

Title IX Policy

Non-discrimination, Sexual Harassment, Sexual Violence, Non-Retaliation Policy; Title IX Investigation and Hearing Procedures

Notice of Non-Discrimination; Complaints Concerning Discrimination, Hostile Environment, and/or Sexual Harassment under Title IX.

Campbell University is committed to equality of educational opportunity and providing a safe and non-discriminatory learning, living, and working environment for all members of the University community in accordance with Title IX of the Education Amendments Act of 1972. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. Likewise, the University does not tolerate acts of sex-based discrimination or harassment, including sexual harassment, sexual violence or gender-based harassment. All members of our community are expected to conduct themselves in a manner that reflects personal integrity and a respect for others.

Campbell University recognizes the serious and negative impacts sex-based discrimination and harassment have on individuals and the University community. To that end, the University endeavors to eliminate and prevent them and address their effects. This policy outlines how the University receives, investigates, responds to, and resolves complaints of sex-based discrimination and harassment, whether occurring on or off campus regardless of whether the responding party, is a student, faculty member, staff, or third party.

“Sexual Misconduct” refers to a broad range of prohibited behavior, including but not limited to sex-based discrimination, sexual harassment, sexual violence, sexual assault, dating and domestic violence, stalking, and other related forms of sex discrimination, including retaliation for reporting or participating in an investigation regarding Sexual Misconduct. Once made aware of a complaint regarding Sexual Misconduct, the University may conduct an investigation regardless of how the information was brought to the University’s attention or the extent to which the complaining party wishes to participate or be involved under the procedures outlined in this policy. Once the University investigates, it will respond to complaints or reports about Sexual Misconduct with measures designed to stop the behavior, eliminate any such prohibited conduct, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in University- related programs or activities. This may include the implementation of interim restriction(s).

Students, staff, and faculty who believe they have been subjected to discrimination or harassment in violation of Title IX should follow the procedures outlined in this policy to report these concerns immediately to the Title IX Coordinator identified below. Title IX prohibits retaliation by any student and/or employee against anyone who reports an alleged Title IX violation.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Mrs. Kellie Nothstine, Title IX Coordinator, P.O. Box 95 (Wallace Student Center, Room 237), Buies Creek, NC, 27506, 910-893-2039 / FAX 910-893-1534; nothstine@campbell.edu, or Jennifer Parrish O’Dell, Deputy Title IX Coordinator, jparrish@campbell.edu; 910.893.1846.

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, District of Columbia Office, U.S. Department of Education, 400 Maryland Avenue, S.W. Washington, DC 20202-1475. Telephone: (202) 453-6020; Facsimile: (202) 453-6021; Email: OCR.DC@ed.gov.

This Title IX policy governs the conduct of Campbell University students, regardless of enrollment status; faculty; staff; and third parties (i.e., non- members of the University community, such as vendors, alumni/ae, visitors, or local residents).

This Title IX policy applies to all University programs and activities. All campus community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the campus community have a responsibility to adhere to the University's policies and local, state and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the campus community or the University fall under this policy.

Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property, and in certain circumstances, off University property (i.e., off campus). This policy applies to conduct that occurs off campus when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs; when it utilizes University owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus. Judgments about these matters will depend upon the facts of an individual case.

Campus Life Policies and Practices

Campbell University is fortunate to have a very safe campus. Nevertheless, the possibility of rape, date rape, and sexual assault exists, just as it exists on any campus. The University's approach to addressing this problem is to (a) educate the campus community as a means of prevention; (b) deter such acts through prompt reporting and investigation of alleged violations of this policy, and the imposition of sanctions where a violation is found by a preponderance of the evidence; (c) provide assistance to Complainants; and (d) place Complainants in contact with local law enforcement to investigate possible legal prosecution.

All Campbell University employees shall refrain from any inappropriate relationship with students to the extent that the relationship may contravene any policies and/or expectations of the University as a Christian institution of higher education. Inappropriate relationships include any romantic or physically intimate liaison with a student outside the bonds of marriage and/or in a situation where a power differential exists between the student and the other person in an academic, employment or other context.

Educational programs on Title IX including Campbell's policies; the elements of consent, sexual harassment and assault; and bystander intervention are conducted through the Title IX office. Counseling options are listed in this publication in the Campus Services section.

