Williams Baptist University
Comprehensive Grievance Procedure
for Title IX Compliance

Williams Baptist University (WBU) maintains the following policy on sex discrimination and sexual harassment in compliance with Title IX of the Education Amendments of 1972 and the Title IX regulations in 34 CFR Part 106. WBU provides notice of this policy to applicants for admission and employment, students, and employees to the extent required by law.

DISCRIMINATION ON THE BASIS OF SEX

WBU does not unlawfully discriminate in its programs and activities on the basis of sex, except as otherwise permitted by applicable law, including legally recognized protections and exemptions applicable to religious institutions. The requirement not to discriminate on the basis of sex applies to admissions, except undergraduate admissions as provided by Title IX.

Pregnancy and Related Conditions. WBU prohibits unlawful discrimination on the basis of pregnancy and related conditions, including pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom, as required by applicable law. WBU will provide students and employees affected by pregnancy or related conditions with such reasonable modifications, leave, reinstatement, and other protections as are required by applicable law. Individuals may contact the Title IX Coordinator for information regarding rights, resources, assistance, or the University's procedures concerning pregnancy and related conditions

Religious Institution and Title IX. Williams Baptist University ("WBU") is a private Christian institution of higher education committed to carrying out its educational mission consistent with its religious identity, beliefs, tenets, and governing documents. WBU does not discriminate on the basis of sex in its education programs or activities except as permitted by applicable law, including applicable provisions protecting the rights of religious institutions. Pursuant to applicable federal law, including the religious-institution exemption provided by Title IX, WBU reserves its right to claim an exemption from particular Title IX requirements when application of those requirements would not be consistent with the University's religious tenets. WBU will administer this policy consistent with applicable law and its religious mission. (34 CFR § 106.12(a)).

WBU's recognition of rights and protections related to pregnancy and related conditions does not constitute endorsement of conduct or practices contrary to the University's religious beliefs, nor does it waive any religious exemption or other legal protection

available to WBU. The University will administer this policy consistent with applicable law and its religious mission.

RELIGIOUS INSTITUTION EXEMPTION

Williams Baptist University is a private Christian institution and may exercise rights available to religious institutions under Title IX and other applicable federal and state law. Where application of a particular Title IX requirement would not be consistent with WBU's religious tenets, WBU may rely upon any applicable religious exemption recognized by law.

WBU's religious mission and institutional policies are grounded in its Christian identity and governing documents. The University reserves the right to maintain and enforce policies concerning religious beliefs, theological commitments, marriage, sexual conduct, and other matters of institutional religious practice to the extent permitted by applicable law.

Nothing in this section shall be construed to create an exemption broader than that provided by applicable law. Questions regarding the application of a religious exemption to a particular University policy or practice should be directed to the Title IX Coordinator and appropriate University officials.

Questions or inquiries about the application of Title IX and the Title IX regulations to the WBU's programs and activities may be addressed to WBU's Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.

REPORTING SEXUAL HARASSMENT, SEXUAL ASSAULT OR OTHER SEX DISCRIMINATION

Title IX Coordinator. WBU has designated and authorized the following employee(s) to coordinate its efforts to comply with its policies to prevent sexual harassment and discrimination:

Dr. Ruth Provost
Vice President for Academic Affairs
56 McClellan Dr.
Walnut Ridge, AR 72476
rprovost@williamsbu.edu
Ph. (870) 759-4199

Emergency Report.

If you witness or experience any emergency involving sexual assault or any other crime of violence, or if you have immediate safety concerns, first call 911, then call the Campus Police at (870) 759-4161.

How to Report. Any person may report a grievance relating to sex discrimination, including Sexual Harassment, or discrimination based on pregnancy or related conditions, whether or not the person reporting is the person who may be the victim of conduct being reported. A report may be made:

$ in person during normal business hours;

$ at any time during or outside of normal business hours by mail, telephone, or email; or
$ at any time using any other means that results in the Title IX Coordinator receiving the verbal or written report

Complaints alleging sex discrimination that do not allege Sexual Harassment as defined by this policy will be addressed under WBU's applicable Unlawful Discrimination and Harassment Policy or grievance procedures.

DEFINITIONS

The following words in this policy, when capitalized, mean the following:

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

Consent: consent is clear, knowing, and voluntary. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent. Use of alcohol or other drugs will never function as a defense to a violation of this Policy.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

Dating Violence: violence committed by a person
(1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(2) The existence of such a relationship is determined based on the reporting party's statement and with consideration of:
    (a) The length of the relationship.
    (b) The type of relationship.
    (c) The frequency of interaction between the persons involved in the relationship.
(3) Includes, but is not limited to, physical or sexual abuse or threat of such abuse.
(4) Dating violence does not include acts covered under the definition of domestic violence

Decision-maker: the person or persons designated by WBU to conduct the Hearing and make a determination on the allegations in a Formal Complaint. No Decision-maker will be a Title IX Coordinator or the Investigator.

