complainant files a formal complaint alleging sexual harassment under Title IX and there is a determination at the conclusion of the process that sexual harassment did not occur, that determination alone is insufficient to conclude that the Complainant made a materially false statement in bad faith.

I. CONSOLIDATION OF COMPLAINTS

Union may consolidate formal complaints as to the allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

J. CONFIDENTIALITY

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the College's ability to conduct an investigation and take any corrective action deemed appropriate by Union.

In some cases, an individual may disclose conduct that would violate this Policy to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted. Union must weigh such requests against the Union's obligation to provide a safe, non-discriminatory environment for all members of the Union community. Although rare, there are times when Union may not be able to honor an individual's request for confidentiality.

The Title IX Coordinator, or designee, is responsible for evaluating requests for confidentiality. When weighing an individual's request for confidentiality or that no investigation or sanction be pursued, the Title IX Coordinator will weigh the totality of the circumstances to determine whether there is a risk of the alleged perpetrator(s) committing additional acts of discrimination, harassment, or sexual misconduct. Examples of such circumstances include, but are not limited to, the following: other complaints about the same alleged perpetrator, a history of prior similar behavior from the alleged perpetrator, a report that the alleged perpetrator threatened further harm, a report that gives reason to believe that the alleged perpetrator may be likely to cause future harm, a report that the incident was committed by multiple perpetrators, or a report that the incident reveals a pattern or perpetration at a given location or by a particular group.

The presence of one or more of the circumstances described above could lead Union to investigate and, if appropriate, pursue sanctions pursuant to this Policy despite an individual's request for confidentiality and/or that no investigation be conducted. If Union determines that it cannot maintain an individual's confidentiality or uphold a request that the complaint not be investigated, Union will inform the individual prior to the start of the investigation and will, to the extent possible, limit the information shared during the grievance process set forth in the Policy.

K. RECORDKEEPING

Union will maintain all required records pursuant to the obligations and time periods prescribed by Title IX and its regulations.

L. REMEDIES-BASED SOLUTIONS

Remedies-based solutions are non-adjudication approaches designed to address the behavior of concern without taking disciplinary action against a Respondent. Where the Title IX Coordinator concludes that remedies-based solutions may be effective at stopping the conduct, addressing its effects, and preventing recurrence without a formal investigation and determination of a College policy violation, Union will take immediate and corrective action through the imposition of individual and community remedies. Union will apply remedies-based solutions in a manner compliant with all applicable state and federal laws and regulations.

Examples of potential remedies may include, but are not limited to:

1. interim measures,
2. targeted and/or broad-based training and educational programming for relevant individuals or groups,
3. communication with the Respondent by the Title IX Coordinator or a University administrator, or
4. any other remedy that will achieve the goals of the Policy. For example, in some instances, notifying a party that certain actions or language are offensive and requesting that the actions or language stop will heighten awareness and accomplish the objectives of the Policy.

In some circumstances, mediation or joint conflict resolution may also be an appropriate method for remedies-based resolution.

Union will not compel a Complainant or Respondent to engage in mediation, to directly communicate with one another, or to participate in any particular form of remedies-based solution. Participation in remedies-based solutions is voluntary, and the parties can request to end their participation in remedies-based solutions at any time. However, the Title IX Coordinator may determine that additional remedies-based steps (e.g., community remedies involving targeted training) are appropriate without the participation of the parties.

M. AMNESTY

Union encourages and expects Students to abide by Union's Policies. Union recognizes that students will make independent decisions about their own conduct. Union prioritizes the reporting of violations of this sexual harassment Policy and a Complainant, Respondent, or Witness making a report of sexual harassment or other conduct violating this Policy will not be charged with student conduct violations related to the student Policies, regardless of the outcome. Similarly, Union will not pursue disciplinary actions against a Complainant, Respondent, or Witness for disclosure of personal consumption of alcohol or other drugs (under age or illegal) when the disclosure is made in connection with a good faith report or investigation of Prohibited Conduct and the personal consumption did not place the health or safety of any other person at risk.