Reporting:

If you are in an emergency situation, dial Campus Safety at 1911 (on-campus) or 911 (off-campus).

If a student, staff, or faculty member believes someone they know has experienced Sexual Misconduct, they should promptly report incidents to the Title IX Coordinator: Mrs. Kellie Nothstine, Title IX Coordinator, P.O. Box 95 (Wallace Student Center, Room 237), Buies Creek, NC, 27506, 910-893-2039 / FAX 910-893-1534; nothstine@campbell.edu. All employees (including all faculty and staff, Graduate Assistants, Resident Assistants, Resident Directors, and Resident Chaplains) who observe or are aware of Sexual Misconduct are required to

immediately report it to the Title IX Coordinator. The employee should not investigate or try to resolve or mediate the situation. Campbell University encourages the reporting of possible violations of Title IX policy by those subject to the violation or witnesses. Sometimes students are reluctant to make such reports or participate in a grievance proceeding because they themselves may be accused of a conduct violation, such as drinking. However, it is in the best interests of those subject to possible violations for them or witnesses to report to the Title IX Coordinator. Thus, a student who reports Sexual Misconduct by another will not be subject to conduct violations or disciplinary proceedings for her/his own personal consumption or possession of alcohol at or near the time of the incident, provided that the reporting student's actions did not place the health or safety of any other person at risk or violate additional University policies. Only those who are subject to the Sexual Misconduct or a witness may receive amnesty, not the alleged Respondent.

Any Campbell University employee could at one time or another receive a report of actual or suspected sexual harassment or retaliation. All University full-time employees, except designated full-time campus ministers and full-time counselors within the University Counseling Center, are considered mandated reporters under Title IX. "Mandated Reporter" means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Definitions and Prohibited Behavior

Title IX of the Education Amendments of 1972 specifically prohibits discrimination on the basis of sex, including sex-based harassment, when it is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the program at issue. Sex-based harassment includes sexual harassment (including sexual violence) and gender-based harassment. Sex-based harassment includes:

- *Sexual Harassment*

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can fall into one of two categories:

(1) an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (Quid Pro Quo); or (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 the University's education program or activity;

- *Sexual Violence*

Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the victim's age or use of drugs or alcohol, or because an intellectual or other disability prevents the victim from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

- *Gender-Based Harassment*

Gender-based harassment is unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

An individual can experience harassment of one type or may experience combinations of discriminatory conduct.

Title IX applies to sex-based harassment that occurs in the following circumstances:

- On-campus; or
- Within an educational program or activity, which includes any building owned or controlled by a student organization that is officially recognized by Campbell University;
- Against a person who is located in the U.S.

These instances of prohibited conduct as applied through the terms above and definitions below will be addressed through the Title IX Investigation & Outcome Proceeding section of this policy. Instances of sex-based harassment as outlined above that do not fall under these strict regulations will be dismissed under Title IX and addressed through the Community Standards and Conduct Policy of Campbell University.

Related Terms:

Advisor means a person chosen by a party or appointed by Campbell University to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Complainant means an individual who reports Sexual Misconduct or is alleged to be the victim of Sexual Misconduct.

Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that Campbell University investigate the allegation.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. There is no consent when force, coercion, intimidation, or threats are used. There also cannot be consent when an individual is incapacitated. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity, nor can previous

relationships or previous consent imply consent to any future sexual acts. Consent can be withdrawn once it is given, as long as that withdrawal is clearly communicated. Lastly, one must be of legal age to grant consent. Legal age in North Carolina is 16 years of age.

Dating Violence is defined as: (a). violence, (b). based on sex, (c). committed by a person, (d). who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. For the purposes of this definition Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as: (a). violence, (b). based on sex, (c). committed by a current or former spouse or intimate partner of the Complainant, (d). by a person with whom the Complainant shares a child in common, or (e). by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or retaliation for engaging in a protected activity.