Document: a document or electronic submission (such as by email) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Domestic Violence: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Arkansas.

Education Program or Activity: a location, event, or circumstance over which WBU exercises (or, during the relevant time, exercised) substantial control over both the Respondent and the context in which the Sexual Harassment occurs, including any building owned or controlled by a student organization that is officially recognized by WBU. If conduct is reported that does not fall within Title IX's jurisdiction, WBU may nevertheless evaluate whether the conduct violates another University policy and, when appropriate, refer the matter to the applicable University process.

Facilitator: A person who serves to facilitate an informal resolution of a Formal Complaint through mediation, arbitration, restorative justice, or a similar process.

Formal Complaint: a document which:
(1) is filed by a Complainant or signed by the Title IX Coordinator; and
(2) if filed by the Complainant, he or she is participating in or attempting to participate in WBU's education program; and
(3) alleges Sexual Harassment against a Respondent; and
(4) Requests that WBU investigate.

Hearing: The live hearing before a Decision-maker for the purpose of presenting evidence regarding the allegations in a Formal Complaint and allowing for questioning and cross-examination of Parties and witnesses by the Parties' advisors, all in order that the Decision-maker can determine responsibility.

Investigative Report: The written report created by the Investigator that fairly summarizes all relevant evidence obtained during the investigation of a Formal Complaint.

Investigator: The person designated by WBU to investigate a Formal Complaint. If more than one person is designated, this term refers to all of the investigators.

Party: either the Complainant or the Respondent.
Parties: All Complainants and all Respondents with respect to a complaint of Sexual Harassment or with respect to multiple Formal Complaints which have been consolidated.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including: forcible or statutory rape, forcible sodomy, sexual assault with an object, forcible fondling, and incest.

- *Rape* is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Fondling* is defined as touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- *Incest* is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape* is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:
(1) A University employee conditioning the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to WBU's education program or activity; or
(3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to
(1) fear for his or her safety or the safety of others; or
(2) suffer substantial emotional distress.

Supportive Measures: non-disciplinary, non-punitive individualized services offered to the Complainant or the Respondent (or one who may become a Respondent) before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

University Standards Beyond Title IX. WBU may prohibit and address conduct under its other University policies even when such conduct does not meet the definition of Sexual Harassment under Title IX or does not fall within Title IX jurisdiction. WBU's standards may reflect the University's religious mission and institutional commitments, to the extent permitted by applicable law.

PREGNANCY AND RELATED CONDITIONS — REQUESTS FOR ASSISTANCE

A student or employee seeking assistance related to pregnancy or related conditions may contact the Title IX Coordinator. A Formal Complaint of Sexual Harassment is not required to request pregnancy-related assistance or modifications. The Title IX Coordinator will coordinate with appropriate University offices to determine and provide those modifications, leave, reinstatement, or other protections required by applicable law and University policy.

A complaint alleging discrimination based on pregnancy or related conditions will be addressed under the University's applicable sex-discrimination grievance procedures. Such a complaint need not constitute Sexual Harassment, as defined in this policy, to constitute prohibited sex discrimination.

RESPONSE TO SEXUAL HARASSMENT (WITH OR WITHOUT A FORMAL COMPLAINT)

If WBU has actual knowledge of Sexual Harassment in an Education Program or Activity, the Title IX Coordinator is responsible for coordinating a University response that is prompt and reasonable in light of the known circumstances and includes at least the following:

(1) Treating Complainants and Respondents equitably;
(2) Promptly contacting the Complainant to discuss the availability of Supportive Measures;
(3) Offering Supportive Measures to the Complainant whether or not the Complainant files a Formal Complaint;
(4) Considering the Complainant's wishes with respect to Supportive Measures;
(5) Explaining to the Complainant the process for filing a Formal Complaint; and
(6) Following WBU's grievance procedure before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

WBU will provide students or employees who report being victims of Dating Violence, Domestic Violence, Sexual Assault or Stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus. The explanation will include written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims (within WBU and in the community), and the availability of changes to academic, living, transportation, and working situations, or Supportive Measures regardless of whether the student or employee files a Formal Complaint or makes a report to law enforcement.

SUPPORTIVE MEASURES

WBU will offer Supportive Measures as appropriate, as reasonably available, and without fee or charge to the Complainant, the Respondent, or a person who may become a Respondent before or after the filing of a Formal Complaint, including where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to WBU's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or WBU's educational environment, or deter sexual harassment.