N. GOOD SAMARITAN AMNESTY POLICY

The welfare of students in the Union University community is of paramount importance. Union University promotes bystander intervention and encourages students to offer help and assistance to others in need. Students should not hesitate to offer assistance to others for fear that they may get in trouble themselves. Union University has instituted a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the University will focus on educational responses to those who offer their assistance to others in need, serve as witnesses to an incident, or make a good faith report of alleged misconduct. This policy does not protect students from the consequences associated with Tennessee law. Union University encourages members of the campus community who experience or witness any form of sexual misconduct to report the act to the University and/or law enforcement. Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct be charged with violating community values, regardless of the outcome. Union's desire is to assist the Complainant, to care for

individuals in need and to seek justice. Should a student experience severe intoxication or a drug related reaction while attending an event hosted by a University organization, representatives or members of that organization are expected to promptly call for medical assistance. This act of responsibility will mitigate the judicial consequences against the organization resulting from student community value violations that may have occurred at the time of the incident.

TITLE IX SEXUAL HARASSMENT POLICY

A. SCOPE

This section of the Title IX Policy describes the process to be used for allegations of misconduct that fall under the definition of "sexual harassment" as found in the following paragraph B.

B. DEFINITION OF SEXUAL HARASSMENT UNDER TITLE IX

Sexual Harassment as defined under this Policy is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Union conditioning the provision of an aid, benefit, or service of Union on an individual's participation in unwelcome sexual conduct. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education, status in a position of employment or an academic course or program, or participation in any educational program or activity of the College ("quid pro quo" harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive based on sex that it effectively denies a person equal access to Union's education program or activity by creating a hostile environment;
3. "Sexual Assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v). Also, sexual assault is a particular type of sexual harassment that includes physical sexual acts perpetrated when consent is not present, where a person is incapable of giving consent (incapacitated), or coercion and/or force is used. This includes non-consensual sexual contact as well as non-consensual sexual intercourse or penetration, which the Policy defines as follows:
 - Non-consensual sexual contact (or attempts to commit the same) is the intentional touching or fondling of a person's genitals, breasts, thighs, groin, or buttocks, or any other contact of sexual nature (including bodily fluids) when consent is not present or coercion and/or force is used. This includes not only direct contact, but also contact through clothing and /or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch, fondle, or contact oneself or another.
 - Non-consensual sexual intercourse or penetration (or attempts to commit the same) is any penetration of the sex organs or anus of another person or penetration of the mouth of another with one's sex organs when consent is not present or coercion or force is used. This includes penetration or intrusion, however slight, by an object or any part of the body.

As explained further below, sexual assault includes sexual contact, intercourse, and/or penetration while knowing or having reason to know that the individual was incapacitated due to alcohol and/or drug consumption or was otherwise unable to consent. Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) is strictly forbidden.

4. "Dating Violence" as defined in 34 U.S.C. § 12291-(a)(10). Also, dating violence is violence or the threat of violence by a person with whom the individual is or has been in a social relationship of a romantic or intimate nature. Whether such a relationship exists will be gauged by its length, type, and the frequency of interaction;
5. "Domestic Violence" as defined in 34 U.S.C. § 12291-(a)(8). Also, domestic violence is violence committed by the current or former spouse, intimate partner, current or former cohabitant of the individual, by someone with whom the individual shares a child in common, or violence against anyone else protected under the domestic or family violence laws of the jurisdiction in which the violence occurred; or
6. "Stalking" as defined in 34 U.S.C. 12291 §-(a)(30). Also, stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Examples of stalking include, but are not limited to, the following behaviors:
 - Pursuing or following someone or waiting uninvited near a place where a person frequents;
 - Being or remaining in close proximity to a person;
 - Surveillance or other types of unreasonable observation, including staring or peeping;
 - Trespassing or vandalism;
 - Threatening (directly or indirectly) a person;
 - Gathering information about an individual from friends, family, or others;
 - Non-consensual communication, including face-to-face communication, telephone call, voice messages, text messages, emails, written letters, gifts, or any other communication that are undesired; and
 - Use of online, electronic, or digital technologies, including posting of pictures online, sending unwanted/unsolicited email or chat requests, posting private or public messages on social media sites, installing spyware on someone's computer, or using GPS to monitor a person.