Retaliation is defined as any adverse action taken against a person for making a complaint of prohibited conduct or for participating or being involved in the investigation of any such allegation. Retaliation is prohibited with or without a Cease Contact Directive. Report alleged acts of retaliation to the Title IX Coordinator, Deputy Title IX Coordinator(s), and/or Campus Safety & Police. It is a violation of University policy to retaliate against those involved in a complaint of Sexual Misconduct. Such conduct is inconsistent with University policy and may also be prohibited by law. Instances of retaliation will be investigated and adjudicated, and sanctioned where appropriate, as outlined in this policy.

Sexual Harassment:

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Examples of Sexual Harassment include:

- Unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's gender or gender identity (or that of an individual's relatives, friends, or associates);
- Unwelcome threats, derogatory comments, jokes, innuendos, insults, slurs, epithets, negative stereotyping, and other similar conduct that relates to gender or gender identity; or
- The placement, dissemination, or circulation on campus of any unwelcome written or graphic material (in hard copy or electronic form) that denigrates or shows hostility or aversion toward an individual or group because of gender or gender identity.

Sexual Assault is defined as: Sex Offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.

Sexual acts include:

Forcible Rape: 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 Complainant.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: The use of an object or instrument to penetrate, no matter how slight, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person (such as mouth, buttocks, groin, breasts, or any clothing covering them), forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. This would include having another person touch you sexually, forcibly, or without your consent.

Sexual Exploitation: When an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: engaging in voyeurism; electronic transmission of pornographic or other sexually inappropriate material; exposing one's genitals or breasts in non-consensual circumstances or inducing another to expose genitalia or breasts; and any other sexual activity that goes beyond the boundaries of consent, such as recording of sexual activity, allowing another person to observe sexual activity without the other person's consent, or engaging in sexual activity while knowingly infected with a sexually transmitted infection (STI) or Human Immunodeficiency Virus (HIV) without informing the other person of the infection.

Stalking is defined as: (a). engaging in a course of conduct, (b). based on sex, (c). directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Rights of Parties Involved

Both the Complainant and Respondent are afforded Rights within this policy, including:

- Have a written statement of the charges.
- Have written notice of the date, time and place of investigative interviews and no sooner than two (2) business days prior to the interview.
- Have equal opportunity to access and present evidence to the investigators.
- Receive reasonable accommodation(s) as determined by Dean of Campus Life and the Director of Disability Services.
- Be kept informed of the status of a report and anticipated resolution timeline.

- Have the investigation/interviews postponed for good cause. (Request for postponement must be made no less than two (2) days prior to the scheduled time of the hearing and must be made in writing to the Title IX Coordinator.

- Have an advisor of their choosing. (Please note the advisor's role as outlined in Intake & Investigation)
 - Hear and respond to the information related to the charge(s).
 - Provide information on their own behalf.
 - Obtain witnesses on their own behalf.
 - Submit questions for the other parties interviewed during the investigation. (Please see Intake & Investigation for more information).
 - Know the final outcome of the investigation, including level of responsibility for policy violation, sanctions (if applicable), and information on the appeals process.

Respondent's Withdrawal or Decision Not to Participate in Investigation

If the Respondent chooses not to participate in the process, the Respondent will still be informed that they are alleged to have violated University policy, that an investigation will be conducted, and that the resolution process will continue. Respondents may elect to Withdraw Pending a Hearing. If a Respondent withdraws from the University without request and subsequent approval, a letter will be sent to the University Registrar indicating an investigation and determination are pending. If the student attempts to re-enroll before the matter is resolved, the registrar will notify the Title IX Coordinator. The matter must be fully resolved, including completion of potential Outcomes, before the student is eligible to seek re-enrollment at the University.

Standard of Evidence

Preponderance of Evidence is the standard of proof in which decisions will be made regarding violations of this policy. The standard of preponderance of evidence is defined as being more likely than not that a policy violation occurred. A Respondent is presumed not responsible until a determination has been made, and a Complainant is presumed to be reporting in good faith. False reports are a violation of our Code of Conduct and may be investigated through the Office of Student Conduct.

Title IX Intake & Investigation

All Formal Complaints received within the scope of Federal Title IX Regulations will be addressed through the Title IX policies herein. Allegations of behavior outside the scope of these regulations will be addressed by the Code of Conduct. Allegations of Sexual Misconduct against faculty and staff shall be addressed through the processes outlined in the Personnel Manual.