The following are examples of Supportive Measures WBU may make available, but other similar measures may also be provided:

(1) Additional excused absences from classes or leaves of absence
(2) Extensions of deadlines or other course-related adjustments
(3) Academic support services, such as tutoring
(4) Providing an escort to move safely between classes and activities
(5) Providing parking closer to residence or classes
(6) Modifications of work or class schedules

(7) Mutual no-contact orders (prohibiting contact with another Party in person or by phone, email, text message, social network, or other means, including a third person)
(8) Adjustments to campus housing assignments
(9) Adjustments to campus work assignments
(10) Counseling services
(11) Increased security and monitoring of certain areas of the campus

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Confidentiality

WBU will maintain as confidential any Supportive Measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair WBU's ability to provide the Supportive Measures.

EMERGENCY REMOVAL FROM WILLIAMS BAPTIST UNIVERSITY

WBU may place a non-student employee Respondent on administrative leave during the pendency of the grievance procedure. WBU may remove any Respondent from WBU's Education Program or Activity on an emergency basis if:
(1) WBU conducts an individualized safety and risk analysis.
(2) As a result of the analysis, WBU determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal of the Respondent.
(3) WBU provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision for administrative leave or emergency removal does not modify any of the Respondent's rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

General Provisions

WBU will:
(1) Treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent.
(2) Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedure.
(3) Follow this grievance procedure before the imposition against the Respondent of any disciplinary sanctions or other actions that are not Supportive Measures.
(4) Provide any Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

(5) Design remedies to restore or preserve equal access to WBU's Education Program or Activity. Remedies may include the same individualized services described as Supportive Measures; however remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

(6) Require all persons who serve as the Title IX Coordinator, Investigator, Decision-maker, Appeal Decision-maker, or Facilitator not to have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

(7) WBU will ensure that the Title IX Coordinator, Investigators, Decision-makers, Appeal Decision-makers, and persons who facilitate informal resolutions processes receive training appropriate to their respective roles and as required by applicable law. Training will include as applicable:

(a) The definition of Sexual Harassment under this policy;

(b) The scope of WBU's Education Program or Activity;

(c) How to conduct an investigation and grievance process, including hearings, appeals, and informal resolutions processes;

(d) How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

(e) issues of relevance of questions and evidence, including when questions and evidence concerning a Complainant's sexual predisposition or prior sexual behavior are not relevant;

(f) The use of technology during live hearings, where applicable; and

(g) For Investigators, how to prepare an Investigative Report that fairly summarizes relevant evidence.

(8) Any materials used to train Title IX Coordinators, Investigators, Decision-makers, Appeal Decision-makers, and informal resolution Facilitators will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

(9) WBU will maintain training materials and make them publicly available to the extent required by law.

(10) Apply the preponderance of the evidence standard in making determinations with respect to all Formal Complaints, whether against students, faculty, or non-faculty employees.

Notice of Allegations

Upon receiving a Formal Complaint, WBU will provide all known parties written notice that includes at least the following:

(1) WBU's grievance procedure, including any informal resolution process.

(2) All allegations which may constitute Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.

(3) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance procedure.

(4) A statement that the Parties may have an advisor of their choice, who may be, but is not

required to be, an attorney.
(5) A statement that the Parties may inspect and review evidence.
(6) A statement that WBU's code of conduct prohibits any student or employee knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, WBU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice, WBU will provide notice of the additional allegations to Parties whose identities are known.

Dismissing a Formal Complaint

If the conduct alleged in the Formal Complaint 1) would not constitute Sexual Harassment even if proved, 2) did not occur in an Education Program or Activity, or 3) did not occur against a person in the United States, then WBU must dismiss the Formal Complaint as a complaint of Sexual Harassment under Title IX or this grievance procedure. However, WBU may separately address allegations of conduct that do not constitute Sexual Harassment under Title IX but may violate other provisions of WBU's policies or Code of Conduct. Such conduct may be addressed through the University's applicable student conduct, employee disciplinary, or other institutional procedures, as appropriate. WBU may apply standards and requirements consistent with its religious mission to the extent permitted by applicable law.

WBU may dismiss all or part of a Formal Complaint if at any time during the investigation or hearing:
(1) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it;
(2) the Respondent is no longer enrolled or employed by WBU; or
(3) specific circumstances prevent WBU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations in it.

If all or part of a Formal Complaint is dismissed, WBU must promptly and simultaneously send written notice of the dismissal and reason(s) for it to the Parties.

Consolidating Formal Complaints

WBU may consolidate Formal Complaints:
(1) as to allegations of Sexual Harassment against more than one Respondent; or
(2) by more than one Complainant against one or more Respondents; or
(3) by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance procedure involves more than one Complainant or more than one Respondent, singular references to "Party," "Complainant," or "Respondent" include the plural, as applicable.

