

## Policy and Procedures for Preventing and Responding to Sexual Misconduct and Sexual Violence

### Policy Statement

Lincoln Christian University (sometimes referred to herein as the “University” or “LCU”) strives to provide a safe environment in which students, employees and other members of the campus community can pursue their education and work free from the detrimental effects of sexual misconduct and sexual violence, including domestic violence, dating violence, sexual assault and stalking. Such actions, in any form, are prohibited and will not be excused or tolerated. Therefore, the University seeks to educate students and employees about these issues and to provide a means of recourse should a member of the campus community believe he or she has been the victim of sexual violence and/or sexual misconduct. When brought to the attention of the University, such actions will be appropriately responded to according to the procedures outlined in this policy.

Further, as a University that seeks to glorify God in every way, we seek to obey all of the teachings of the Bible on all issues, including human sexuality. All of those Biblical principles are incorporated into this policy even though not all of them are set forth word for word herein. The University deeply holds to the following religious beliefs: That sexual immorality as defined in the Bible is sin and should be fled from by all persons associated with the University. Sexual intimacy of any kind must be exclusively reserved for a marriage relationship where mutual love exists. We believe that the marriage relationship is defined by God as a lifelong committed and loving covenant relationship between one woman and one man. All other sexual intimacy outside of such a marriage relationship is sin. While avoiding sexual sin is the primary goal of this policy, the University acknowledges that no person associated with the University is without sin and that at some times and in some situations sexual intimacy may occur outside of Biblically accepted standards. This policy addresses these situations.

This policy strives to ensure that the campus community is knowledgeable about:

- ◆ procedures survivors should follow if sexual misconduct and sexual violence has occurred;
- ◆ how to report such offenses;
- ◆ definitions of behaviors that constitute sexual misconduct, including domestic violence, dating violence, sexual assault and stalking;
- ◆ ways to prevent or reduce the incidence of these behaviors;
- ◆ disciplinary procedures for and potential consequences of engaging in such acts.

### What Steps Should a Survivor Take Following An Incident Of Sexual Misconduct And Sexual Violence?

If you are the survivor of sexual misconduct and/or sexual violence, help is available on campus and in the community. (ON CAMPUS AND COMMUNITY RESOURCES FOR THE MAIN CAMPUS AT LINCOLN AND FOR SATELLITE CAMPUS LOCATIONS ARE AVAILABLE AT THE FOLLOWING LINKS : [Lincoln and Bloomington](#) and [Las Vegas](#)).

The University provides education and prevention resources, offers various support services and referrals for anyone who has experienced unlawful sexual misconduct or sexual violence, encourages and facilitates reporting, and is committed to disciplining anyone whom University procedure determines has violated this policy.

If you have been sexually assaulted, it is important to receive the necessary support for your safety and health. It is always your choice about who you want to tell and what you want to do; however, there are some recommended steps a person can take that can be beneficial for you.

- ◆ Find a safe environment. Remove yourself from your attacker as soon as possible. Contact a person you trust and ask this person to come get you or go to their location. Ask this person to remain with you as support while you decide your next action.
- ◆ If you have experienced any sexual misconduct or sexual violence, you are encouraged to report the incident and to seek medical care and support as soon as possible. Seek medical attention immediately from a hospital or another health care provider. Going to the hospital or other medical facility does not mean that you will need to make a police report; however, you will be given that opportunity. Try to preserve all physical evidence. This means: do not bathe, shower, use the toilet or change clothing if at all possible. If you must remove your clothing, place them in a paper bag to prevent deterioration of evidence. A rape crisis advocate can be called to help you through this process at the hospital. Medical and follow up care are advised whether or not you report the assault. Even if you do not see any visible injuries, it is important to seek medical attention to make sure you have not sustained any internal injuries.
- ◆ If you suspect you have been drugged, go to your nearest emergency medical facility. It is extremely important for your safety and for collecting forensic (crime-solving) evidence. Again, even if you have forensic (crime-solving) evidence collected, it remains your choice regarding how you wish to proceed.
- ◆ For emergencies, call 911. If you have been assaulted on the Lincoln campus, you can also call LCU ALERT at (217) 651-6809.
- ◆ If you are not sure if you would like to proceed with formal action (i.e. filing a police report or reporting it to the University), there are informal support options available at LCU. The LCU Counseling Center, (217) 732-3168 (Ext. 2269), is a resource where students can talk confidentially about what happened and learn about available campus and community resources to support you. Employees may contact the LCU Counseling Center, (217) 732-3168 (Ext. 2269) for access to a confidential counseling referral. For more information about steps to take after being sexually assaulted, you can also review the following brochure from the Illinois Coalition on Sexual Assault:  
<http://www.icasa.org/docs/brochures/after%20sexual%20assault%202013.pdf>