Reports against students will be handled according to the following procedures:

Title IX Roles in Investigations

Title IX Coordinator: The Title IX Coordinator is a full-time staff member trained in all aspects of Title IX and this policy and process. The Title IX Coordinator is responsible for overseeing the University's education, prevention, and response to Sexual Misconduct, Gender-Based Violence, and Gender and/or Sex-based harassment and discrimination. The Title IX Coordinator receives

reports, assigns investigators, reviews investigative reports, coordinates and facilitates the hearing process and serves as the primary point of contact regarding Title IX at the University. The Title IX Coordinator (or designee) also facilitates informal resolution of complaints.

Title IX Council: The Title IX Council will conduct a live, recorded hearing to review the information presented in the investigation report, hear testimony, cross examinations of parties and witnesses, ask their own questions to the parties and determine if an individual or individuals violated the University policy (and, if yes, to determine an appropriate sanction). The Title IX Council will be appointed by the Vice President of Student Life and Christian Mission and Christian Mission.

Chair of Title IX Council: The Chair will determine within the Title IX Council if questions made by advisors on behalf of the Complainant or the Respondent are relevant. The Chair will explain the decision to exclude any irrelevant question.

Title IX Appeals Committee (TAC): This Committee serves as an appeal committee for students, faculty, and/or staff who allege to have been subjected to discrimination or harassment in violation of Title IX and alleged assailants who have violated Title IX policies. It may impose sanctions from a reprimand to University expulsion. Decisions made by this committee may be appealed to the Executive Appeals Committee. The membership of the TAC is listed in the University Faculty and Staff Committee Guide.

The Executive Appeals Committee: The Executive Appeals Committee is chaired by the Vice President for Student Life and Christian Mission and consists of members of the Executive Administration. This committee considers appeals of decisions made by the Executive Student Conduct Committee and the Title IX Appeals Committee. This Committee does not hear personal appeals or oral arguments. It may affirm, reduce, or increase sanctions. Decisions reached by the Executive Appeals Committee are final.

All members of the Title IX Council and Title IX Appeals Committee will receive annual training.

Title IX Intake

In order to initiate the University's formal Title IX complaint procedures, a Complainant must submit a formal complaint in writing (in hard copy or electronic form). Alternatively, if the Title IX Coordinator determines the University must file a formal complaint on behalf of an affected individual who has requested confidentiality or is otherwise unwilling to participate in the complaint and investigation procedure, the Title IX Coordinator will submit a formal complaint without the Complainant, and the University will be the Complainant. Regardless of a request that an investigation not be pursued, the University may still provide supportive measures and resources to a Complainant and Respondent. The University will not only take steps to prevent retaliation but will take a strong responsive action if retaliation occurs, even if a formal investigation is not pursued.

Complainants can withdraw their formal complaint at any time in the process up until the start of the Title IX hearing.

Title IX Informal Resolution

Campbell University may offer informal or alternative resolution of a complaint, such as mediation, that does not require a full investigation or hearing. The Title IX Coordinator has final discretion to determine if it would be appropriate to use an alternative resolution to resolve a Sexual Misconduct complaint.

A formal complaint through the Title IX office must be filed in order to pursue an informal resolution. Once a party requests informal resolution, the Title IX Coordinator will send written notice to the Complainant and Respondent detailing the allegations and the informal resolution process including the right to withdraw. Both parties must give voluntary, informed, written consent to engage in the informal resolution process. Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the original complaint. Outcomes agreed upon during the alternative resolution process are final, without an appeal option.

Title IX Timing of Investigations

If the Title IX Coordinator determines that a full investigation is necessary, the University will conduct a prompt, fair, and impartial investigation.

Investigations regarding potential violations of this policy are expected to be completed in a timely fashion, however, investigations may take longer in some circumstances, including but not limited to the complexity of the case, the number of parties involved, the availability and cooperation of parties and witnesses, the University calendar, or instances where the University's investigation may compromise a law enforcement investigation. (Note: The University may delay its investigation to allow evidence collection by law enforcement; however, this policy and the processes herein are separate and distinct from any criminal investigation or legal proceeding.)

Use of Electronic Devices

The Complainant and the Respondent will not be allowed to use electronic devices during the meeting with the Title IX Coordinator, subsequent investigation meetings, reviewing documents, and in any Hearings, except to reveal evidence to the Title IX Coordinator that is on the electronic device.

