

SEXUAL HARASSMENT

AND

SEXUAL MISCONDUCT POLICY

December 31, 2014

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EXECUTIVE SUMMARY

Overview

Lipscomb University and Lipscomb Academy are committed to providing a safe environment for all students, employees and the overall greater community. This includes preventing and correcting any form of sex discrimination or sexual misconduct, which are prohibited by Title IX of the Education Amendments of 1972. Behaviors prohibited under Title IX include sexual harassment, sexual violence, sexual assault, intimate partner violence, domestic violence, dating violence and stalking, collectively referred to as “Sexual Misconduct.”

Reporting Options

Any Sexual Misconduct should be reported immediately to one of the following:

- Title IX Coordinator, Kathy Hargis, 615-966-5661 or 615-351-2820
- Chief of Security, Darrin Bellows, 615-966-6634 or 966-7600
- Any Title IX team member:
 - Faculty Representative, Julie Wibeck, 615-966-7192
 - Student Life Representative, Josh Roberts, 615-966-6054
 - Athletic Representative, Lin Garner, 615-966-5743
 - Staff/Employee Representative, Stan Lowery, 615-966-6190
- Anonymous reporting option – “TIPS,” located in the lower right hand corner of Lipscomb University website (www.lipscomb.edu)

Information shared with any of the following confidential resources will not be shared with consent unless there is an imminent risk of harm:

- Counseling Center, 615-966-1990
- Campus Ministry, 615-966-6280
- Health Services Clinic, 615-966-6305

Amnesty Clause

To encourage reporting of any Sexual Misconduct, any party who makes a report of or intervenes in any Sexual Misconduct will be given immunity from being charged with violations of another institution policy, such as the Alcohol and Drug Policy, in connection with such alleged conduct. Although immunity will be granted in such cases, the institution may require referrals to counseling, educational assistance or other remedies.

Procedures

Following any Sexual Misconduct report, the institution will promptly conduct a full investigation. During this time, interim measure may be taken to eliminate any hostile environment and to protect the parties involved.

Depending upon the results of the investigation or upon written request of any party, a formal hearing before a council may be called. Upon the finding of an act of Sexual Misconduct, disciplinary action will be assessed and may include, without limitation, the following:

- Students - If a student is found to have committed a Sexual Assault, expulsion proceedings may be initiated in accordance with the Student Handbook.
- Staff - If a staff member is found to have committed a Sexual Assault, then his or her employment may be terminated in accordance with the applicable handbook.
- Faculty - If a faculty member is found to have committed a Sexual Assault or the faculty member’s actions warrant discharge or termination of employment, the matter will proceed in accordance with the terms of the applicable handbook providing dismissal for cause.

The investigation and hearing process will be completed within 60 days of the initial report.

Appeal

A final determination of Sexual Misconduct may be appealed only if there is new evidence that was previously unavailable or that some aspect of the policy was not properly followed. The President of the institution (or his designee) shall be the final decision on any appeals.

Retaliation or False Reports

Retaliation against any person for submitting a report, cooperating with an investigation or participating in a resolution is prohibited. Any person who knowingly makes false charges alleging Sexual Misconduct may be subject to disciplinary action.

INTRODUCTION

Lipscomb University and Lipscomb Academy (together, the “Institution”) were founded with a commitment to biblical faith and Christian principles and are committed to providing a learning and working environment free from all forms of sex discrimination and conduct considered harassing, coercive or disruptive. Any sex discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”), including Sexual Harassment, Sexual Assault, Intimate Partner Violence, Domestic Violence and Stalking (collectively, “Sexual Misconduct”), poses a serious threat both to individual members of the Institution Community and to the broader community collectively.

The Institution will not tolerate Sexual Misconduct and will take all appropriate steps to prevent and correct such behavior. Recognizing that each situation is unique, the Institution will respond promptly and equitably to all allegations of Sexual Misconduct while tailoring each solution to best fit the situation. Considering both the severity of the alleged offense and the threat it poses to the Institution Community, individuals who are found to have violated this policy may face corrective action up to and including dismissal for students and termination for employees.

The Institution encourages all members of the Institution Community to report promptly any and all acts of Sexual Misconduct. With the exception of those confidential resources referenced in this policy (e.g., student health medical staff and licensed clinical counseling staff), all Responsible Employees are required to report any Sexual Misconduct to the Title IX Coordinator.

Retaliation or reprisal against any person, including a Complainant, a Respondent or any Third Party, for making a complaint, cooperating with an investigation or participating in a formal or informal resolution under this policy is strictly prohibited. Any act of Retaliation must be reported promptly to the Title IX Coordinator.