### Where Can a Survivor Seek Medical Attention?

Whether or not you choose to file a report, it is important that you obtain medical treatment following sexual assault. It is important that you be examined for any possible injuries, visible or not visible. Also a hospital exam to collect evidence for potential criminal prosecution should be done as soon as possible after an assault. This exam can only be performed at a hospital emergency room.

Having the exam completed keeps your options open. If a police report is filed, there should be no cost to you for services you receive at the emergency room. Medical facilities where this exam is performed near LCU and its satellite campus locations are found at the following links: [Lincoln and Bloomington](#) and [Las Vegas](#).

## How Can Sexual Misconduct and Sexual Violence be Reported?

The University urges anyone who has experienced sexual assault, domestic violence, dating violence, or stalking to seek support as soon as possible to minimize and treat physical and emotional harm and to understand options for pressing charges. Various options exist for reporting these offenses, as described below.

- ♦ **On-Campus, Confidential Reporting Options:** To confidentially report an incident of sexual misconduct and sexual violence on-campus, please contact one of the resources listed below. Confidential reporting means the individual reporting the incident would like the details to be kept confidential and except in extreme cases of immediacy of threat or danger or in case of abuse or neglect of a minor, the representatives listed below will do so. These representatives will, however, submit anonymous statistical information to allow the University to fulfill reporting requirements of the Clery Act unless they believe it would be harmful to the individual.
- **CONFIDENTIAL In-Person Reporting:** (NOTE: Reporting to any one of the following resources maintains the confidential nature of your report until and unless you say otherwise.)

Please contact one of the following:

1. For emergency medical services:  
Abraham Lincoln Memorial Hospital  
**Phone:** (217) 732-2161 or dial 911  
**Location:** 200 Stahlhut Dr., Lincoln, IL 62656
2. For 24 hour services:  
Prairie Center Against Sexual Assault  
24 Hour Crisis Hotline  
**Phone:** Hotline Available 24 hours/day: (217) 753-8081  
**Location:** 3 West Old State Capitol Plaza, Springfield, IL 62701
3. For non-emergency services (to discuss your situation confidentially with an LCU confidential advisor):
  - a. Dr. Kim Baldwin (LCU Confidential Advisor)  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2246)  
**Office Location:** Restoration Hall, Room 11  
**Email:** [kbaldwin@lincolnchristian.edu](mailto:kbaldwin@lincolnchristian.edu)
  - b. Dr. Nolan Thomas (LCU Confidential Advisor)  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2268)  
**Office Location:** Restoration Hall, Room 10  
**Email:** [cnthomas@lincolnchristian.edu](mailto:cnthomas@lincolnchristian.edu)
  - c. Larry Roberts (LCU Confidential Advisor for MAC [Master of Arts in Counseling] and PC&C [Pastoral Care & Counseling] seminary students)  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2206)

**Office Location:** Harmony Hall, Room 35

**Email:** [lroberts@lincolnchristian.edu](mailto:lroberts@lincolnchristian.edu)

- d. Complete the Online Sexual Assault Report (your information will be sent only to the LCU confidential advisors):

<https://my.lincolnchristian.edu/sexual-assault-report/>

- NON-CONFIDENTIAL In-Person Reporting (**ALERT: Reporting to any of the following people is NOT held in confidence.**)

Please contact one of the following individuals:

- Randy Ingmire (Title IX Coordinator)  
Vice President of Student Services  
(217) 732-3168 (Ext. 2212)  
[ringmire@lincolnchristian.edu](mailto:ringmire@lincolnchristian.edu)
- Marla Bennett  
Director of Human Resources  
(217) 732-3168 (Ext. 2320)  
[mbennett@lincolnchristian.edu](mailto:mbennett@lincolnchristian.edu)
- LCU ALERT (217) 651-6809

- *Electronic Reporting:*

Incidents can be reported electronically [here](#). Incidents reported electronically are confidential, can be done anonymously, and may be submitted by the victim, a third-party, or by-stander. Within 12 hours of receiving an electronic report, IF THE PERSON REPORTING PROVIDES HIS/HER CONTACT INFORMATION, the University will respond to the electronic reporter with information about available resources.