ADVISORS

Designated Advisors and University-Appointed Advisors

A Party may designate an advisor of his or her choice, and the advisor may be an attorney. WBU will not limit the choice or presence of an advisor for either a Complainant or a Respondent in any meeting or grievance proceeding.

WBU will appoint an advisor for any Party who does not have one present in the Hearing. University-appointed advisors serve at no cost to a Party. However, advisors appointed by WBU serve for the limited purpose of conducting cross-examination at the Hearing. University-appointed advisors are not required to be attorneys or have a level of competency comparable to that of another Party's designated advisor. An advisor is not required to perform any function beyond relaying a Party's desired questions to the other Party and witnesses.

A Party may find that having an advisor is helpful throughout the grievance procedure and not just at the Hearing. Both Parties are encouraged to designate an advisor.

Because WBU is required to provide certain information to a Party's advisor, each Party must notify the Title IX Coordinator in writing if he or she has designated an advisor, their name and contact information. A Party may obtain an advisor or change the identity of the Party's advisor at any time.

Rules for Advisors

Except during a Hearing, the role of the advisor is limited to providing support, guidance, or advice to the Complainant or Respondent throughout the grievance procedure. The following rules apply to all advisors, including advisors appointed by WBU:

(1) Advisors are not to answer questions posed directly to any Party or witness, nor otherwise interfere with questioning by the Investigator. An advisor may request reasonable opportunities to confer with the Party being advised.
(2) During meetings, a Party and the advisor may talk quietly with each other.
(3) Advisors do not have the right to question witnesses except in a Hearing.
(4) Advisors may be present during opening statements, closing statements, or arguments, but may not be allowed to talk or present opening and closing statements.
(5) Advisors cannot disclose to other persons any confidential student information which is disclosed to the advisor in the course of the grievance procedure.
(6) Advisors must act in a respectful manner at all times; bullying, yelling, and abusive conduct are never permitted.
(7) Parties and advisors must not disturb the Hearing or any other proceeding by loudly conferring with one another.
(8) Advisors must comply with the decisions and directions of the Decision-maker.

If a Party's advisor (whether designated by the Party or appointed by WBU) refuses to comply with these rules, including rules relating to decorum, WBU may require the Party to designate a different advisor or, if no other advisor is designated, to accept an advisor appointed by WBU to conduct cross-examination on behalf of the Party. WBU may remove from any proceeding advisors who become disruptive or who do not abide by the restrictions on their participation.

INFORMAL RESOLUTION

At any time after a Formal Complaint has been filed but before reaching a determination regarding responsibility, WBU may facilitate an informal resolution process, such as mediation or restorative justice, which does not involve a full investigation and adjudication. Before WBU and the Parties can proceed with an informal resolution WBU must notify the Parties in writing disclosing

(1) the allegations;
(2) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
(3) that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance procedure with respect to the Formal Complaint; and
(4) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

WBU must obtain the Parties' voluntary, written consent to proceed with an informal resolution process. The formal procedures for resolving a Formal Complaint will normally be suspended during the informal resolution process. If the informal process produces a resolution that is agreed upon by the Parties in writing, the grievance procedure shall end, and no investigation or Hearing shall occur.

WBU:

(1) may not require any person to waive the right to an investigation and adjudication of a Formal Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right;
(2) may not require the Parties to participate in an informal resolution process;
(3) may not offer an informal resolution process unless a Formal Complaint has been filed; and
(4) may not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Harassment against a student.

Any informal resolution must be consistent with applicable law, this policy, and WBU's institutional policies and religious mission.

INVESTIGATING FORMAL COMPLAINTS

<u>WBU's Responsibilities</u>

WBU will designate one or more investigators to investigate the allegations in the Formal Complaint. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on WBU and not on the Parties. WBU shall not 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 it. If the Investigator makes any determinations regarding

credibility, those determinations may not be based on a person's status as a Complainant, Respondent, or witness.

WBU may restrict who can be present during any meeting or proceeding related to the grievance procedure, including meetings or interviews conducted by the Investigator. However, both the Complainant and the Respondent will have the same opportunities to have others present during any grievance proceeding.

Equal Opportunity to Present and Review Evidence

In the course of the investigation, all Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. WBU does not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence. While there is not a "gag order" in place, Parties are not allowed to make false or harassing statements, in person or on social media, without consequences for violating WBU's code of conduct.

Before completing the Investigative Report, the Investigator will send to each Party and the Party's advisor, if any, all of the evidence obtained as part of the investigation that is directly related to the allegations, whether or not the evidence is relevant to the case, raised in the Formal Complaint, including

(1) evidence upon which WBU does not intend to rely in reaching a determination regarding responsibility; and
(2) inculpatory or exculpatory evidence, whether obtained from a Party or another source.