DEFINITIONS

Capitalized terms used in this policy shall have the following definitions:

Coercion: The improper use of pressure to compel another individual to initiate or continue sexual contact or activity against his or her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person’s words or conduct are sufficient to constitute Coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual contact or activity.

Complainant: Any individual who is allegedly a victim or survivor of Sexual Misconduct (including, as applicable, such victim’s parents for minors under the age 18).

Consent: For purposes of this policy, Consent is defined as a clear, unambiguous and voluntary agreement between two or more parties. In addition, sexual contact or activity requires consent as a matter of state and federal law. Consent to engage in any sexual contact or activity must be given knowingly, voluntarily and affirmatively. Consent to engage in any sexual contact or activity must exist from the beginning to the end of each occurrence of sexual activity and for each form of sexual contact, including any contact or activity that occurs in the context of an existing or previous intimate relationship.

Under Tennessee law, and for purposes of this policy, Consent cannot be obtained (i) through coercion or force, (ii) from a minor under the age of 18, except where the parties are within four years of age of one another, (iii) from a person who suffers from a mental disease or defect that renders the person

incapable of appraising the nature of the person's conduct, (iv) from a person who is rendered temporarily incapable of appraising or controlling the person's conduct because of the influence of alcohol or drugs, or (v) from a person that is unconscious, asleep or otherwise physically or verbally unable to communicate unwillingness to do an act.

Force: The use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact or activity.

Institution Community: Students (and, as applicable, parents of students under the age of 18), faculty, administrators, staff, volunteers, vendors, independent contractors, consultants, agents and visitors of the Institution.

Intimate Partner Violence: Often referred to as dating violence, domestic violence or relationship violence, Intimate Partner Violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with another person. Intimate Partner Violence can encompass a broad range of behavior including, without limitation, physical violence, sexual violence and emotional violence. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. For the purposes of this policy, Sexual Harassment, Sexual Assault, Sexual Exploitation, harm to others, Stalking and Retaliation all may be forms of Intimate Partner Violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature.

Respondent: Any individual (including, as applicable, such individual's parents for minors under age 18) who allegedly violates this policy as well as any person with supervisory responsibility for conduct covered by a violation hereunder.

Responsible Employee: Any employee:

- Who has the authority to take action to redress Sexual Misconduct;
- Who has been given the duty of reporting incidents of Sexual Misconduct or any other misconduct by students or employees to the Title IX Coordinator or other appropriate designee; or
- Whom a student could reasonably believe has this authority or duty.

Employees with supervisory and leadership responsibilities at the Institution are considered Responsible Employees, including faculty, coaches and assistant coaches, trainers or other athletic personnel, administrators, head residents, resident assistants, security personnel, third-party employees working on campus (e.g., Sodexo employees) and other employees with a responsibility for any interim remedies or accommodations to protect the safety of the Complainant or other members of the Institution Community.

Retaliation: Acts or attempts to retaliate or seek retribution against a Complainant, Respondent, Third Party, or any individual or group of individuals involved in a complaint, investigation or resolution of an alleged violation of this policy. Retaliation can take many forms, including threats, intimidation, pressure, continued abuse, violence or other forms of harm to others.

Sexual Assault: Having or attempting to have sexual penetration or sexual contact with another individual without such person's Consent, including by the use or threat of Force or Coercion, where an individual does not Consent to the sexual contact. Sexual Assault includes having or attempting to have

sexual penetration or sexual contact with another individual without such person's Consent. As used in this definition, (a) "sexual penetration" includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration involving mouth to genital contact, (b) "sexual contact" includes intentional contact with the clothed or unclothed intimate parts of another person, causing another person to touch one's intimate parts, or undressing another person without such person's Consent, and (c) "intimate parts" includes breasts, genitals, buttocks and groin.

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of a person for one's own personal benefit or advantage. Sexual Exploitation includes, without limitation:

- Surreptitiously observing another person's nudity or sexual activity or allowing another person to observe consensual sexual activity without the knowledge and Consent of all parties involved;
- Non-consensual sharing or streaming of images, photography, video or audio recording of sexual activity or pornography, or distribution thereof without the knowledge and Consent of all parties involved;
- Exposing one's genitals or inducing another person to expose his or her own genitals in non-Consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge;
- Recording Consensual sex where one person does not Consent to the recording;
- Sexually-based bullying, whether in person or through electronic media; and
- Sexually prostituting one's self or another person.

Sexual Harassment: Any unwelcome sexual advance, request for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature. Further, as it relates to employees of the Institution, such conduct constitutes Sexual Harassment if:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with or limiting an individual's work performance or creates an intimidating, hostile or offensive working environment.

