

Title IX Policy and Procedures

Notice of Non-Discrimination and Prohibited Conduct

Campbell University is committed to equality of educational opportunity and providing a safe and non-discriminatory learning, living, and working environments for all members of the University community in accordance with Title IX of the Education Amendments of 1972 ("Title IX").

Campbell University does not discriminate on the basis of sex or gender in its education programs or activities, including admission and employment. The University will not tolerate acts of sex-based discrimination, including sexual harassment, sexual violence, or gender-based harassment. The University's nondiscrimination policy is seen at <https://campbell.edu/policies/discrimination-and-harassment/>.

All members of our community are expected to conduct themselves in a manner that reflects personal integrity and a respect for others. To report information about conduct that may constitute sex discrimination under Title IX or to make a complaint of sex discrimination, contact the University's Title IX Coordinator: Danielle Evans, titleix@campbell.edu, 910.893.1217.

Inquiries about the application of Title IX may be referred to the Title IX Coordinator or the Office for Civil Rights, or both.

The University recognizes the serious and negative impacts sex discrimination and sex-based 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 discrimination, including sexual harassment.

Sex discrimination refers to a broad range of prohibited conduct, including non-harassment sex discrimination and sex-based harassment. Once made aware of a complaint regarding sex discrimination, 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 sex discrimination 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.

Students, faculty and staff who believe they have been subjected to sex discrimination or sexual 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.

To report information that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator Danielle Evans, titleix@campbell.edu, 910.893.1217 or the Deputy Title IX Coordinator, Melissa Wendt, mwendt@campbell.edu, 906.251.0250.

Inquiries about Title IX may be directed to the Title IX Coordinator, the Deputy Title IX Coordinator, and/or the United States Department of Education's Office for Civil Rights. The U.S. Department of Education's Office of Civil Rights may be contacted at District of Columbia Office, U.S. Department of Education, 400 Maryland Avenue, S.W. Washington, D.C. 20202-1475. Telephone: (202) 453-6020; Facsimile: (202) 453-6021; Email: OCR.DC@ed.gov.

Campus Life Policies and Practices

Title IX applies to all sex discrimination occurring under the University's education program or activity in the United States. Conduct that occurs under the University's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University and conduct that is subject to the University's disciplinary authority. Off-campus conduct that may be subject to this policy includes but is not limited to conduct that may occur during field trips, research, travel, internships, online classes, athletic programs, or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus.

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

Campbell University is fortunate to have a very safe campus. Nevertheless, the possibility of sex-based harassment, including sexual violence, exists, just as it exists on any campus. The University's approach to addressing acts of sexual violence 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 disciplinary sanctions where a violation is found by a preponderance of the evidence; (c) provide supportive measures to Complainants and Respondents (when applicable); and (d) place Complainants in contact with local law enforcement to investigate possible legal prosecution.

All University employees shall refrain from any inappropriate relationship with students. 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 the University's policies; the elements of consent, non-harassment sex discrimination, and sex-based harassment; and bystander intervention are conducted through the Title IX office.

Reporting

Campbell University encourages the reporting of possible violations of the Title IX policy by those subject to the violation or witnesses. If a student, employee, or third party believes they or someone they know has experienced sex discrimination, they should promptly report incidents to the Title IX Coordinator.

If a student, employee, or third party is in an emergency situation, dial Campus Safety at 1911 (on-campus) or 911 (off-campus).

Sometimes students are reluctant to make 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 to report to the Title IX Coordinator. Thus, a student who reports sex discrimination by another will not be subject to conduct violations or disciplinary proceedings for their 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 sex discrimination or a witness may receive amnesty, not the alleged Respondent.

Any University employee could at one time, or another receive a report of actual or suspected sex discrimination. Employees should not investigate or try to resolve or mediate the situation on their own but should report conduct that reasonably could constitute sex discrimination to the Title IX Coordinator. All University employees (which includes all faculty and staff, Graduate Assistants, Community Managers, and Community Assistants) are considered mandated reporters under Title IX, except designated confidential employees (which includes health care providers employed by the University health center, campus ministers, and behavioral health counselors). Mandated reporters are obligated by this policy to share knowledge, notice, and/or reports of harassment, discrimination, or retaliation with the Title IX Coordinator.