Supportive Measures throughout and after process

Campbell University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged Sexual Misconduct covered by this policy. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment or retaliation. The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint.

Interim Measures and Remedies for the Complainant

If deemed necessary by the Title IX Coordinator, interim remedial measures to avoid contact between the Complainant and the Respondent may be taken prior to completion of the investigation to change academic and extracurricular activities including living, transportation, dining, and working situations. The Complainant will be referred to the Office of Student Life and Christian Mission to make him/her aware of all available resources such as victim advocacy, housing assistance, academic support, counseling, disability services, and health and mental health services, and the right to report a crime to Campus Safety or the Harnett County Sheriff's Department.

The Vice President for Student Life and Christian Mission and Christian Mission in conjunction with the Title IX Coordinator may direct interim measures and or remedies for the Complainant which may include, but are not limited to:

Providing an effective escort to ensure that the Complainant can move safely between classes and activities;

Ensuring the Complainant and Respondent do not share classes or extracurricular activities;

Moving the Respondent or Complainant (if the Complainant requests to be moved) to a different residence hall;

Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;

Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty.

Title IX Advisors

The Complainant and Respondent each may have an advisor or support person of their choosing present throughout the process. This person may be a friend, family member, faculty or staff member, or an attorney. The University has designated and trained individuals who may serve in this capacity and their information will be shared with both parties if requested. The role of the advisor is limited in scope. Complainants and Respondents are expected to ask and respond to questions each on their own behalf, as an advisor may not answer for, speak for, or represent the advisee. The advisor may consult with their advisee quietly or in writing during hearings and meetings, or outside during breaks. Complainants and Respondents should inform the Title IX Coordinator in advance of any meeting, if an advisor will be present so they may make accommodations for the meeting location.

There is one instance and one instance only, where an advisor will speak on behalf of their advisee. Should a formal proceeding continue to the council or an appeal hearing, advisors are required (if a party does not have an advisor the university will provide one for the participant) to conduct the cross-examination of the other party and witnesses on behalf of their advisee. A party may reject the University-provided advisor and choose their own advisor, but they may not proceed without an advisor as part of the council or appeal hearing. Campbell University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, Campbell University is not obligated to provide an attorney or pay for the services of any advisor.

Advisors and questions will be expected to follow strict adherence to the hearing rules of decorum; failure to adhere will result in the removal of the advisor from the hearing process.

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. The parties are expected to inform the Title IX Coordinator of the identity of their advisor at least two (2) business days before the date of their council meeting and or appeal hearing. The parties are expected to provide timely notice to the Title IX Coordinator if they change advisors at any time.

Title IX Investigation and Resolution

When it is determined that a formal investigation is necessary, the Title IX Coordinator will open a case file and the investigation will proceed as follows:

- Determine the identity of the Complainant (if not already known), the Respondent (if not already known), any witnesses, and contact information for all involved.
- Specify prohibited conduct within this policy to have allegedly occurred.

- Send a Notice of Investigation and Potential Violation to the Respondent and Complainant.
 - Note: Notices will be sent via e-mail to recipients via University provided e-mail address. Per University policy, it is expected that e-mail is checked consistently and in a timely manner.
- The Title IX Coordinator will review statements obtained from all parties, conduct interviews with both the Complainant and Respondent, conduct witness interviews, and identify, locate, and review other pertinent information.
 - The Complainant and Respondent will have the same opportunity to identify witnesses for the Title IX Coordinator to interview. The Title IX Coordinator reserve the right to forgo interviewing a witness if it is determined that the person does not have information that is relevant to the investigation. The Title IX Coordinator will not interview character witnesses if they have no pertinent factual information about the incident. Additionally, letters or artifacts addressing character will not be included into the record for consideration.
- If the investigation reveals that the matter should be dismissed, the Title IX Coordinator can dismiss the formal complaint for one of the following:
 - Mandatory Dismissal
 - Conduct does not constitute sexual harassment under Title IX;
 - Conduct did not occur in an education program or activity;
 - Conduct did not occur in the United States.
 - Discretionary Dismissal
 - Complainant withdraws the formal complaint in writing to the Title IX Coordinator;
 - Respondent is no longer enrolled or employed by Campbell University;
 - Circumstances prevent Campbell University from gathering sufficient evidence to reach a determination.
- Once the Title IX Coordinator has determined that the complaint should be dismissed, a written notice of dismissal is sent to the Complainant, Respondent and their advisors, detailing the reason for dismissal.
- Note: dismissal under Title IX does not preclude consideration of sanctions for students under the Campbell University Student Code of Conduct or for employees under the Code of Ethics and Professional Conduct.
- Either party may submit a request to appeal the dismissal of a formal complaint or any allegations within the formal complaint of prohibited behavior under Title IX.
- If the matter is not dismissed, the Title IX Coordinator will work to complete and issue an Investigative Report. Prior to completing the report,