C. CONSENT, COERCION, AND INCAPACITATION

Union 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. As we live and work in community, we recognize that we may at times fall short of these biblical standards. However, this Policy establishes standards for identifying when such intimate sexual expression violates Union's standards for ensuring the safety and well-being of all members of the community.

1. **Consent**

Consent is voluntary, informed, and mutual, and may be withdrawn at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language, or attitude. However, a lack of verbal or physical resistance or submission resulting from the use or threat of force, coercion, manipulation, or intimidation does not constitute consent. Likewise, a person's manner of dress, consent to prior sexual activity, consent to sexual activity with a different person, or relationship status with the person does not constitute consent. It is the responsibility of the initiator of any sexual activity to ensure that he or she has the other person's consent before engaging in sexual activity.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent. Sexual contact with anyone who is under the legal age of consent, is asleep or unconscious, or who the person knows or reasonably should know is incapacitated due to consumption of alcohol, drugs, medication, or a mental or physical impairment is a violation of this Policy. People who are unconscious or physically unable to communicate are assumed to be incapable of giving consent for purposes of this Policy.

2. **Coercion**

Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, a power differential between the parties, and/or the use of physical force.

3. **Incapacitation**

Incapacitation means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and/or disability that impacts the ability of an individual to provide legal consent. Incapacitation is determined by how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Because incapacitation may be difficult to discern, individuals should err on the side of caution. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this Policy.

D. REPORTING AND ASSESSMENT

After receiving a report of an allegation of violation of this Policy, the Title IX Coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Coordinator will assess the Complainant's safety and well-being, offer Union's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy. The Title IX Coordinator may implement interim measures, if appropriate. Union will offer supportive measures to the Complainant and Respondent without fee or charge. Supportive measures are designed to restore or preserve equal access to Union's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, or Union's educational environment, and to deter sexual harassment. Supporting measures may include, but are not limited to, counseling, extension of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increase of security, or monitoring of certain areas of campus.

As part of the initial assessment, the Title IX Coordinator, when applicable to the specific situation presented, will:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information identifying the Complainant, the Respondent, any Witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the Complainant of the right to seek medical treatment;
- notify the Complainant of the importance of preservation of evidence;
- communicate necessary details of the report to the Union University Security Office who will enter the report into the University's daily crime log if required by the Clery Act; and will assess the reported conduct and discern the need for a timely warning under the Clery Act and any other reporting request under state and federal law;

- provide the Complainant with written information about on- and off-campus resources;
- notify the Complainant of the range of interim measures available, including the right to reasonable interim remedial measures regardless of whether they choose to participate in a Union led or law enforcement directed investigation;
- notify the Complainant and Respondent of the range of interim protective measures available if an investigation occurs;
- provide the Complainant with an explanation of the procedural options available for filing a formal complaint;
- discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- assess for any pattern of conduct by the Respondent; and
- explain the University's Policy prohibiting retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation.

When the Title IX Coordinator initiates an investigation, imposes interim protective measures, or takes any other action that affects a Respondent, the Title IX Coordinator will notify the Respondent, offer supportive measures equivalent to those offered and provided to Complainant without charge, and provide written information on available resource and options, consistent with the list outlined above, as applicable to the specific situation presented.