Definitions

Advisor: When allegations of sex discrimination involve sex-based harassment where one of the parties is a student, each party is allowed to have an advisor of their choosing present throughout the process.

- This person may be but is not required to be an attorney.
- If a party does not choose an advisor, one will be provided to them. The University-provided advisor would not be a confidential employee. 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. The University is not required to provide a party with an attorney as an advisor.

- A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. If either party elects to change advisors during the process, 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. The parties are expected to provide timely notice to the Title IX Coordinator if they change advisors at any time. A party's decision to change advisors will not change the schedule/timing of the process except in exceptional circumstances.

Chair of Title IX Council: The Chair sets the order of proceedings during a Title IX hearing. During a live hearing, the Chair will either question the parties and witnesses personally or determine within the Title IX Council if questions made by advisors on behalf of the Complainant or Respondent are relevant. The Chair will explain the decision to exclude any irrelevant questions.

Complainant: An individual who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations or who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

Complaint (formal): A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Campbell University investigate allegations of sexual harassment.

Coercion: 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: 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 created 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 is no consent when an individual is incapacitated (e.g., due to the use of drugs or alcohol, or the victim's intellectual or other disability prevents the victim from having the capacity to give consent).

- 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.
- One must be of legal age to grant consent. Legal age in North Carolina is 16 years of age.

Decisionmaker: Employee(s) of the University who questions the parties and any witnesses and makes the determination about whether sex discrimination occurred. May be the same person/group as the investigator(s).

Disciplinary sanctions: Consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the University's prohibition on sex discrimination.

Executive Appeals Committee (EAC): 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, CUBIT and the Title IX Council. 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.

Investigator: Employee(s) of the University who will gather evidence about the complaint. May be the same person/group as the decisionmaker(s).

Mandated reporter: An employee of the University who is obligated by policy to share actual knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Non-harassment sex discrimination: Includes, but is not limited to, differential treatment, failure to provide reasonable modifications for pregnancy and related conditions, and retaliation.

Pregnancy or related conditions: Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Remedies: Measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the University's education program or activity after the University determines that sex discrimination occurred.

Respondent: A person who is alleged to have violated the University's prohibition on sex discrimination.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including an informal resolution process or grievance procedure.

Sex discrimination: Differential treatment on the basis of sex or gender, failure to provide reasonable modifications for pregnancy and related conditions, and retaliation.

Sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:

- An employee of Campbell University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- 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. Examples of sexual harassment include:
 - Unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of the 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 sex, gender, or gender identity; or
- Sexual assault, dating violence, domestic violence, stalking, or other sexual violence.

Specific offenses: Specific offenses include sexual assault, dating violence, domestic violence, and stalking.

- *Sexual assault:* An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI. This includes rape, sodomy, sexual assault with an object, fondling, and unlawful sexual intercourse (incest and statutory rape).
 - *Rape:* Sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental or physical incapacity.
 - *Sodomy:* Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental or physical incapacity.

- *Sexual assault with an object*: The use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, 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 or physical incapacity.
- *Fondling*: The 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 his/her temporary or permanent mental or physical incapacity.
- *Unlawful sexual intercourse*:
 - *Incest*: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - *Statutory rape*: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- *Dating violence*: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) length of the relationship; (2) type of relationship; and (3) frequency of interaction between the persons involved in the relationship.
- *Domestic violence*: A felony or misdemeanor committed by a person who (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of North Carolina, or a person similarly situated to spouse of the victim; (b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of North Carolina.
- *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or (2) Provide support during the University's grievance procedures or during an informal resolution process.

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 sex 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 Deputy Title IX Coordinator also facilitates the informal resolution process.

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.

Grievance Procedures for Complaints of Non-Harassment Sex Discrimination (General Grievance Procedures)

Campbell University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

The General grievance procedures apply to all allegations of non-harassment sex discrimination. The grievance procedures for allegations of sex-based harassment are documented below.