The evidence will be subject to inspection and review by both Parties and may be provided in an electronic format, a hard copy, or a mixture of both. Each Party will have at least 10 days to submit a written response to the evidence. This written response shall be the Party's final opportunity to identify and present witnesses and other inculpatory and exculpatory evidence.

If the Investigator finds that Party has provided new evidence (including witnesses) directly related to the allegations, the Investigator will provide the new evidence to both Parties, and permit an additional 10 days for each Party to respond to the new evidence. The Investigator will consider the Parties' written responses to the evidence before completing the Investigative Report.

Medical and Treatment Records

In gathering evidence, except with the Party's voluntary, written consent WBU cannot access, consider, disclose, or otherwise use a Party's records that are:

(1) 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
(2) made and maintained in connection with the provision of treatment to the Party.

The Investigation Report

After the time for a Party's written response to the evidence has expired, the Investigator will create an Investigative Report that fairly summarizes all of the relevant evidence gathered in the course of the investigation. The Investigator can omit irrelevant evidence even if it was "directly related" to the allegations and provided to the Parties for their inspection.

At least 10 days prior to the Hearing, the Investigator will send each Party and each Party's advisor a copy of the Investigative Report in an electronic format or a hard copy. A Party or a Party's advisor may make a written response to the Investigative Report by providing a copy to the Investigator and the Title IX Coordinator no later than noon of the last business day before the day of the Hearing. The Title IX Coordinator will provide a Party's written response, if any, to the other Party. A copy of the Investigative Report and all written responses by the Parties will be provided to the Decision-maker at least five days prior to the Hearing.

Institutional Policies. During an investigation, WBU may consider whether the alleged conduct implicates other University policies or standards that apply independently of Title IX. Such policies may reflect WBU's religious mission and institutional commitments to the extent permitted by applicable law.

PRE-HEARING PROCEDURES

When Hearings Are Required

A live hearing will be held with respect to a Formal Complaint that proceeds to adjudication under this grievance procedure. A hearing will not be required where the Formal Complaint has been dismissed in accordance with this policy or where the matter has been resolved through an informal resolution process permitted by this policy.

Preparing for the Hearing

At least five days before the Hearing, WBU will notify each Party and advisor in writing of the date, time, location, and participants for the Hearing, including the name of each witness whom WBU will request to appear at the Hearing (in person or virtually) for the purpose of providing evidence. The Hearing may be conducted with all participants physically present in the same location or, at WBU's discretion, any or all Parties, witnesses, and other participants may appear virtually, with technology enabling participants simultaneously to see and hear each other.

Requesting Separate Rooms

At the request of either Party, WBU will provide for the Hearing to occur with the Parties located in separate rooms using technology enabling the Decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions. In order to have sufficient time to make the appropriate arrangements, a Party's request to be in a separate room must be made in writing to the Title IX Coordinator at least five days before the Hearing.

Attendance by Advisors

If a Party does not have an advisor present at the Hearing, WBU must provide the Party an advisor of WBU's choice without fee or charge to that Party. Unless WBU grants a delay for good cause shown, WBU shall appoint an advisor for a Party whose designated advisor is absent from the Hearing. The absence of a Party or advisor *may* be grounds for delaying the proceedings, but WBU can allow the Hearing to proceed even in their absence. The Hearing cannot proceed unless all Parties have an advisor present. The advisor is not required to be an attorney, and shall be responsible to conduct cross-examination on behalf of that Party.

Attendance of Parties and Witnesses; Delay for Absent Witness

WBU is prohibited by law from requiring any Party or witness to appear at the Hearing, or from engaging in any act that would intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, grievance proceeding, or Hearing.

For these reasons, WBU is not responsible if a Party or witness fails to appear at the Hearing, and the Hearing may proceed in the absence of the Party or witness. WBU may grant a Party's reasonable request to delay the Hearing if that Party or an important witness is unable to attend the Hearing. A request for a delay should be made as soon as possible in the manner described below in the section of this grievance procedure entitled Temporary Delays or Extensions.

HEARING

Convening the Hearing

The Decision-maker shall convene the Hearing at the appointed time. In order to maintain students' privacy as much as possible, witnesses will not be in the Hearing room or attending by technological means except when providing evidence or being cross-examined. Parties and witnesses will not be "sworn in," but may be reminded that providing false information in connection with the Hearing is a violation of WBU's code of conduct for students or expectations for employees.

Questioning Parties and Witnesses

Each Party's advisor will be given an opportunity to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party's advisor, and never by a Party personally.

