

# MBU TITLE IX PROCEDURES

Title IX of the Education Amendments of 1972 was enacted to abolish discriminatory differential treatment in educational programs and opportunities based on a person's sex, by prohibiting educational institutions that receive federal funding from engaging in this kind of conduct.

Discriminatory conduct prohibited by Title IX is understood to be conduct that limits access to programs and opportunities offered by an educational institution. The offenses of sexual harassment, sexual assault, domestic and dating violence, and stalking are viewed to be gender-based offenses and obstructive of a person's access to programs and opportunities at an educational institution and have thereby been linked to an educational institution's Title IX obligations. Educational institutions are held responsible for this type of discriminatory behavior by its employees or agents and are also expected to protect students from this behavior by other students and third parties. If an educational institution receives actual knowledge of a Title IX violation occurring under that institution's jurisdiction, then that institution has a duty to act to end this violation and prevent future reoccurrences.

Maranatha Baptist University (MBU) does not engage in nor does it knowingly allow unlawful discrimination based on sex, race, color, age, physical disability, ancestry, or national origin. The commitment not to discriminate in the university's services or education programs extends to students, employees, and all applicants for admissions and employment, as required by Title IX and applicable law. This investigation process follows the U.S. Department of Education's Office for Civil Rights investigation requirements and industry best practices to ensure that all accusations of Title IX violations are handled fairly and impartially.

## Process Applicability

MBU students, faculty, staff, other university appointees, or third parties who believe they have been directly affected by the conduct of a Maranatha constituent that could constitute sexual harassment (collectively "Complainants") may: request information or advice, including whether certain conduct may violate the Policy; explore the availability of supportive measures, with or without the filing of a formal complaint; file a formal complaint; or seek informal resolution after a formal complaint is filed. These four options are described below. Complainants are encouraged to bring their concerns to the Title IX Coordinator or may, if they choose, contact another university staff or faculty member, who must refer the matter as appropriate.

The MBU Title IX team is available to support individuals who make disclosures under this Policy, including with the provision of supportive measures as appropriate. As set forth below, supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the party against whom allegations are brought (the "Respondent"; collectively, the "parties") before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the university's education programs or activities without unreasonably burdening the other party. Consistent with university policy, supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Any supportive measures provided to the Complainant or the Respondent will be maintained as



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confidential, to the extent that maintaining such confidentiality would not impair the ability to provide the supportive measures.

This investigation process applies to reports of discrimination or harassment under Title IX, as defined below. This process supplants the normal discipline system for violations governed by Title IX, but this does not exempt a person from discipline under the normal discipline system. A person who is found to have not violated Title IX can still face disciplinary action under the normal MBU discipline system. Students and employees of Maranatha are held to behavioral standards higher than those required by Title IX and can be disciplined for failing to act according to these higher standards. Allegations of institutional violations of Title IX fall outside of this internal investigation process and should be handled by an external investigator.

## Definitions

### **Actual Knowledge -**

1. Complainant notifying the Title IX Coordinator; or
2. Any employee of MBU learning of the harassment
3. Complainant notifying an Official with Authority
4. Complainant reporting to a campus security official

**Complainant** - any individual who is alleged to be the victim of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

**Respondent** - any individual who is reported to be the perpetrator of sexual harassment.

### **Official with Authority (OWA)**

An employee of MBU explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of MBU. Notice to any OWA conveys actual knowledge to the institution and triggers an obligation to act in a manner that is not deliberately indifferent, which means that MBU must respond to sexual harassment allegations in a manner that is not “clearly unreasonable in light of the known circumstances.”

**Mandatory Reporters** - any employee who:

1. Has the authority to take action to redress the harassment; or
2. Has the duty to report harassment or other types of misconduct to appropriate officials; or
3. Someone a student could reasonably believe has this authority or responsibility.

**Formal Complaint** – a document authored by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the university investigate the allegation of sexual harassment.