the Complainant and Respondent and their advisors will be provided with all information and evidence gathered during the investigation and given ten (10) business days to review and submit a written response to the Title IX Coordinator for consideration prior to compiling the final Investigative Report.

- The Title IX Coordinator will compile an Investigative Report that summarizes the investigation and the information gathered throughout. The Complainant and Respondent, and their advisors, will receive a copy of the Investigative Report ten (10) business days prior to the scheduled date of their hearing.
- The Title IX Council will conduct a live, recorded hearing utilizing Webex or other video conferencing for each party. No party or their advisor will be in-person in front of the Title IX Council. All parties are required to be present on the video conference via video and audio. The Title IX Coordinator will facilitate the hearing, including scheduling, document sharing, adding parties when necessary, and facilitating any technical issues.
- Title IX Council will review the Investigative Report, ask questions of the parties and witnesses, then allow for cross-examination by the party's advisor. Only relevant questions may be asked to a party or witness. Before a party or witness answers a question, the Chair of Title IX Council will determine if the question is relevant and explain the decision to exclude any irrelevant question. Title IX Council may have additional questions for each party prior to deliberation and may ask them.
 - Questions about a Complainant's sexual predisposition or prior sexual behavior are irrelevant, unless they are offered to prove that someone other than the Respondent committed the alleged conduct or offered to prove consent.
 - If any party or witness does not submit to cross-examination at the live Title IX Council or participate in the Council as a whole, the Title IX Council cannot rely on any

Appeals

The Title IX Appeals Committee (TAC) will hear appeals regarding cases investigated within this policy. Both Complainant and Respondent will be afforded equal opportunity to submit appeals under this policy. It is comprised of faculty and staff members trained in both this policy and appeal process, and the issues related to Sexual Misconduct and gender-based violence.

Appeals must be made in writing within three (3) school days to Office of the Vice President for Student Life and Christian Mission. If the request is timely filed, the TAC shall conduct a hearing within ten school (10) days, after notice to the Complainant and Respondent.

Appeal requests are subject to the procedures outlined below. The written appeal must be clear, specific, and contain a detailed statement regarding the grounds for appeal. Appeals are not re-hearings. The decision will be based solely on the written appeal, the Investigative Report, and the Notice of Outcome and included rationale. Hearing Committee members will also have access

to review the recorded Title IX Council hearing prior to deliberating with other Hearing Committee members.

Only appeals based on the following grounds will be considered by the TAC:

1. A procedural or substantive error occurred that significantly impacted the outcome of the Title IX Council (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original investigation or Title IX Council, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions assigned are substantially disproportionate to the severity of the violation.

Once a request for an Appeal is submitted, written notice will be provided to the other party sharing the submission and the appeal procedures. Each party will be given the opportunity to submit a written response in support of or challenging the outcome, for consideration.

All Outcomes imposed remain in effect during the appeal until a final decision is made and communicated to the student(s). (Exceptions to this policy are at the discretion of the Title IX Coordinator and the Vice President of Student Life and Christian Mission and Christian Mission).

The TAC has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the Outcome (more or less severe);
- Change the not/responsible decision; or
- Remand the case back to the Title IX Coordinator to be investigated again.

The Complainant and the Respondent will both be notified of the TAC decision and will both have the option, if dissatisfied, to make written appeals to the Executive Appeals Committee (EAC) through the Office of the Vice President for Student Life and Christian Mission. Notice of such appeals must be provided to the Office of the Vice President for Student Life and Christian Mission within three (3) school days of the decision of the TAC. The ONLY grounds for appeal are as follows:

4. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
5. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
6. The sanctions assigned are substantially disproportionate to the severity of the violation.