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-maker may ask both advisors to provide reasons why a question should or should not be considered relevant. The Decision-maker will instruct all Parties and witnesses not to answer any question until the Decision-maker

has allowed the question.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

(1) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

(2) 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.

The Decision-maker shall not permit any questions, nor the introduction of any evidence, that would involve the disclosure of information protected under a legally-recognized privilege under state law unless the person holding the privilege has waived it.

Because WBU's grievance procedure is not a civil proceeding or state action, there is no right against self-incrimination. However, the Decision-maker cannot draw an inference regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.

Availability of Evidence

WBU will make all of the evidence that was subject to inspection and review by the Parties in connection with the preparation of the Investigative Report available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination. Parties must notify the Title IX Coordinator at least 24 hours prior to the Hearing regarding any physical evidence, transcripts, recordings, or other items requested to be physically available at the Hearing.

Conducting the Hearing

The Hearing will be conducted substantially as provided below. The Decision-maker may recess the Hearing for appropriate and reasonable rest and meal breaks. Any Hearing participant may request a break.

1. The Moderator for the Hearing manages logistics and decorum. The function of the Moderator is to move the proceeding forward in an unbiased manner and to give the Parties and witnesses an opportunity to get their evidence before the Decision-maker. The Decision-maker will explain the hearing rules.

2. Each Party, beginning with the Complainant, will have the opportunity to make a brief opening statement to the Decision-maker.

3. The Complainant's allegations and a review the evidence provided by the Complainant and summarized in the Investigative Report will be presented. The Moderator will ask the Complainant whether he or she wishes to affirm the allegations and evidence as reviewed, and whether he or she would like to make any additional statements.

4. The Respondent's advisor will be given an opportunity to question the Complainant.

5. The Respondent's response to the allegations and review the evidence provided by the Respondent and summarized in the Investigative Report will be presented. The Moderator will ask the Respondent whether he or she wishes to affirm the response and evidence as reviewed, and whether he or she would like to make any additional statements.

6. The Complainant's advisor will be given an opportunity to question the Respondent.

7. The Moderator will bring each witness before the Decision-maker, either in person or through appropriate technology. The Moderator will review any evidence provided by the witness and summarized in the Investigative Report. The Moderator will ask the witness whether he or she wishes to affirm the evidence as reviewed.

8. The Complainant's advisor will be given an opportunity to question the witness.

9. The Respondent's advisor will be given an opportunity to question the witness.

10. If WBU has provided any relevant evidence summarized in the Investigative Report, an appropriate representative or representatives of WBU will review such evidence.

11. The Complainant's advisor will be given an opportunity to question WBU's representative(s).

12. The Respondent's advisor will be given an opportunity to question WBU's representative(s).

13. The Decision-maker may ask questions of any Party, witness, or University representative during the time that person is presenting evidence or being questioned.

14. Each Party, beginning with the Complainant, will have the opportunity to make a brief closing statement to the Decision-maker.

15. After confirming with the Moderator that there is no additional evidence or other matters to be addressed, the Decision-maker will adjourn the Hearing.

Record of the Hearing

WBU will create an audio or audiovisual recording, or transcript, of the Hearing and make it available to the Parties and to the Decision-maker for inspection and review within five days of the hearing.

DETERMINATION OF THE ALLEGATIONS

Letter of Determination

The Decision-maker shall determine whether the Respondent is responsible for each of the allegations in the Formal Complaint that could constitute Sexual Harassment. The Decision-maker shall reach these decisions by applying the preponderance of the evidence standard. In making the determination, the Decision-maker:

(1) must make an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
(2) must not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.
(3) cannot draw an inference about responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
(4) cannot rely upon evidence or information protected under a legally recognized privilege unless the person holding the privilege has waived it.

The Decision-maker shall issue a written determination stating the Respondent's responsibility for the alleged misconduct. The written determination must include:

(1) Identification of the allegations potentially constituting Sexual Harassment;
(2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
(3) Findings of fact supporting the determination;
(4) Conclusions regarding the application of WBU's code of conduct to the facts;
(5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions WBU imposes on the respondent, and whether remedies designed to restore or preserve equal access to WBU's education program or activity will be provided by WBU to the complainant; and
(6) WBU's procedures and permissible bases for the complainant and respondent to appeal.

The Decision-maker shall exercise independent and unbiased judgment with respect to:

(1) findings of fact which support the determination(s);
(2) conclusions regarding the application of WBU's code of conduct to the facts;
(3) the determination regarding responsibility as to each allegation; and
(4) the rationale for the Decision-maker's conclusions.

The Decision-maker may consult with WBU officials for information with respect to the procedural steps taken, WBU's normal practices relating to appropriate sanctions, and WBU's procedures and permissible bases for appeals.