Sexual Harassment includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature.

A single isolated incident of Sexual Harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual Harassment:

- May be blatant and intentional and involve an overt action or a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does not have to include intent to harm, be directed at a specific target or involve repeated incidents;

- May be committed by or against anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps because of differences in age or social, educational or employment relationships, harassment can occur in any context;
- May be committed by a stranger, an acquaintance or someone with whom the Complainant has or had an intimate or sexual relationship;
- May be committed by or against an individual or a group of persons;
- May occur in the classroom, workplace, residence or any other setting;
- May take place in person or by using a phone, the Internet, e-mail or other electronic media;
- May be committed in the presence of others or in privacy; and
- May affect the Complainant or Third Parties who witness or observe the activity.

Stalking: A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested. For purposes of this definition, “course of conduct” means a pattern of conduct composed of a series of two or more separate noncontiguous acts evidencing a continuity of purpose. Stalking includes cyber-stalking, a form of Stalking in which electronic media such as the Internet, social networks, blogs, cell phones, text messages or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person in an unsolicited fashion.

Third party: Any person who is not the subject of alleged Sexual Misconduct but who is aware of such an allegation or is a participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

PURPOSE AND SCOPE OF POLICY

This policy applies to all members of the Institution Community and prohibits Sexual Misconduct by or of any member of the Institution community. This policy is intended to protect and guide members of the Institution Community who have been affected by Sexual Misconduct, whether as a Complainant, a Respondent or a Third Party, and to provide fair and equitable procedures for investigation and resolution of alleged violations.

This policy applies to conduct occurring on Institution property and at Institution-sanctioned events or programs that do not take place on Institution property, including, without limitation, domestic and international academic and mission trips, study abroad and internship programs. This policy also applies to conduct occurring off-campus during semester breaks and between semesters, if the Complainant or Respondent are students of the Institution and the off-campus conduct is likely to have a substantial effect on Institution life and activities, or if the incident poses a threat of danger to any member of the Institution Community.

A Complainant or Third Party is encouraged to report Sexual Misconduct regardless of where the incident occurred, or who committed it. Even if the Respondent is not a member of the Institution Community, the Institution will take prompt action to provide for the safety and well-being of the Complainant and the broader community.

NOTICE OF NON-DISCRIMINATION

The Institution is committed to establishing and maintaining a safe and nondiscriminatory environment for all members of the Institution Community. The Institution does not discriminate on the basis of sex in its education programs and activities. Sex discrimination is prohibited under Title VII of the Civil Rights Act of 1964 and is also prohibited by Title IX, which provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Institution, as an educational community, will promptly and equitably respond to alleged violations of this policy in order to eliminate the misconduct, prevent its recurrence and address its effects on any individual and the Institution Community. Title IX provides educational processes, remedies and outcomes for sex discrimination and public law enforcement follows criminal processes, remedies and outcomes for sexual assault. While the Institution will enforce this policy using the educational lens of Title IX, Complainants always have the option to avail themselves of, and will be fully supported by the Institution to seek, the services of law enforcement.

TITLE IX COORDINATOR

The President of the Institution has designated Kathy Hargis to serve as the Title IX Coordinator for the Institution. The Title IX Coordinator will report directly to the President on all matters involving Title IX. The Title IX Coordinator oversees the Institution's centralized review, investigation and resolution of reports of alleged violations of this policy, and oversees the Institution's overall compliance with Title IX.

The Title IX Coordinator is supported by the Title IX team. Members of this interdepartmental team include the Title IX Coordinator, Title IX Deputies and the Chief of Security. Inquiries or complaints concerning the application of Title IX at the Institution may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights:

Kathy E. Hargis
Title IX Coordinator
Crisman Administration Bldg.
One University Park Drive
Nashville, TN 37204
615-966-5661
hargiske@lipscomb.edu

Office of Civil Rights
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909
800-368-1019

PRIVACY

The Institution is committed to protecting the privacy of any and all individuals involved in an alleged violation of this policy. In any report, investigation or resolution of an alleged violation, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegations.

At all times, the privacy of all parties involved in a report, investigation or resolution of an alleged violation of this policy will be respected and safeguarded. Information related to a report under

this policy will only be shared with those Institution employees who need to know in order to assist in the review, investigation or resolution. Moreover, all Institution employees who are involved in the Title IX response will receive specific training and guidelines about safeguarding confidential information.