**Sexual Harassment** – an inclusive term that involves all unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person’s sex or gender, and that meets any of the following definitions:



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1. **“Quid Pro Quo” Harassment** – an employee of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct; **OR**
2. **Hostile Education/Work Environment** – 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 recipient’s education program or activity; **OR**
3. **Sexual Assault** – any of the following:
  - a. **Non-consensual sex** - attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent; **OR**
  - b. **Rape** – the penetration, no matter how slight, of the vagina, or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim; **OR**
  - c. **Statutory Rape** – if the victim consented, or did not consent, or if the victim was incapable of giving consent and the victim was under the statutory age of consent; **OR**
  - d. **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 of his/her temporary or permanent mental incapacity; **OR**
  - e. **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
4. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship
  - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
  - b. Dating violence does not include acts covered under the definition of domestic violence
5. **Domestic Violence** – violence committed by:
  - a. Current or former spouse or intimate partner of the victim;
  - b. Person with whom the victim shares a child in common;
  - c. Person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. Person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - e. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Wisconsin



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6. **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:
    - i. Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property
    - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
    - iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessary require medical or other professional treatment or counseling

**Retaliation** - No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

## Requests for Support, Information, or Advice

Complainants seeking support, information or advice can expect to learn about resources available at the university and elsewhere that provide counseling and support. They also will be advised about the steps involved in filing a formal complaint or seeking informal resolution after a complaint is filed. In addition, the Title IX Coordinator may discuss with Complainants whether any supportive measures are appropriate at this stage.

## Procedures for Formal Complaints

### A. Initiating a Formal Complaint

Complainants may file a formal complaint alleging a violation of the Policy. A concern of harassment may be raised with the Title IX Coordinator, but a formal complaint must be filed in person, by mail, or by electronic mail, with the prescribed content (see Attachment 1), regardless of the identity of the Respondent. The Title IX Coordinator will inform the Complainant and the Respondent that a complaint has been received, and, if indicated, will put in place any appropriate supportive measures (for either party).

A formal complaint must be a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal



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complaint. If the formal complaint is initiated by someone other than the individual suffering abuse or harassment, the complaint may alternatively be signed by the Title IX Coordinator (in certain situations), but in that case, the Title IX Coordinator is not a complainant or otherwise a party to the complaint.

A formal complaint must allege sexual harassment against an alleged harasser, if known, (also referred to as the Respondent) and request that the university investigate the allegation(s). At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the university. The formal complaint should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant's own words, and may not be authored by others, including advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records, and the like) that the Complainant believes may be relevant to the investigation. A complaint should not be delayed if such sources of information are unknown or unavailable.

Whether or not a formal complaint is filed with the Title IX Coordinator, any person may file a complaint of discrimination with Wisconsin Department of Workforce Development (Equal Rights), the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, or any other state or federal agency having jurisdiction.

## **B. Timeframe for Filing a Formal Complaint**

The university encourages formal complaints to be filed as soon as reasonably possible following an alleged Policy violation because the university's ability to gather adequate information may be limited where a significant length of time has elapsed between an incident and the filing of a complaint. Further, the university's ability to complete any disciplinary processes may be limited with respect to Respondents who have graduated from the university. Either circumstance might provide discretionary grounds for the dismissal of a formal complaint.

## **C. Initial Review**

Once a formal complaint is received by the Title IX Coordinator, the parties will be notified in writing of the allegations and will be provided a copy of the Complaint, the Title IX Policy and these Procedures. The Title IX Coordinator will assign the case to an Investigator for an initial review, which will include efforts to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Policy, and consideration of grounds for dismissal of the complaint, as described in Section E below. The Title IX Coordinator, investigators, hearing panelists, appellate panelists, and any person who facilitates an informal resolution process, will have appropriate training.

Any individual designated as a Title IX Coordinator, investigator, School designee, hearing panelist, appellate panelist, or any person designated to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent in a case to which they are assigned.

At the initial review stage, based on the information gathered, the Investigative Team will determine if the formal complaint shall proceed to investigation or if a dismissal is warranted. The Investigative Team will convey this determination in writing to the Complainant, the Respondent and the Title IX



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Coordinator. The Title IX Resource Coordinator will implement any appropriate supportive measures to be put in place by the School pending the completion of the case (or revise as necessary any measures already in place).

At the initial review stage or subsequently, the Investigative Team may generally consolidate investigations of allegations under the MBU's Title IX Policy and investigate them using these procedures.

Ordinarily, the initial review will be concluded within one week of the date the formal complaint was received.

## D. Personal Advisors

Both the Complainant and the Respondent may bring a personal advisor of their choice to any meeting or other proceeding that is part of the investigation, including initial review, or hearing. The university will not limit the choice or presence of a personal advisor for either party. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break. The party's personal advisors will also conduct cross-examination at the live hearing, as described in Section II.G below. If a party's personal advisor fails or refuses to cooperate in following these guidelines, the university may disqualify the personal advisor in which case a new personal advisor may be selected by the party.