Complaints:

In order to initiate the University's formal Title IX complaint procedures, a Complainant must submit a formal complaint to the Title IX Coordinator in writing (hard copy or electronic). Alternatively, if the Title IX Coordinator determines the University must file a formal complaint on behalf of the individual due to confidentiality concerns or because the person is otherwise unwilling to participate in the process, the Title IX Coordinator will submit a formal complaint without the Complainant, and the University will be the Complainant. Regardless of whether a formal complaint is filed, the University may offer supportive measures to the Complainant and/or the Respondent.

The University may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable. The University will not consolidate complaints where there is a mix of student and employee parties.

Basic Requirements of Title IX Grievance Procedures:

Campbell University will treat Complainants and Respondents equitably.

The University requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The University presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The University will keep the parties informed of the status of a report and the anticipated resolution timeline. If a party wishes to request an extension of any timeframe or deadline, the party must do so in writing. The requested extension should be sent to the Title IX Coordinator.

- The University will allow for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for delay.
- The Title IX Coordinator has the authority to grant or deny a timeframe extension.
- If an extension is granted, the stage of the process that is currently taking place will be extended. For example, if a party requests a three-day extension period while the investigation period, the investigation period will be extended by three days.

The University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The University will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent

that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Campbell University's Title IX General grievance procedures, the University will notify the parties in writing of the following:

- The University's Title IX General grievance procedures;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, the University decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the University will notify the parties in writing of the additional allegations.

Dismissal of a Complaint:

Campbell University *may* dismiss a complaint of sex discrimination if:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent of the dismissal and the basis for the dismissal

promptly following notification to the Complainant, or simultaneously if notification is in writing.

The University will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed. Appeals of the dismissal of a complaint will be handled by the Dean of Student Well-Being.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal the rationale for the result.

When a complaint is dismissed, the University will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

Note that dismissal of a complaint does not preclude consideration of sanctions for students under the University Student Code of Conduct or for employees under the Code of Ethics and Professional Conduct.

Investigation:

Campbell University will provide for adequate, reliable, and impartial investigation of complaints under these grievance procedures. The burden is on the University—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The University will determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The University will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The University will provide an equal opportunity to access the relevant and not otherwise impermissible evidence;
- The University will provide a reasonable opportunity to respond to the evidence; and
- The University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

Campbell University will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The following rules govern the process of questioning parties and witnesses under these grievance procedures:

- The decisionmaker assigned to the case will meet with the Complainant, Respondent, and any witnesses separately. The decisionmaker will provide written notice of the date, time, and place of interviews and no sooner than two (2) business days prior to the interview.
- No additional parties will be permitted to join any meetings between the decisionmaker and the Complainant, Respondent, or any witnesses (i.e., there will be no advisors).
- It is possible that the decisionmaker may have to meet with a party or witness more than once.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Campbell University will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable.
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a Complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the University's education program or activity.
- Comply with the Title IX General grievance procedures before the imposition of any disciplinary sanctions against Respondent.
- Not discipline a party, witness or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeals of Determinations:

The Executive Appeals Committee (EAC) will hear appeals regarding cases investigated within this policy. Both Complainant and Respondent will be afforded equal opportunity to submit appeals under this policy. The University will ensure that none of the members of the EAC took part in the evaluation of the complaint or the investigation.

Appeals must be made in writing within three (3) business days to the Office of the Vice President for Student Life and Christian Mission. If the request is timely filed, the EAC will consider the appeal, after notice to the Complainant and Respondent.

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 evidence, and the notice of determination and included rationale.

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

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and was not reasonably available when the determination or dismissal was made;
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome;
- The disciplinary sanctions assigned are substantially disproportionate to the severity of the violation.

Note that all grounds for appeals are available to both parties equally.

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

All determinations imposed remain in effect during the appeal until a final decision is made and communicated to the parties. Exceptions to this policy are at the discretion of the Vice President for Student Life and Christian Mission.

The EAC 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 further.

Within 10 days of the receipt of the appeal, the EAC will notify the Complainant and the Respondent of the EAC decision and rationale in writing.

If the EAC determines that a material procedural or substantive error occurred, it may return the complaint to the original investigator/decisionmaker with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the Title IX Council (as in the case of bias), the EAC may request a new investigation of the complaint with a new Investigator/decisionmaker. The results of the new investigation 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 increase or otherwise modify the sanctions. The decision of the EAC is final.