Effective Date of Determination

WBU will provide the written determination regarding responsibility to the Parties simultaneously. If neither Party appeals, the determination becomes final on the date on which an appeal would no longer be considered timely.

If a Party appeals the determination, the determination becomes effective on the date WBU provides the Parties with the written determination of the result of the appeal, unless the appeal

decision requires further proceedings.

The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies.

SANCTIONS

WBU can impose a range of disciplinary sanctions and remedies with respect to any misconduct for which a Respondent has been determined to be responsible. Possible disciplinary sanctions and remedies include:

(1) Imposing, continuing, or modifying any Supportive Measures.
(2) Warning: A reminder to the respondent about relevant university rules, regulations, or policies and the potential consequences for violating them.
(3) No contact order: A directive to initiate no contact with the Complainant, including contact in person or by phone, email, text message, social network, or any other means, either directly or through a third party.
(4) Reprimand: Written notice that WBU rules, regulations, or policies have been violated and that continuation or repetition of misconduct may result in a more severe sanction.
(5) Fines: A monetary fine assessed for a disciplinary violation.
(6) Probation: Written notice explaining the serious nature of misconduct and outlining the terms of probation. The terms of probation may prohibit a student from participating in co-curricular activities and provide for expulsion for violating the terms of probation.
(7) Restitution: Reimbursement or other compensation for damage or loss of property.
(8) Eviction: Probation or removal from campus housing.
(9) Suspension- Termination of student status at WBU for a specified period of time.
(10) Expulsion- Termination of student status at WBU permanently.

University Standards. Where conduct is addressed under a University policy or process outside Title IX, sanctions and remedies may be based upon the requirements of the applicable University policy, including standards reflecting WBU's religious mission, to the extent permitted by applicable law.

APPEALS

Right of Appeal

Both Parties may appeal from a determination regarding responsibility, or from WBU's dismissal of all or any part of a Formal Complaint. The appeal procedures shall apply equally to both Parties.

Any of the following is an appropriate basis for appeal:
(1) Procedural irregularity that affected the outcome of the matter;
(2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or

(3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Filing an Appeal

In order to appeal, a Party must file a written Notice of Appeal challenging the initial outcome that is received by the Title IX Coordinator within ten business days after the written Letter of Determination was issued. The Notice of Appeal must state, at a minimum:
(1) every basis for the appeal;
(2) a complete statement of the facts and evidence that support each basis for the appeal; and
(3) the relief requested as a result of the appeal.

Consideration of an Appeal

WBU will promptly notify both Parties in writing that an appeal has been filed and provide a copy of the Notice of Appeal to the other Party. The non-appealing Party shall have five days from the date of such notice to submit to the Title IX Coordinator a written statement in support of the initial outcome or in opposition to the appeal. A copy of any such written statement shall be provided to the appealing Party.

The appeal shall be considered and decided by an Appeal Decision-maker who is not the same person as the Investigator, the Title IX Coordinator, or the Decision-maker that reached the determination regarding responsibility or dismissal. The Appeal Decision-maker shall review the Notice of Appeal, the response of the non-appealing Party, and may review the record of the Hearing as necessary to reach a conclusion on the appeal. The Appeal Decision-maker shall be bound by the same rules and considerations which apply to a Decision-maker, as described in this grievance procedure.

Decision on Appeal

The Appeal Decision-maker shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall, insofar as applicable, provide the same type of information required to be included in the initial written determination issued in connection with the Hearing.

The decision on appeal shall be appropriate to the basis or bases for appeal, and may adopt one or more of the following holdings, regardless of which Party filed the appeal:
(1) Affirm the initial written determination;
(2) Change any part of the written determination, including a change to find responsibility or to find no responsibility;
(3) Increase or decrease the sanctions;
(4) Require additional investigation (particularly in the case of new evidence that is material, not merely cumulative, and if presented in the Hearing could reasonably have resulted in a different determination); or
(5) Order a new Hearing

The written decision on the appeal shall be provided simultaneously to both Parties.

Appeals will be administered in accordance with this policy and applicable law, including any legally recognized rights or exemptions applicable to WBU as a religious institution.

SCHEDULED TIME FRAMES FOR THE GRIEVANCE PROCEDURE

Normal Time Frames

WBU will make reasonable efforts to complete the grievance process promptly and without unreasonable delay. The specific time required will depend upon the complexity of the matter, number of witnesses, availability of parties and witnesses, need for accommodations or interpreters, concurrent law enforcement activity, and other circumstances that may constitute good cause for an extension. The following are target time ranges:

(1) WBU will generally issue the written Hearing determination within five to ten days after the Hearing.
(2) WBU will generally issue the written appeal determination within five to ten days after the filing of the Notice of Appeal.
(3) WBU will generally conclude any informal resolution process within five to ten days after the Parties agree to an informal resolution.