When a formal complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are advised to seek legal counsel before making any written or oral statements. The investigation and hearing process are not legal proceedings, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

## E. Investigation

Following the decision to begin an investigation, the Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

The Investigative Team will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses, which may include those identified by the parties as well as relevant officers of the university or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess relevant information about the incident(s) at issue in the formal complaint.

If, during an investigation, the Investigative Team decides to investigate allegations not included in the written notice to the parties described herein, the Investigative Team will provide notice of the additional allegations to the parties whose identities are known.

These Procedures presume that the Respondent is not responsible for an alleged Policy violation until a final determination regarding responsibility is made.



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Prior to the conclusion of the investigation, the Investigative Team will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the Investigative Team does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party has the opportunity to respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Investigative Team will send to each party and the party's advisor (i.e., personal advisor), if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have up to 10 business days to submit a written response, which the Investigative Team will consider prior to completion of the investigative report.

At least 10 business days prior to a hearing described in Section F below:

- The Investigative Team will provide the Complainant and the Respondent, and their advisors, if any, with the investigative report, in an electronic format or hard copy, which will include recommended findings of fact based on clear and convincing evidence, and will give both parties five business days to submit a written response; and
- The Title IX Coordinator will be provided with the investigative report for informational purposes.

## F. Hearing

The university Title IX Coordinator will select three persons from a list of trained administrators and faculty (the "Hearing Panel") to serve as the decision-makers for the hearing.

The Hearing Panel shall determine the conduct of the live hearing, including without limitation rules of decorum and reasonable time limitations for the hearing. Formal rules of evidence will not apply.

At the live hearing, the Hearing Panel will permit each party's personal advisor, to ask the other party and any witnesses relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's personal advisor and never by a party personally.

If a party does not have an advisor present at the live hearing, the Hearing Panel must provide to that party an advisor from the university faculty or staff, to conduct cross-examination on behalf of that party. In general, documents that have not been submitted during the investigation and included in the investigative report may not be presented to the Hearing Panel prior to or at the hearing, although the Hearing Panel may make an exception if 1.) the documents contain new information that was not reasonably available at the time of the investigation and that the Hearing Panel deems to be highly relevant to an accurate and fair determination of the outcome or 2.) that contain information that rebuts such new information presented by the other party at the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.



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If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel must not rely on any prior statement of that party or witness, in reaching a determination regarding responsibility. However, the Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings may, but need not, be conducted with all parties physically present in the same geographic location. At the request of either party, in circumstances in which both parties are to appear at the hearing in person, the Hearing Panel must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions.

At the Hearing Panel's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The Hearing Panel must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

The Hearing Panel must make all evidence gathered by the Investigative Team as described in Section E above available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The Hearing Panel will issue a determination regarding responsibility, applying the ***clear and convincing standard of proof*** and deciding by majority vote. The determination regarding responsibility will include a description of the procedural steps taken; findings of fact supporting the determination regarding responsibility; conclusions regarding the application of the Policy to the facts, as appropriate, such as for allegations consolidated as described in Section C above; a statement of, and rationale for, the result as to each allegation, including any disciplinary sanctions the university may impose on the Respondent if applicable, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the Complainant; and the procedures and permissible bases for the parties to appeal. The Title IX Resource Coordinator is responsible for effective implementation of any remedies.

The initial review, investigation, hearing, and determination regarding responsibility, including the outcome of any remedies process, will be completed and the final determination regarding responsibility provided to the Complainant, the Respondent, the Title IX Coordinator, and the appropriate officer in the School or unit, ordinarily within 90 business days of receipt of the formal complaint. The Investigative Team or the Hearing Panel, as applicable, may impose reasonable timeframes to enable the timely completion of a proceeding. Timeframes for all phases of a proceeding apply to all parties equally. There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the initial review, investigation, hearing, and any remedies process, to accommodate witness availability, or to comply with requests by or not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct.

The Investigative Team or the Hearing Panel, as applicable, will notify the parties of any extensions of timeframes.





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## G. Evidence

In gathering and weighing evidence, the Investigative Team and the Hearing Panel will note that **whether conduct is unwelcome** is subjective, that is, based on whether the person subject to the conduct viewed it as unwelcome. However, in making determinations as to **whether consent was communicated** by the person subject to the conduct, and as to the elements of **severity, pervasiveness, objective offensiveness, and denial of equal access**, consideration should be given not only to the subjective perspective of the person subject to the conduct, but also to the objective view of a reasonable person, based on the totality of the circumstances.