- ♦ Off-Campus Reporting Options of Sexual Misconduct and Sexual Violence near the Lincoln campus and the Bloomington extension site:

- ♦ Telephone 911
- ♦ [Other Options](#)

- ♦ Off-Campus Reporting Options of Sexual Misconduct and Sexual Violence near the Las Vegas, Nevada campus:

- ♦ Telephone 911
- ♦ [Other Options](#)

### What are the Rights of Survivors of Sexual Misconduct and Sexual Violence?

- ♦ A survivor has the right to concise information, written in plain language, concerning the survivor's rights and options.

- ◆ The survivor will be informed of the University's policy, procedures, disciplinary process and possible outcomes.
- ◆ The University will inform the survivor of available counseling services, medical services, mental health services, and other resources available on campus and off campus.
- ◆ Survivors have the right to report a sexual assault to local law enforcement by calling 911 or, from the main campus or any satellite campus at (217) 735-2151 or can choose not to do so, neither of which prevents the University from pursuing disciplinary action. Survivors also have the option to be assisted on-campus with reporting to law enforcement by the University's Title IX Coordinator or Counseling Center staff or the Director of Human Resources, as applicable (contact details are listed on page 3 above). These individuals can also assist survivors with locating and utilizing survivor services. In Lincoln, Illinois, the Logan County Sojourn Program, (217) 732-8988 or if after regular business hours or in an emergency through calling 911, also has resources to assist with reporting to local law enforcement. For all possible reporting resources go to the following links: [Lincoln and Bloomington](#) and [Las Vegas](#).
- ◆ To ensure the safety and well-being of the survivor, he or she may request interim remedies after an incident of sexual misconduct or sexual violence occurs, which could include providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines and/or course schedules, altering work arrangements for employees, etc. The Title IX Coordinator or the Director of Human Resources, as applicable, will be able to help facilitate such changes.
- ◆ Survivors have the right to have an advisor of their choice throughout the investigation and disciplinary process, including at related meetings and hearings.
- ◆ A survivor can request a campus "no-contact order," which prohibits the accused student or employee from having contact of any kind (including electronic contact or contact from third parties acting on the accused student's behalf). Contact the Title IX Coordinator OR the Director of Human Resources, as applicable, for more information.

Survivors can also request a civil order of protection or no-contact order issued by the court. In Lincoln, Illinois, assistance in filling out related paperwork is available from Sojourn Services on the 1<sup>st</sup> Floor at the Logan County Courthouse, on the downtown square in Lincoln, Illinois or by phone at (217) 732-8988 or if after regular business hours or in an emergency through calling 911. Resources at other LCU satellite campus locations can be found at the following links: [Lincoln and Bloomington](#) and [Las Vegas](#).

- ◆ The survivor is afforded the right to be updated on the investigation and to be informed of the outcome of disciplinary proceedings.

### What Resources Are Available Locally and Nationally?

The following resources are not affiliated with the University but may be helpful for survivors of sexual misconduct and violence: [Lincoln and Bloomington](#) and [Las Vegas](#).

### How Can A Campus No-Contact Orders be Requested?

A campus no-contact order is a directive issued by a campus authority that prohibits contact between parties or from one party to another. Such an order may be issued through the formal process (i.e. Student Discipline or Human Resources) or under the direction of a Title IX Coordinator. This may

apply to communications in person, online, and other forms of contact, both on and off campus. It is important to note that this is different than a civil order, which is issued by a court. Campus no-contact orders may be issued as a sanction or outcome and may also be issued on an interim basis while an incident is under investigation or adjudication. It is important to note that the burden of proof for a campus no-contact order is often less than that required for a court issued order, and the consequences for violating it are also limited to action that can be taken by the University, such as an additional student conduct charge of failure to comply with a University directive.

## How Can Civil Orders of Protection and Court-Issued No-Contact Orders be Requested?

If you have questions about civil orders of protection or Court-issued no contact orders, please contact your local police department (in Lincoln call (217) 732-2151). Assistance in filling out the paperwork is also available from Sojourn Services on the 1<sup>st</sup> Floor at the Logan County Courthouse, on the downtown square in Lincoln, Illinois or by phone at (217) 732-8988 or if after regular business hours or in an emergency through calling 911. Resources at other LCU satellite campus locations can be found at the following link: [Lincoln and Bloomington](#) and [Las Vegas](#).