E. COORDINATION WITH OTHER POLICIES

This section of the Policy addresses violations of Title IX "sexual harassment" as defined by this Policy in Section II paragraph B. Complaints of sexual harassment or sexual misconduct that do not meet the definition set forth in Section II may be violations of other Union policies found in the Campus Life Handbook, Faculty Handbook, Staff Handbook, or other applicable Union Policies. The Title IX Coordinator or designee will assist the Complainant in identifying the appropriate University Policy or Policies and procedure for resolution of the complaint in a prompt equitable manner.

F. FILING OF FORMAL COMPLAINT

1. A formal complaint is a written physical or electronic document signed by an alleged victim (Complainant) of sexual harassment (as defined by this Policy) or the Title IX Coordinator or Deputy Title IX Coordinator alleging sexual harassment against a Respondent and specifically requesting an investigation of the sexual harassment. To file a complaint, the Complainant must be participating in or attempting to participate in Union's education program or activity. If a Complainant elects not to pursue a formal complaint, the Title IX Coordinator can sign a complaint to initiate a grievance process only when it is not clearly unreasonable under the facts and circumstances.
2. If at any point during the investigation Union determines that the conduct alleged in the formal complaint:
 - Does not constitute sexual harassment under Title IX, even if proven;
 - Did not occur in Union's education program or activity; or
 - Did not occur against a person in the United States, federal legal mandates require Union to dismiss the formal complaint for purposes of its Title IX grievance procedure. However, Union has the discretion to address the alleged conduct under other University Policies and procedures.

3. Union may dismiss a formal complaint if at any time during the investigation or hearing:
 - The Complainant notifies the Title IX Coordinator in writing that he/she wishes to withdraw the complaint or any allegations therein;
 - The Respondent is no longer enrolled or employed by Union;
 - Specific circumstances prevent Union from gathering evidence sufficient to reach a determination as to the complaint or any of the allegations; or
 - The alleged conduct did not occur on Union's campus and had no connection to a Union education program or activity.

If a formal complaint is dismissed for any of the above reasons, the Title IX Coordinator, or designee, will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent.

G. NOTICE OF FILING A FORMAL COMPLAINT

Upon receipt of a formal complaint, Union will prepare a written notice of the filing of a formal complaint, and provide the notice to the Complainant and Respondent. The notice will include:

1. Union's Title IX grievance process, along with information about the potential for an informal resolution process;
2. The allegations of an alleged case of sexual harassment, containing sufficient details known at the time of preparation of the written notice providing Respondent with sufficient time to prepare a response before any initial interview by the Investigative Team;
3. A statement that the Respondent is presumed not responsible for the alleged conduct, unless and until, a determination regarding responsibility is made at the conclusion of the grievance process;
4. Information that the Complainant and Respondent may have an Advisor of their choice (who may be an attorney) to participate in the investigation process, such as attending interviews or meetings. Union retains the ability to limit the role of the Advisor in the proceedings so long as it does so equally for both parties;
5. Information that the Complainant and Respondent have a right to inspect and review evidence no later than 10 days before the completion of the investigative report; and
6. References to Union policies that prohibit a person from knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, Union expands its investigation beyond allegations included in the original written notice of the filing of the formal complaint, Union will provide written notice of the additional allegations to the Complainant and Respondent as soon as practically possible.

If, after conducting an individualized safety and risk analysis, Union determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifying physical removal of Respondent, Union is authorized to make an emergency removal of a Respondent from Union's education program or activity. However, Union will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Likewise, Union may place a Faculty or Staff Respondent on administrative leave during the pendency of a grievance process.

H. INFORMAL RESOLUTIONS

Once a formal complaint is filed, Union's Title IX Coordinator, or designee, will offer the parties an Informal Resolution Process. The Informal Resolution Process is not available when a student alleges prohibited conduct by a member of the Faculty or Staff. Union will provide a written notice disclosing the allegations, the requirements of the Informal Resolution Process, including the circumstances under which successful completion of the Informal Resolution Process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or shared.