Temporary Delays or Extensions

WBU may direct a temporary delay in the grievance procedure or the limited extension of the normal time frames for good cause. WBU will notify the Complainant and the Respondent in writing of any temporary delay or limited extension and the reasons for the action.

The Complainant or Respondent may request a onetime temporary delay or limited extension in writing to the Title IX Coordinator. The written request must state the reason for the delay or extension and the length of the delay or extension being requested, not to exceed ten days.

Some examples of situations which may constitute good cause for a delay or extension include: the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. WBU will provide reasonable accommodations to qualified individuals with disabilities as necessary to provide meaningful access to the grievance process.

WBU will attempt to accommodate the schedules of Parties and witnesses throughout the grievance procedure in order to provide Parties with a meaningful opportunity to exercise their lawful rights. However, WBU will not delay the grievance procedure indefinitely because a Party, witness, or advisor is refusing to cooperate. In order to resolve complaints within reasonable time frames, the grievance procedure can proceed to conclusion even in the absence of a Party or witness.

RETALIATION PROHIBITED

Retaliation Defined

Retaliation shall include the following:

(1) Conduct intended to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.

(2) Bringing disciplinary charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.

No Retaliation

Neither WBU nor any other person may engage in retaliation against an individual because the individual has made a report or complaint or testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or Hearing under this grievance procedure.

Any person who believes that he or she has experienced retaliation which is prohibited by this grievance procedure may file a complaint or Formal Complaint with the Title IX Coordinator.

Confidentiality

WBU will protect the privacy of:

(1) any individual who has made a report or complaint of sex discrimination;
(2) any individual who has made a report or filed a Formal Complaint of Sexual Harassment;
(3) any Complainant;
(4) any individual who has been reported to be the perpetrator of sex discrimination;
(5) any Respondent; and
(6) any witness

to the extent permitted by law and consistent with the University's obligation to conduct a fair and equitable grievance procedure.

RECORDKEEPING

WBU will maintain for a period of seven years records of:

(1) each Sexual Harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant designed to restore or preserve equal access to WBU's education program or activity;

(2) any appeal and the result;

(3) any informal resolution and the result;

(4) all materials used to train Title IX Coordinators, Investigators, Decision-makers, Appeal Decision-makers, and persons who facilitate informal resolution processes; and

(5) For each report of Sexual Harassment, records of the actions WBU takes in response to the report, including the basis for its conclusion that its response was not deliberately indifferent and documentation that it took measures designed to restore or preserve equal access to WBU's education program or activity.

(6) If WBU does not provide a Complainant with Supportive Measures, WBU will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

RELIGIOUS MISSION AND OTHER UNIVERSITY POLICIES

WBU will administer this policy consistent with its religious mission, applicable law, and the **Religious Institution Exemption** described in this policy. WBU may separately address conduct that falls outside the jurisdiction or definitions of Title IX but violates other University policies or standards, including standards reflecting WBU's religious mission, to the extent permitted by applicable law.

REVISONS:

Page Numbers	What was Revised	Revision
18	Under Filing an Appeal the 5-day grievance timeline issue	Timeline was revised to 10 business days to file to be accurate and appropriate
1, 2, 5, 9, 11, 13, 18, 20 & 22	Existing religious exemption language/paragraphs throughout the document	Revision of religious exemption language for clarity
4	Definition of Education Program or Activity	Clarified language
4 & 5	Definition of Sexual Assault	Updated to include the Clery Act definition of sexual assault
3	Definition of Dating Violence	Updated to include the Clery Act definitions of dating violence
20	Accommodation of disabilities	Statement language was revised for clarity
1, 2, 5 & 6	Pregnancy and related conditions were added to the document	Added paragraphs specifically addressing pregnancy and related conditions
15 & 16	Conducting the Hearing Section	Clarified roles of moderator and decision-maker
20	Notice of Time Frames for Grievance Procedures	Adjusted time frames to include target time ranges to 5 to 10 days
21	Confidentiality	Statement language was revised for clarity
13	When Hearing are Required	Revised language of the exceptions to the live hearing requirement for clarity
16	Decision-maker determination	Deleted old statement exclusion rule
3	Reporting Sexual Harassment, Sexual Assault, or Sexual Discrimination section	Added paragraph for grievance procedure for complaints of sex discrimination that do not allege sexual harassment
21 & 22	Recordkeeping	Added information on duration of recordkeeping and what records were to be kept
8	Under the Formal Complaints section the training provision	Expanded the training provision to be more specific about the training topics