## What Offenses Are Prohibited Under This Policy?

This policy prohibits sexual misconduct and sexual violence, including domestic violence, dating violence, sexual assault and stalking and applies to conduct of students, employees, and other members of the campus community and guests on the University property. This policy applies to conduct occurring on the University's campuses and at University-sponsored events regardless of location and in University housing and, may apply to other conduct occurring online or off the University campus when the conduct affects or is detrimental to the educational interests or other substantial interests of the University.

Definitions of prohibited offenses and related terms include:

**Domestic Violence** is a single incident or a pattern of abusive behavior that may be caused by one or more factors (including, but not limited to learned behavior, habitual reactions based on upbringing, impulsivity) and/or may be used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- ◆ The length of the relationship
- ◆ The type of relationship
- ◆ The frequency of interaction between the persons involved in the relationship

**Sexual Assault** is any type of sexual contact or behavior that occurs by force or without the consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted

rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

**Stalking** is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

**Sexual Harassment** is any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- ◆ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, employment, or extra-curricular participation; or
- ◆ submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's education, employment, or extra-curricular participation; or
- ◆ such conduct has the purpose or effect of substantially interfering with an individual's education, employment, or extra-curricular participation, or of creating an intimidating, hostile or offensive educational, employment, or extra-curricular environment.

The University has a separate policy to address harassment complaints, including sexual harassment. You can find the University's *Harassment Policy, Procedures, and Related Considerations* at: [Harassment Policy](#), [Staff Handbook](#), and [Faculty Handbook](#).

**Non-Consensual Sexual Intercourse** is defined as any sexual penetration or intercourse (anal, oral or vaginal) however slight with any object by a person upon another person that is without consent and/or by force.

**Sexual Penetration** includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

**Non-Consensual Sexual Contact** is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force.

**Sexual Touching** includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

**Sexual Exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- ◆ Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- ◆ Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- ◆ Prostitution;
- ◆ Sexual exploitation also includes engaging in sexual activity with another person while

knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

It is not an excuse that the individual accused of causing sexual misconduct and sexual violence, domestic violence, dating violence, sexual assault or stalking was intoxicated and, therefore, did not realize the incapacity of the alleged victim of such conduct.

## What Is Consent and What is NOT Consent?

A. Consent is a freely given and verbally expressed agreement to engage in the sexual activity in question (“Yes means “Yes”). Consent may NOT be assumed from conduct alone. Informed consent cannot be obtained through physical force, compelling threats, intimidating behavior, or coercion. Incapacitation by the person INITIATING sexual activity does NOT in any way lessen his or her obligation to obtain consent.

A person can withdraw consent AT ANY TIME through a verbally expressed statement, including, but not limited to, the word “no” (“No” means “No”) or any other word or words that reasonably communicate a withdrawal of consent or by clear conduct that would lead a reasonably prudent person to conclude that consent has been withdrawn.

A person who initially consents to sexual conduct is not deemed to have consented to any sexual conduct that occurs after he or she withdraws consent during the course of that sexual conduct. A person always retains the right to revoke consent at any time during a sexual act.

When the persons involved in sexual conduct are within the context of a legally recognized and Biblically defined marriage, where the parties are residing in the same household, not legally separated and where no domestic violence is involved, then “consent” shall be defined as hereinabove but shall also take into consideration and balance the Biblical principles found not only in I Corinthians 7:3-6 but also in Ephesians 5:21-33. If the married persons are not residing in the same household or are legally separated or where domestic violence is involved between the persons, then the general definition of “consent” hereinabove, applicable to non-marital relationships, shall apply just as if the persons were not married.

B. The following do NOT constitute Consent:

- 1) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force;
- 2) a person's manner of dress or other contextual matters such as drug/ alcohol consumption, dancing or an agreement to go to a private location like an apartment, home, bedroom, dorm room or other private location;
- 3) a person's consent to past sexual activity does not constitute consent to future sexual activity;
- 4) a person's consent to one sexual act does not constitute consent to a different sexual act;
- 5) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person;