The Complainant and Respondent must provide Union with signed written consent forms memorializing their voluntary and consensual agreement to participate in the Informal Resolution Process. Agreement to participate in the Informal Resolution Process places the grievance process on "hold," allowing the parties to attempt a resolution without having to complete the entire investigative and adjudicative process. The Title IX Coordinator, or designee, may facilitate this process through mediation or other similar techniques. At any time before agreeing to a resolution, any party may withdraw from the Informal Resolution Process and resume the grievance process.

I. GRIEVANCE PROCEDURE

1. Investigative Phase

- a. Following submission of a formal complaint, the Title IX Coordinator, in consultation with the Deputy Coordinators, will appoint an appropriate investigative team from a standing pool of trained investigators ("the Investigative Team"). The Investigative Team, with oversight from the Title IX Coordinator, will initiate an investigation of the allegations contained in the filed formal complaint. Additionally, if, in the discretion of the Title IX Coordinator and Deputy Coordinators, circumstances warrant, an external investigator may be retained.
- b. The burden of proof applicable to this grievance process is "preponderance of the evidence" which means that the evidence demonstrates that it is more likely than not that the Respondent violated this Policy or Title IX. Union has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.
- c. The Investigative Team will provide Complainant and Respondent an equal opportunity to submit fact and expert witnesses and other inculpatory and exculpatory evidence for consideration.
- d. The Investigative Team will conduct the investigation in a fair and impartial manner as determined by the allegations asserted in the complaint based upon the discretion of the trained Investigative Team. The Investigative Team will not restrict the Complainant or Respondent's ability to discuss the allegations under investigation with it or to gather and present relevant evidence to it.
- e. The investigation will be conducted as promptly and in as reasonable a time period as possible when balanced against Union's desire to provide the Complainant and Respondent the benefit of a fair, equitable, and impartial process.
- f. Before completing an investigative report, the Investigative Team will send each Complainant and Respondent, and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a physical paper copy. The Complainant and Respondent will have at least ten (10) business days to submit a written response, should they choose to do so, which the Investigative Team will consider before completing its investigative report. The evidence submitted to the Complainant and Respondent must include any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal written complaint (or supplemental allegations), including evidence upon which Union does

not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Complainant or Respondent or another source.

- g. At the completion of its investigation and after allowing the Complainant and Respondent to review the evidence as outlined above, the Investigative Team will prepare an investigative report that fairly summarizes relevant evidence. At least ten (10) business days before the grievance hearing, the Investigative Team will send the report to the Complainant and Respondent, and the party's Advisor, if any, for their review and written response. In addition, the Investigative Team will send its report to the Title IX Coordinator.
- h. If during its investigation the Investigative Team conducts an interview or meeting that the Complainant or the Respondent is expected to attend (e.g., an interview of the Complainant or Respondent), the Investigative Team will provide written notice of the date, time, location, identity of the participants, and the purpose of the interview or meeting. The Investigative Team will provide the written notice in sufficient time for the Complainant or Respondent to prepare to participate. During the investigation, the parties cannot attend investigative interviews of the other party. For example, if the Investigative Team gives notice to the Respondent of its desire to meet with Respondent to review the allegations of the complaint, Complainant is not allowed to attend. Likewise, Respondent is not allowed to attend Complainant's interview.