Supportive Measures:

Campbell University will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent or preserve that person's access to the University's education program or activity or provide support during the University's Title IX grievance procedures.

For complaints of sex-based harassment, these supportive measures may include, but are not limited to:

- Counseling;
- Extension of deadlines and other course-related adjustments;
- Campus escort services;
- Increased security and monitoring of certain areas of campus;
- Restrictions on contact applied to one or more parties;
- Leaves of absence;
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or not a comparable alternative; and/or
- Training and education programs related to sex-based harassment.

The University has the ability to modify, terminate, or continue supportive measures at the conclusion of the grievance procedures. If the Complainant and/or Respondent is displeased by the University's decision to provide, deny, modify, or terminate their supportive measures, the parties may seek modification or reversal of the University's decision. The University's challenged decision will be reviewed by an impartial employee.

Disciplinary Sanctions and Remedies:

Following a determination that sex discrimination occurred, Campbell University may impose disciplinary sanctions, which could range from a reprimand to University expulsion/firing.

The University may also provide remedies, which may include, but are not limited to:

- Transcript changes;
- Counseling services;
- Permitting a Complainant to retake a class;
- Ensuring that a Complainant can move safely between classes and/or providing a campus escort;
- Making changes to class and extracurricular schedules to ensure that the Complainant and Respondent are separated;
- Making adjustments to student housing;
- Providing academic resources and support;
- Reviewing any disciplinary actions taken against the Complainant;
- Providing reimbursement for professional counseling services; or
- Making tuition adjustments.

Grievance Procedures for Complaints of Sex-Based Harassment

Complaints:

Only a Complainant or the University's Title IX Coordinator may make a complaint of sex-based harassment. The University may consolidate complaints of sex-based harassment if the allegations arise out of the same facts or circumstances and all parties are students.

Basic Requirements of Title IX Grievance Procedures:

See *Basic Requirements of Title IX Grievance Procedures* section from the General grievance procedures. The information shown below represents the only differences between the basic requirements for these grievance procedures and the General grievance procedures.

Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Campbell University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The University's Title IX grievance procedures and informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is strictly prohibited;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.; and
- The University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the University decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

See *Dismissal of a Complaint* section from the General grievance procedures.

Investigation:

Campbell University will provide for adequate, reliable, and impartial investigation of complaints under these grievance procedures. Investigations will be completed in a timely fashion; however, investigations may take longer in some circumstances due to the complexity of the case, the number of parties involved, the availability and cooperation of the witnesses, the University calendar, or instances where the University's investigation may compromise a law enforcement investigation. The burden is on the University to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Notice to Respondent(s): If a Respondent chooses not to participate in the process, the Respondent will be notified they are alleged to have violated University policy, an investigation will be conducted, and the resolution process will continue. If a Respondent withdraws from the University without request and approval, a letter will be sent to the University Registrar indicating an investigation and determination are pending. If the student attempts to reenroll before the matter is resolved, the Registrar will notify the Title IX Coordinator. The matter must be fully resolved before the student is eligible to reenroll with the University.

The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.

The use of electronic devices will not be permitted during the meeting(s) with the Title IX Coordinator, subsequent investigation meetings, while reviewing documents, or during any hearing, except to reveal evidence to the Title IX Coordinator that is on the electronic device.

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 any advisor will be present so they may make accommodations for the meeting location.

The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The University will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. The University will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The University will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If the University conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing; and
- The University will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Following the investigation, the Title IX Coordinator can dismiss the formal complaint if:

- Mandatory Dismissal: (a) the conduct does not constitute sexual harassment under Title IX; (b) the conduct did not occur in an education program or activity; or (c) the conduct did not occur in the United States;
- Discretionary Dismissal: (a) Complainant withdraws the formal complaint in writing to the Title IX Coordinator; (b) Respondent is no longer enrolled or employed by the University; or (c) Circumstances prevent the University from gathering sufficient evidence to reach a determination.

Either party may submit an appeal under the procedures for dismissing a complaint.