The following types of information may be helpful in making that determination, while avoiding prejudgment of the facts at issue:

- an objective evaluation of all relevant evidence – including both:
  - inculpatory evidence (tending to support that the alleged conduct occurred) and
  - exculpatory evidence (tending to support that the alleged conduct did not occur or that the respondent was not the perpetrator)
- statements by any witnesses to the alleged incident;
- information about the relative credibility of the parties and witnesses, so long as credibility determinations are not based on a person’s status as a complainant, respondent, or witness;
- the detail, consistency, and plausibility of each person’s account;
- the absence of corroborating information where it should logically exist;
- information that the Respondent has been found to have committed sexual misconduct or harassment;
- information that the Complainant has been found to have made false allegations against others;
- information about the parties’ reaction or behavior after the alleged incident; and
- information about any actions the parties took immediately following the incident, including reporting or not reporting the matter to others.

## H. Confidentiality

The Title IX team, the Hearing Panel, the Appellate Panel, personal advisors, and others at the university involved in or aware of the formal complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information confidential, including any documents they may receive or review. They also will be notified that sharing such information might compromise the investigation or may be construed as retaliatory. Retaliation of any kind is a separate violation of university policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process. The parties are not restricted in their ability to discuss the allegations under investigation, except in a manner that constitutes retaliation, though to avoid the



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possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

## I. Special Circumstances

### *i. Request for Anonymity*

Complainants who want to file a formal complaint cannot remain anonymous or prevent their identity from being disclosed to the Respondent (via the written notice of allegations).

### *ii. Dismissal*

*Mandatory Dismissal of a formal complaint:* If the conduct alleged in the formal complaint would not, even if true, constitute sexual harassment as defined in the Policy, did not occur in the university's education program or activity as defined in the Policy, or did not occur against a person in the United States, then the Investigative Team must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under the Policy. Such a dismissal does not preclude protective or disciplinary action under other university policies.

*Discretionary Dismissal of a formal complaint:* The Investigative Team or Hearing Panel may, after having consulted with the Title IX Coordinator, dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing, respectively:

- (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- (2) the Respondent is no longer enrolled by the university; or
- (3) specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator or the Hearing Panel, as applicable, will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Within one week of the decision to dismiss a case, the Complainant or Respondent may appeal the dismissal under the process and on the bases set forth in Section III below.

In cases where the Title IX Coordinator or the Hearing Panel, as applicable, after having consulted with the Student Life Office, concludes that the alleged conduct, while not a violation of the Title IX Policy, is misconduct according to university's student handbook, the matter will be referred to the Discipline Committee. Appeals through this channel are heard by the Executive Council.

### *iii. Request for Informal Resolution*

Once a formal complaint has been opened for investigation and before the determination regarding responsibility has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Title IX Coordinator.

If such a request is approved, the timeframes will be stayed, and the Title IX Coordinator will ordinarily assign the informal resolution to an Investigator, other than the Investigator who has been assigned to



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the Investigative Team for the case; or with the approval of the Title IX Coordinator, another university officer trained to facilitate an informal resolution process; who will take such steps as they deem appropriate to assist in reaching a resolution.

The Investigator, or other university officer facilitating the informal resolution process, will:

- (1) provide the parties with a written notice disclosing
  - a. the allegations,
  - b. the requirements of the informal resolution process including:
    - i. the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations once they have agreed to a resolution,
    - ii. provided, however, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigative or hearing process with respect to the formal complaint,
  - c. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- (2) obtain the parties' voluntary, written consent to the informal resolution process.

The parties will ordinarily have up to two weeks from receipt of the request to reach a written informal resolution, unless extended by written agreement of the Complainant and the Respondent with the approval of the Title IX Coordinator. If the parties cannot reach an informal resolution, then the investigation or hearing will resume, in accordance with the formal complaint procedures.

## Appeal

Both the Respondent and the Complainant may appeal the dismissal of a formal complaint or any allegations therein, or the Hearing Panel's determination regarding responsibility, based on the following grounds:

1. A procedural irregularity that affected the outcome of the decision;
2. The appellant has new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the outcome of the decision;
3. The Title IX Coordinator, Investigative Team, or Hearing Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
4. On the record as a whole, no reasonable Hearing Panel could have reached the same determination regarding responsibility.

Disagreement with the reason(s) for a dismissal by either the Investigative Team or the Hearing Panel, or the Hearing Panel's findings or determination regarding responsibility, is not, by itself, a ground for appeal.