2. Grievance Hearing

- a. Once the Title IX Coordinator receives the investigative report, the Coordinator will, in consultation with the Deputy Coordinators, appoint a decision making team from a standing pool of trained decision makers ("Decision Making Team"). The Title IX Coordinator and Deputy Coordinators, in their discretion, may appoint an individual from the Union Community or a third party to serve as a non-voting member of the Decision Making Team. This individual may, but is not required to, have legal training in order to assist the Decision Making Team in conducting the hearing and ruling on evidentiary issues.
- b. The Title IX Coordinator will set a hearing date in a reasonable and prompt manner in consideration of the nature and complexity of the Formal Complaint.
- c. Union will conduct an in person hearing; however, at the request of either party, Union will provide the parties with separate rooms and utilize appropriate technology so that the decision makers and parties may simultaneously see and hear the other parties and witnesses in real time.
- d. Each party's Advisor will have the opportunity to ask the other party and all witnesses relevant questions and follow up questions, including those bearing on credibility. Examination of witnesses, including cross-examination, must be conducted by the party's Advisor of choice and never by the party personally. If a party is unable to or does not obtain an Advisor, Union must provide one free of charge for the purpose of conducting cross examination for the party. The Advisor does not have to be, but may be, an attorney, at the discretion of Union University.
- e. The Decision Making Team will preside at the hearing. The Decision Making Team is responsible for conducting an orderly hearing in a manner, which in the discretion of the Decision Making Team is fair and equitable to the parties.
- f. Before a Complainant, Respondent, or Witness answers a cross-examination or other question, the Decision Making Team must determine whether a question posed is relevant. The Decision Making Team, in the real time, must explain its decision to exclude a question as irrelevant.

- g. Questions and evidence about the Complainant's sexual predisposition or past sexual behavior are not relevant, unless such questions and evidence about the Complainant's past sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- h. The Decision Making Team cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides voluntary, written consent.
- i. The Decision Making Team cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- j. The hearing will be recorded (either audio, video, or both) and made available to the parties for inspection and review. All documents and exhibits will be preserved by the Decision Making Team and made available to the parties for inspection and review. The recording of the hearing and all documentation introduced at the hearing and the written decision will be maintained by the Title IX Coordinator upon completion of the hearing.
- k. If a party or Witness does not submit to cross examination at the hearing, the Decision Making Team must not rely on any statement of that party or witness in reaching a determination regarding responsibility. Further, the Decision Making Team cannot draw any inference about the determination regarding responsibility based solely on the party or witnesses absence from the hearing or refusal to answer a question.
- l. The Decision Making Team will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence.
- m. Following the conclusion of the hearing, the Decision Making Team will prepare a written decision within 15 business days of the conclusion of the hearing. The written decision will include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;
 - 2. A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 3. Findings of facts supporting the determination;
 - 4. Conclusions regarding the application of Union's applicable Policies to the facts;
 - 5. A statement of and rationale for determination of responsibility in regard to each allegation;
 - 6. Any disciplinary sanctions imposed by Union on the Respondent;
 - 7. Whether the remedies that are designed to restore or preserve equal access to Union's education program or activity will be provided by Union to the Complainant; and
 - 8. Union's procedures and permissible bases for appeal.

The Decision Making Team will submit its written decision to the Title IX Coordinator who in turn will immediately provide the written decision to Complainant and Respondent simultaneously via electronic

communication and by United States Postal Service at Complainant and Respondent's last known e-mail and physical addresses.

3. Appeal

- a. Either the Complainant or Respondent can appeal a determination regarding responsibility made by the Decision Making Team or Union's dismissal of a Formal Complaint of any allegations individually dismissed.
 1. To institute an appeal, the Complainant or Respondent must submit a signed written request to appeal to the Title IX Coordinator and the opposing party within ten (10) business days of the date of the written decision of the Decision Making Team.
 2. The appealing party is to provide a copy of the notice of appeal by electronic means and U.S. Mail to the other party.
 3. Complainant and Respondent have ten (10) business days from the date the notice of appeal is sent to them to submit to the Title IX Coordinator a written statement in support of or challenging the ruling of the Decision Making Team.
- b. Grounds for Appeal - Either the Complainant or Respondent can appeal a decision based on the following grounds:
 1. Procedural irregularity that affected the outcome of the matter;
 2. Newly discovered evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter;
 3. A participant in the process (Title IX Coordinator, an Investigator, a Decision Maker) had a conflict of interest or bias for or against Complainant or Respondent that affected the outcome of the matter;
 4. A determination that the written decision issued was contrary to the preponderance of the evidence; or
 5. A determination that the Decision Making Team either improperly allowed or disallowed introduction of material evidence that could have affected the outcome.
- c. Appellate Decision Making Process
 1. The President of Union University decides all appeals. In the event the President is the Respondent or has a conflict of interest or bias, the Provost/Vice President for Academic Affairs will stand in the place of the President in regard to the appeal process. The President is the final decision making authority in the appeal process.
 2. The President will review the hearing record (audio and/or video recording of the hearing) and all matters submitted to the Decision Making Team, including, but not limited to, the investigative report, the written decision of the Decision Making Team, and the written statements submitted by the Complainant and Respondent in support of or challenging the outcome of the Decision Making Team's written decision).
 3. The hearing record will be provided to the President within ten (10) business days from the expiration of the deadline for Complainant and Respondent to submit written statements on appeal.