- 6) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity for any reason, including, but not limited to, language limitations, cultural differences or social inexperience;
- 7) the existence or former existence of a friendship, engagement, romantic or dating relationship or accepting a date, a meal or a gift;
- 8) a person cannot consent to sexual activity if that person is unable to give knowing consent, due to circumstances existing at the time of the sexual conduct, including WITHOUT LIMITATION, the following:
  - (A) the person is incapacitated due to the use or influence of alcohol and/or drugs to the point of being unable to make an informed and rational decision;
  - (B) the person is asleep or unconscious;
  - (C) the person is under the legal age of consent (which, currently, in Illinois, is 17 years old unless the accused holds a position of trust, authority or supervision in relation to the victim, where in such later case, the legal age of consent rises to 18 years old. Note: this definition may be different in States other than Illinois and, if so, the definition in the state where the misconduct occurs shall be used);
  - (D) the person is incapacitated due to a mental disability;
  - (E) the person is incapacitated due to a physical disability to the point of being unable to make an informed and rational decision.

### What does “Incapacitated” mean?

When the term “incapacitated” in any of its various grammatical forms or any synonym of the word or any word or combination of words that concern the “capacity” of a person to “consent”, is used in any given context, it shall have the following meaning:

- A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, i.e., when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions. Initiation of sexual activity with someone whom a reasonable person knows or should have known to be deemed incapacitated is not consent.
- Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. It exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which he or she appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions also can cause incapacitation.
- In sum, an act will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonably should know is incapacitated.

## What Are The Procedures For Complaint Resolution And Discipline?

When a report of sexual misconduct and/or sexual violence is made to the University, the Title IX Coordinator, the Dean of Students, the Director of Human Resources or the Counseling Center, designated staff will be available to respond and assist the survivor in accessing and navigating health care, safety, and support options available on and off campus.

Any person who experiences conduct that he or she believes violates the policy on sexual misconduct and sexual violence is encouraged to report that conduct to the Title IX Coordinator, Dean of Students, Counseling Center Staff, the Director of Human Resources, as applicable or LCU ALERT. The person is also encouraged to make a report to the police for legal action. Both of these processes can happen simultaneously. For the purposes of this process, the person who reports an experience of sexual misconduct and sexual violence is called “the accuser”. The person who is accused of committing sexual misconduct and sexual violence is called the “the accused.” Both the accuser and the accused are encouraged to participate in the investigation and decision process.

The University’s procedures seek to ensure a prompt, fair, and impartial investigation and resolution. Procedures will be conducted by University officials who receive annual training on issues related to sexual misconduct and sexual violence, as well as on conducting a hearing process that protects survivor safety and promotes accountability.

The **Standard of Evidence** used in the decision of cases of sexual misconduct and sexual violence will be by a “preponderance of the evidence”. Possible sanctions if a student or employee is found responsible for a violation of this policy include the full range of disciplinary sanctions available at the University, up to and including suspension and expulsion for students or termination of employment for employees.

Any student who reports, in good faith, an incident of sexual misconduct and sexual violence will not receive a disciplinary sanction by the University for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the University determines that the violation was blatant, including, without limitation, an action that places the health or safety of any other person at risk.

### Before the process of investigation starts:

- ◆ The Title IX Coordinator and/or Dean of Students or the Director of Human Resources, as applicable, will meet SEPERATELY with both the accuser and the accused. The Title IX Coordinator and/or Dean of Students or Director of Human Resources, as applicable, will explain the process and will also serve as a resource for any questions or concerns.
- ◆ The Title IX Coordinator and/or Dean of Students or Director of Human Resources, as applicable, will issue a campus no-contact order between the accuser and the accused if one is not already in place. This helps ensure the integrity and privacy of the process.
- ◆ The Title IX Coordinator and/or Dean of Students or Director of Human Resources, as applicable, will make available additional protective measures to increase the accuser’s safety and well-being on campus, which may include, among other measures, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines and/or

course schedules, altering housing arrangements and altering work arrangements for employees.

### Investigation:

Both the accuser and the accused have the right to an advisor of their choosing who can be present with them for all parts of the process, including any meeting with campus officials, and with the investigators. The advisor can speak to their advisee at any time during the process but cannot speak directly to the investigators.