If the EAC determines that new evidence should be considered, it will return the complaint to the TAC to reconsider in light of the new evidence, only. The reconsideration of the TAC is not appealable.

If the EAC determines that a material procedural or substantive error occurred, it may return the complaint to the TAC with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the TAC (as in cases of bias), the EAC may

request a new hearing of the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

If the EAC determines that a material procedural or substantive error occurred, it may return the complaint to the TAC with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the TAC (as in cases of bias), the EAC may request a new hearing of the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

If the EAC determines that the sanctions assigned are disproportionate to the severity of the violation, EAC may then increase, decrease or otherwise modify the sanctions. The decision of EAC is final.

Criminal Process

Victims of sexual assault, rape and/or date rape are encouraged to seek the criminal prosecution of their assailants. The Campus Safety Office will assist victims who choose to prosecute by transporting them to the Magistrate's Office and providing information in support of the charges being preferred. In cases when the victims wish to remain anonymous, they will be referred to the Sexual Assault and Family Emergency Agency (S.A.F.E.). However, the University will continue to investigate the report in compliance with Title IX.

The University views rape, date rape, and sexual assault as grievous violations of the law of God and man, the Code of Honor and the Student Code of Conduct. As such, these offenses will be addressed by the Executive Student Conduct Committee. A student who is proven to have committed or been involved in the commission of such an offense can expect to be suspended or expelled from the University.

Should a student be raped or sexually assaulted on the campus or in the vicinity of the school, the victim is urged to report the matter to Campus Safety without delay and preserve all evidence of criminal action. As unpleasant as it may be, the victim should not wash, shower, or change clothes. To a large extent, the victim is the evidence of the crime. The longer the delay between the incident and the time it is reported, the less likely it is that the criminal prosecution will be successful. It should also be noted that state laws dealing with victim compensation and aid limit eligibility for benefits to cases of rape and sexual assault reported within five (5) days.

By contacting the Harnett County Sheriff's Deputy at the Campus Safety office, Campus Safety will arrange for proper care and assistance to be provided and for a victim's advocate to be appointed, if the student wishes. Furthermore, the members of the Campus Safety Office pledge that:

1. They will meet with the victim privately, at a place of the victim's choice in the local area, to take a complaint report.
2. They will not release the victim's name to the public or to the press.
3. Their officers will not prejudge or blame the victim for what has occurred.
4. They will treat the victim and the particular case with courtesy, sensitivity, dignity, understanding and professionalism.
5. If the victim feels more comfortable talking with a female rather than a male officer, they will do their best to accommodate the victim's request.

6. They will assist the victim in arranging for any hospital treatment or medical needs.

7. They will assist the victim in privately contacting counseling services and other available resources.

8. They will fully investigate the victim's case and will help the victim achieve the best outcome. This may involve the arrest and full prosecution of the suspect responsible. The victim will be kept up-to-date on the progress of the investigation and/or prosecution.

9. They will continue to be available to the victim to answer questions, explain the systems and processes involved, and be willing listeners.

10. They will consider the victim's case seriously, regardless of the victim's gender.

The investigation into the rape or sexual assault will be handled by the Harnett County Sheriff's Office.

Refer to the NC General Statute § 143B-480.2. regarding victim assistance.

The University will assist victims of rape and/or sexual assault in coping with the after-effects of their experience. Referrals for counseling are made by the Campus Minister, Counseling Services, Student Success, and CU Health Center. Counseling is also available through some faculty members in the School of Education and by the Lee-Harnett County Mental Health Center, which is located just a short distance off campus. The services of the Harnett County Sexual Assault and Family Emergency (S.A.F.E.) Agency are also available to students. Campbell both supports and is a member of the S.A.F.E. organization.

The University is prepared to accommodate reasonable requests for academic schedule and housing changes by victims of rape and sexual assault. Such requests should be directed to the Student Life and Christian Mission Office. It should be kept in mind that Campbell is a relatively small school. Therefore, it may not be possible to completely avoid unpleasant encounters.