4. The President will issue a written determination on the appeal. The President can affirm, reverse, or alter the written decision of the Decision Making Team if a review of the record supports the decision made by the President.
5. The President will issue a written determination providing the decision of the appeal and the rationale in support of the decision within 20 business days of the President's receipt of the record.
6. The written appeal of the President will be provided to the Complainant, Respondent, and Title IX Coordinator via electronic communication and by United States Postal Service at the Complainant and Respondent's last known email and physical address.

J. CONTINUANCES

Circumstances may occur in which a temporary delay of the grievance process or for a limited extension of the deadlines in the grievance process is required. Such delays or extension can occur for good cause. Union must provide written notice to the Complainant and Respondent of the delay or extension and the reason for it. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

K. SANCTIONS, CORRECTIVE ACTIONS, AND REMEDIES

The University will take reasonable steps to prevent the recurrence of any Title IX violations and correct the discriminatory effects on the Complainant (and others, if appropriate). Sanctions, corrective actions, and remedies that may be imposed in the event of a violation of the Policy include the following:

- d. Written warning
- e. Written or verbal apology
- f. Community service
- g. Meetings with a predetermined faculty or staff member for personal accountability as determined in Union's discretion
- h. Mandatory training, educational programming, or counseling
- i. Parental notification
- j. Financial restitution
- k. Residence Life (i.e. housing) Probation or Suspension
- l. Institutional Scholarships Probation or Suspension
- m. University Probation or Suspension
- n. Expulsion from the University
- o. Removal from housing or other campus programs, activities, student employment, or leadership positions
- p. Issuing a "no contact" order or other contact restrictions or boundaries between the parties or others, including potential alteration of classes or class schedules

- q. Temporary or permanent restrictions regarding entering certain buildings, areas of campus, or access to campus more generally (e.g., a "No Trespass Order," which prohibits individuals from being present on any University property)
- r. Performance improvement/management process (employees only)
- s. Suspension of employment (employees only, with or without pay)
- t. Termination of employment with the University (employees only)

TITLE IX VIOLATIONS (OUTSIDE THE SCOPE OF THE DEFINITION OF SEXUAL HARRASSMENT)

A. SCOPE

This section of the Title IX Policy covers alleged violations of the Title IX that fall outside the scope of the definition of sexual harassment as defined in Section II paragraph B. Prohibited conduct under this section includes discrimination on the basis of sex in an education program or activity operated by Union.

B. COORDINATION WITH OTHER POLICIES

Union may determine that complaints filed under this Policy do not constitute a violation of Title IX but the conduct alleged may be in violation of other Union Policies which may be found in the Campus Life Handbook, Faculty Handbook, Staff Handbook, or other applicable Union Policies. The Title IX Coordinator or designee will assist the Complainant in identifying the appropriate University Policies and procedure for resolution of the complaint in a prompt and equitable manner.