- ◆ If the accuser reports an incident of sexual misconduct or sexual violence but does not wish to participate in the investigation and determination process, the situation will be reviewed by the Title IX Coordinator and Dean of Students or Director of Human Resources, as applicable. They will determine whether there is sufficient information to proceed with an investigation and determination without the participation of the accuser, and also whether there is evidence of a risk to the larger campus community such that a timely warning to the campus should be issued.
- ◆ If the accused does not wish to participate in the investigation and determination process, the process will proceed without his or her contribution to the determination of the facts of the case. The accused should note that the appeal process based on appearance of new information not available to the investigators does not apply in cases of deliberate omission of information by the person making the appeal, including refusal by the person making the appeal to participate in the investigation.
- ◆ The Title IX Coordinator and/or Dean of Students or Director of Human Resources, as applicable, will convene an investigative team consisting of two individuals, one male and one female, who do not have a bias or other conflict of interest with the accuser or accused. The investigation team may consist of the Title IX Coordinator and Dean of Students or Director of Human Resources, as applicable so long as the above named criteria are met. All individuals appointed to serve as investigators shall have participated in annual training on issues related to sexual misconduct and sexual violence. Within 10 business days (if possible), the investigation team will take primary statements from the accuser and the accused, ask follow up questions, and reach out to and collect statements from others who have evidence/information relevant to the incident. The accuser and the accused may each suggest questions to the investigation team to be asked of others, and may also suggest others that the investigation team should speak with. Final decisions about whom to talk with and what to ask will be made by the investigators. To the fullest extent possible, all individuals (over which the University has authority) contacted by the investigators will be required to maintain the confidentiality of the investigation. All persons over whom the University has no authority will be strongly requested to maintain the confidentiality of the investigation. The investigator will also collect any additional evidence available (for example: health care records (with permission of the student) and previous disciplinary records, etc.).
- ◆ Using the information gathered by the investigators and in consultation with them, the Title IX Coordinator and/or Dean of Students or Director of Human Resources, as applicable, will prepare a formal report consisting of a description of the incident, the response of the accused, the investigator findings, and a recommendation of the appropriate action(s) to be taken. The report will be submitted to the Vice President for Student Services for reports exclusively involving students and to the relevant Vice President(s) for reports involving employees or employees and students. If the Report involves a Vice-President it shall be submitted to the President. If the

Report involves the President it shall be submitted to University Legal Counsel and to the Chairman of the Board of Trustees.

#### Determinations:

- ◆ The person to whom the report is submitted will review the report and he or she will make the decision about whether there has been a violation of this policy. He or she may: 1) accept the report and recommendations as presented; or 2) request additional information/clarification from the investigative team and consider a modified report as appropriate;
- ◆ After consideration of the final report, the person to whom the report is submitted will make a final determination regarding the report. In consultation with the person to whom the report was submitted, then the Title IX Coordinator or Dean of Students or Director of Human Resources, as applicable, will prepare formal decisions to be provided in writing and sent simultaneously to the accuser and the accused, which will include a summary of the investigation findings and a communication of any action to be taken.

#### Appeal:

- ◆ Both parties have the right to request an appeal of the decision made by the person to whom the report was submitted. The right to appeal is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. (Note that deliberate omission of information by the appealing party in the original investigation is not grounds for appeal.) Each party has 7 business days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to LCU University Legal Counsel's Office and to the President's Office. LCU's Legal Counsel, or in sole discretion of the President, the President's designee, will be the person who reviews and decides the appeal. The person reviewing and deciding the appeal may uphold the prior findings and recommendation(s) or may determine a different response.
- ◆ The results of any appeal will be communicated simultaneously and in writing to the accuser and the accused by the Title IX Coordinator or Dean of Students or Director of Human Resources, as applicable, within 7 days after the conclusion of the appeal of findings or sanctions.

#### Additional matters:

- ◆ Both parties have full access to the support services available in the LCU Counseling Center throughout the process, so long as they are enrolled students. Employees have support services available through the LCU Counseling Center in the form of a referral to an outside source for such services. Currently, employees are not allowed to utilize the LCU Counseling Center for direct counseling services.
- ◆ Retaliation. Retaliation of any kind against the person reporting assault or against any person participating in the investigation is strictly prohibited. Any retaliation will be treated as a new and additional violation of this policy.

#### What Programs Does the University Provide to Raise Awareness and Prevent Incidents of Sexual Misconduct and Sexual Violence?

The University provides numerous education programs and awareness campaigns to prevent and promote awareness of domestic violence, dating violence, sexual assault, and stalking. In addition to covering the information addressed in this policy, these programs, among other things, provide

information regarding options for bystander intervention and information on risk reduction strategies. Descriptions of these prevention and awareness programs can be located, as applicable, from any Confidential Advisor or Non-confidential Advisor (as identified above on page 3 above) of this Policy.