Appeals of a dismissal of the complaint or the Hearing Panel's determination regarding responsibility must be received by the Title IX Coordinator within one week of the date of the notice of dismissal or



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the determination and must be in writing and no more than 2,500 words. The Title IX Coordinator will assign the appeal to a panel drawn from a pool of trained faculty and administrators. The appeal will be shared with the non-appealing party. The non-appealing party may submit a response to the appeal within one week of receiving the appeal, and the response must be no more than 2,500 words. The response will be shared with the appealing party. The appealing party may submit a reply of no more than 1,000 words within 2 business days. The non-appealing party will have access to the other party's reply, but no further responses will be permitted. All appeals will be based solely on the written record. Ordinarily, appeals will be decided within three weeks and the parties and the Title IX Resource Coordinator promptly will be informed of the outcome in writing.

## Discipline

The university may impose a range of sanctions on students found to have violated the Policy, ranging from an admonition or warning up to and including suspension or expulsion. The disciplinary process will be completed and the decision on discipline provided to the Hearing Panel for inclusion in the final determination ordinarily within 20 business days of the university's receipt of the determination regarding responsibility if no appeal is taken or 20 business days from the decision on appeal of the determination regarding responsibility.

## Resources

### University Resources:

[Student Life Office \(Christian Counseling Services\)](#)  
[Student Health Center](#)  
[Title IX Coordinator](#)

### Community Resources:

[Watertown Regional Medical Center](#)  
[ProHealth Oconomowoc Memorial Hospital](#)  
[Aurora Medical Center Summit](#)

### Outside Agencies:

[U.S. Department of Education, Office for Civil Rights \(OCR\)](#)  
[U.S. Equal Employment Opportunity Commission \(EEOC\)](#)  
[Wisconsin Department of Work Development \(DWD\) – Equal Rights](#)

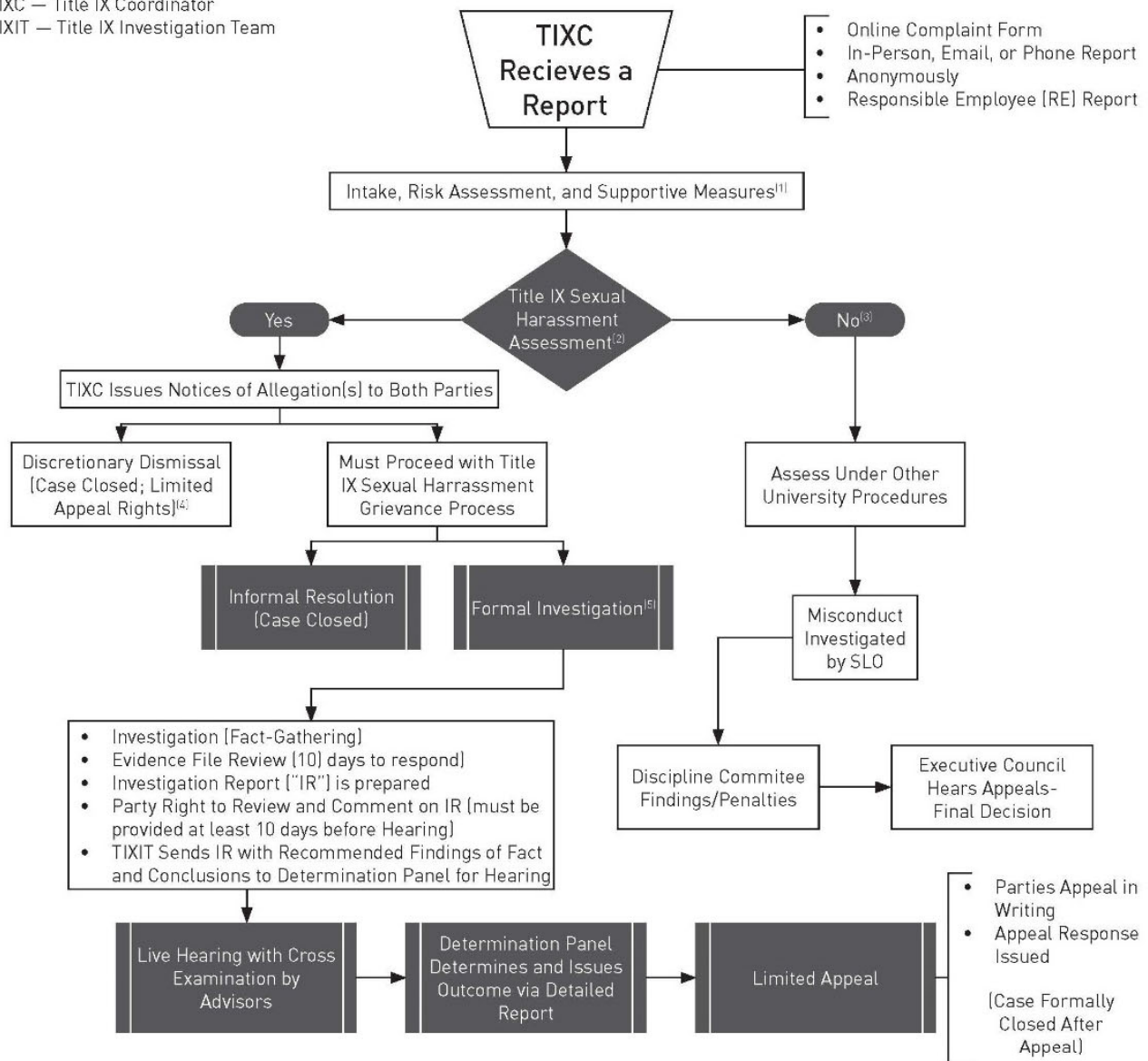
*Language adapted from Harvard University's "Interim Procedures for Handling Formal Complaints Against Students Pursuant to the Interim Title IX Sexual Harassment Policy", John Hopkins University's "Sexual Misconduct Policy and Procedures" and ATIXA's "Title IX Coordinator and Administrator Level One Training & Certification Course"*