If the matter is not dismissed, the Title IX investigator will issue an Investigative Report. Prior to issuing the report, the Complainant and Respondent, and their advisors, will be provided with all the information and evidence gathered during the investigation and given ten (10) university business days to review and submit a written response to the Title IX Coordinator for consideration prior to compiling the final Investigative Report. The Complainant, Respondent and their advisors will receive a copy of the final Investigative Report ten (10) university business days prior to the scheduled date of the hearing.

Procedures for Live 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 at 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.

Campbell University will provide a process that enables the decisionmaker to question parties and witnesses to adequately access a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally.
- Note: A party will never question the other party or any witness personally.

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions:

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and hearing (when applicable), Campbell University will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred as described in the *Determination* section of the General grievance procedures.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that the University used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;

- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the University will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of sex-based harassment; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.
- The University will not impose discipline on a Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will perform the tasks described under the *Determination* section of the General grievance procedures.
- Comply with these Title IX grievance procedures before the imposition of any disciplinary sanctions against Respondent.
- Not discipline a party, witness or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Much of the *Appeals* process for these grievance procedures are identical to the *Appeals* process for the General grievance procedures. The main differences are highlighted below:

- The *Appeals* process is the same for both dismissals of complaints and determinations.
- If the Complainant is appealing the dismissal of the complaint, the Respondent would be notified of the allegations at the time of appeal.

Informal Resolution:

In lieu of resolving a complaint of sex-based harassment through Campbell University's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The University will inform the parties in writing of any informal resolution process it offers and determines is appropriate. The University will not offer informal resolution to resolve a complaint when such a process conflicts with Federal, State, or local law. Before the initiation of an informal resolution process, the University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

See *Supportive Measures* section from General grievance procedures. Supportive measures may also be offered during the informal resolution process.

Disciplinary Sanctions and Remedies:

See *Disciplinary Sanctions and Remedies* section from General grievance procedures.

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.

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 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 prejudice 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 Medical Health Center, which is located just a short distance of campus. The services of the Harnett County Sexual Assault and Family Emergency (S.A.F.E.) Agency are also available to students. The University 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 the University is a relatively small school. Therefore, it may not be possible to completely avoid unpleasant encounters.

Contact Information

Title IX Coordinator: Danielle Evans, titleix@campbell.edu, 910.893.1217

Deputy Title IX Coordinator: Melissa Wendt, mwendt@campbell.edu, 906.251.0250

Campus Safety:

- Emergency:

- On-Campus: 1911
- Off Campus: 911
- Non-Emergency:
 - On-Campus: 1375
 - Off Campus: 910-893-1375
 - TDD (hearing impaired): 910-893-1912

Health Center: 910-893-1560

Health Center Employees (Confidential Employees):

- Robert Agnello, Family Medicine/Pain Medicine Physician: agnello@campbell.edu; 910-893-7602
- Amy Allen, RN: allena@campbell.edu; 910-893-1561
- Susan G. Autry, Registered Nurse: autrys@campbell.edu; 910-893-1560
- Wade H. Brown, Staff Pharmacist: brown@campbell.edu; 910-893-1400
- Leigh Byrd, Physician Assistant: byrdl@campbell.edu
- Amanda Lee, Physician Assistant: awlee@campbell.edu; 910-893-7061
- Cynthia Lee, Nurse Practitioner: cleee@campbell.edu
- Katie Trotta, Pharmacy Manager: 910-893-1810

Counseling Services (Confidential Employees):

- Amy Johnson, Director of Counseling Services: amjohnson@campbell.edu; 910-814-5709
- Ruth Cooper, Counselor at Law School: rcooper@campbell.edu; 919-856-4663

Campus Minister (Confidential Employee):

- Louisa M. Ward, Campus Minister: ward@campbell.edu; 910-893-1549

Note: Some confidential employees are employed both by the Health Center, Counseling Services, or Spiritual Life AND may be employed as administrators, professors, etc. The confidential employees listed above do not have to disclose information they learn about alleged sex discrimination to the Title IX Coordinator when they learn that information in their roles in the Health Center, Counseling Services, or Spiritual Life. However, if they are also employed as an administrator, professor, etc., they would have to disclose information about alleged sex discrimination to the Title IX Coordinator that they learned in their role as an administrator, professor, etc. If this is a concern, please take the time to look at the Campus Directory.