C. INVESTIGATION PROCESS

1. In response to all reported alleged Policy violations, Union shall provide a prompt, fair, and impartial assessment, and if appropriate, an investigation and resolution.
2. The timing of resolution of a report may vary based on the circumstances of the complaint and may be affected by breaks in the academic calendar, availability of the parties and witnesses, and unforeseen circumstances. The Title IX Coordinator will update the Complainant and Respondent periodically on the status of the investigation.
3. Upon receipt of a report of violation of this Policy, the Title IX Coordinator or Deputy Coordinator will conduct an initial review and assessment. For the purpose of this review, the Title IX Coordinator or the Deputy Coordinator will assume the facts in the report are true in order to assess whether the report should be processed and investigated under the Title IX Policy or other appropriate Union University Policy. If, upon review, the report indicates a possible Title IX violation that does not meet the definition of "sexual harassment" as found in Section II paragraph B, the Title IX Coordinator will appoint an Investigation Committee to investigate and make a determination on the reported violation. If the initial review and assessment reveals that the conduct in the report, even if true, would not constitute a violation of the Title IX Policy, the matter may be referred the appropriate University Administrator or legal authority for resolution or closed with no further action.
4. Where reasonable cause exists to believe conduct in violation of the Policy may have occurred, the Title IX Coordinator or Deputy Coordinator will provide prompt, appropriate, and reasonably available supportive measures to support and protect the parties and prevent any further acts of alleged discrimination, misconduct, harassment, or retaliation. Interim measures may be imposed regardless of whether the Complainant seeks formal investigation.

5. Both the Complainant and Respondent will receive written or verbal notification of the reports from the Title IX Coordinator. The communication will include information about the investigation process, including the allegations to be investigated, the rights of both parties during the investigation, and if substantiated, the range of potential penalties.
6. As part of its investigative process, the Investigation Committee will gather information relevant to the reported allegations. Information may include, but is not limited to, interviews with the Complainant, the Respondent, and Witnesses or persons with information related to the incident. Additional information may include, but is not limited to, documents, electronic communication (e.g. texts, social media posts, emails, phone logs, etc.), and video and audio recordings.
7. Both the Complainant and Respondent will be given the opportunity to respond in writing to specific claims made by the other party before the conclusion of the investigation.

D. DETERMINATION PROCESS

1. The Investigation Committee will review and consider all information gathered and decide whether a Policy violation occurred. The standard approved for determination of a Policy violation is "preponderance of the evidence" which is whether or not there is sufficient evidence to establish that it is more likely than not that the Respondent violated the Policy.
2. The Investigation Committee will prepare a written report of its findings, its determination of whether a Policy violation occurred, the rationale for its determination, and a determination for sanctions or actions to be taken, if appropriate. The Investigation Committee will submit its written report to the Title IX Coordinator who, in turn, will immediately provide the written report to the Complainant and Respondent by email and U.S. Mail. When transmitting the written report, the Title IX Coordinator will provide the parties notice of their right to appeal and the steps to be taken to exercise that right.

E. APPEAL PROCESS

1. A request for an appeal must be made within five (5) business days of the date the written final report is sent to the Complainant and Respondent. A copy of the appeal form will be provided to the Complainant and Respondent when they receive their written final report.

The appeal must be based on one or more of the following reasons:

- a. Procedural irregularity that affected the outcome of the matter;
- b. Newly discovered material evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome of the hearing;
- c. A participant in the process (Title IX Coordinator or Investigative Committee Member) had a conflict of interest or bias for or against Complainant or Respondent that affected the final decision;
- d. A determination that the final decision issued was contrary to the preponderance of the evidence; or
- e. A determination that the Investigative Committee either improperly considered or did not consider material evidence that could have affected the outcome. The appeal is limited to the grounds stated above. Any basis for appeal outside the above stated grounds will not be considered during the appeal process.

2. The President will conduct the appellate review. The Title IX Coordinator will provide the President with all of the Investigative Committee's report of its findings, determinations of violations, rationale for its determination, and sanctions imposed. Within fifteen (15) business days of receipt of the Investigation Committee's Report, the President shall submit to the Title IX Coordinator a written determination on the appeal. The Title IX Coordinator will immediately send the determination to the Complainant and the Respondent. The President is the final decision maker in the appellate process.