# Sexual Misconduct Policy and Procedures

TIXC — Title IX Coordinator

TIXIT — Title IX Investigation Team



(1) TIXC connects parties with resources and supportive services, and will facilitate and implement supportive measures throughout all stages of any process.

(2) Assessment Questions: A) Did the alleged conduct occur on or after August 14, 2020? B) Does some or all of the alleged conduct, if found to have occurred as alleged, constitute "Title IX Sexual Harassment"? C) Did the alleged conduct occur within the United States? D) Did the alleged conduct occur in the University's education program or activity? E) Has the University received a formal complaint?

(3) If TIXC determines that the alleged conduct in a formal complaint is not Title IX Sexual Harassment, parties have limited appeal rights.

(4) Grounds for Discretionary Dismissal: A) The Complaint notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations within; B) The Respondent is no longer enrolled at the University or is no longer employed by the University; or C) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal Complaint or allegations therein. Discretionary dismissal can also occur during an informal resolution or formal investigation.

(5) Where an ongoing formal investigation shows the alleged conduct does not meet the required criteria for utilizing the Procedures for the Title IX Sexual Harassment, the TIXC will change courses and assess the conduct under other processes; parties have limited appeal rights.



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## Attachment 1 - Formal Complaint Requirements

You may file a formal complaint alleging a sexual harassment violation of the university policies by submitting the complaint to the Title IX Coordinator at [TitleIXCoordinator@mbu.edu](mailto:TitleIXCoordinator@mbu.edu).

Your formal complaint must be in writing and contain the following elements:

- It must be a physical document or electronic submission
- Contain your physical or digital signature, or otherwise indicates that you are the person filing the formal complaint
- Allege sexual harassment against an alleged harasser (also known as the Respondent) and request that MBU (also known as the recipient) investigate the allegation(s)
- State the name of the alleged harasser and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s)
- Must be in your own words, and may not be authored by others, including advisors, or attorneys
- Attach any documents to support your allegation (for example, witnesses, correspondence, records, and the like) that the you believe may be relevant to the investigation. Your complaint should not be delayed if such sources of information are unknown or unavailable. If you believe such information or documents exist but are unable to access them, describe them in the complaint and the investigators will attempt to retrieve them.



# MBU TITLE IX PROCEDURES

## Attachment 2 - Written Explanation of Rights

Any student or employee who reports to Maranatha that they have been a victim of domestic violence, dating violence, sexual assault, stalking (on or off campus), sexual harassment, or retaliation will be given a written explanation of rights and options (below).

If a formal complaint is lodged, then the named respondent will also receive the same information.

- Title IX procedures including formal investigation, informal resolution, hearings, and appeals;
- How the institution will protect confidentiality;
- Support measures available on and off campus;
- Accommodations available for the victim;
- Reporting options;
- Protection measures;
- Procedures for institutional disciplinary action; and
- Possible sanctions (remedies)