Those members of the Institution Community who desire complete confidential assistance may do so by speaking with professionals who have a statutorily-protected or designated duty of confidentiality. For students, those professionals include student health center medical staff, licensed clinical counseling staff, campus ministers in Lipscomb University's Spiritual Life Department and Directors of Spiritual Formation at Lipscomb Academy. Information shared with these confidential resources will not be shared with others without the Complainant's consent, unless there are circumstances posing imminent risk of harm to self or any member of the Institution Community. Because the content of discussions with confidential resources will not be reported to the Title IX Coordinator, such discussions do not serve as notice to the Institution to address any alleged violation of this policy.

An alleged violation of this policy that is reported to an Institution employee who is not a designated confidential resource must be shared with and reported to the Title IX Coordinator within 24 hours of the initial report.

If possible, the Institution will seek action in response to any alleged violation that is consistent with a Complaint's request. If a Complainant requests that his or her name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Institution will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all members of the Institution Community. The Institution will take all reasonable steps to investigate and respond to a report consistent with a request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. If the Institution is unable to take action that is consistent with a Complainant's request for confidentiality, a member of the Title IX team will promptly communicate with the Complainant about the chosen course of action.

If a report of alleged misconduct discloses a serious or immediate threat to the Institution Community, the Institution may issue a timely notice (in accordance with the requirements of the Clery Act) to protect the health or safety of the members of the Institution Community. The Institution may also share non-identifiable information about reports received in aggregate form, including data about educational outcomes (e.g., sanctions).

All investigations, hearings and resolutions under this policy shall be conducted in compliance with the requirements of the Family Education Rights and Privacy Act, the Clery Act and Title IX. No information shall be released from such investigations, hearings or resolutions except as required or permitted by law or this policy.

RETALIATION

Retaliation against any person for submitting a report, cooperating with an investigation or participating in a formal or informal resolution hereunder is strictly prohibited. An individual reporting Sexual Misconduct is entitled to protection from any form of Retaliation following a report, even if the report is not later substantiated. Similarly, individuals accused of Sexual Misconduct and those who participate in an investigation conducted under this policy are entitled to protection from any form of Retaliation, except for disciplinary action in connection with a knowingly false report. Complaints of

Retaliation should be filed immediately with the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights.

AMNESTY FOR STUDENT CONDUCT VIOLATIONS

The Institution encourages the reporting of any and all alleged Sexual Misconduct. Victims of Sexual Misconduct (or their friends) might be hesitant to report Sexual Misconduct to Institution officials if they fear that they may be charged with a violation of another Institution policy, such as the Alcohol and Drug Policy. Similarly, bystanders are sometimes hesitant to offer assistance to others for fear that they may get in trouble.

To encourage reporting of Sexual Misconduct, the Institution offers Complainants and bystanders who offer help to others in need immunity from being charged with violations of any other Institution policy in connection with any conduct related to an alleged violation of this policy. While violations of other policies cannot be completely overlooked, the Institution may provide referrals to counseling or may require educational assistance or other remedies in such cases.

BYSTANDER INTERVENTION

One of the most effective methods of preventing all types of Sexual Misconduct is bystander intervention, which encourages people to identify situations that might lead to Sexual Misconduct and then safely intervene to prevent its occurrence. The Institution encourages the use of good judgment in regards to bystander intervention, as the safety of each member of the Institution Community is of primary concern. It is the responsibility of every member of the Institution community to take safe and reasonable actions to prevent Sexual Misconduct.

This policy does not require individuals to place themselves in jeopardy to stop a crime in progress. There are many situations and events that occur prior to Sexual Misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for behaviors and situations that appear to be inappropriate, coercive or harassing. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every situation.

RESOURCES

The Institution is committed to treating all members of the Institution Community with Christian love, respect and empathy. Any individual affected by Sexual Misconduct, whether as a Complainant, Respondent or Third Party, will have equal access to support services through the Institution. The Institution recognizes that deciding whether or not to make a report or choosing how to proceed can be a difficult decision. The Institution encourages any individual who has questions or concerns to seek support of Institution and community resources. These resources can provide guidance in making decisions, information about available resources and assistance to either party in the event that a report or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

Confidential Resources

There are several confidential resources available within the Institution Community. These confidential resources will not disclose shared information without the individual's Consent unless there is imminent risk of physical harm.

Health Clinic Resource

Bethany Massey, RN, MSN, FNP
Lipscomb Academy
Harding Hall, Room 171
615-966-6305

Counseling Resources

Frank Scott, LPC-MHSP (Elam B-213)
Andrea Mills (Elam B-208)
Elam Hall, Lower Level
Office: 615-966-1990
Counseling Number: 615-966-1781

Lipscomb Academy Spiritual Formation Resource

Amy Welch
Lipscomb Academy's Spiritual Life Department
Harding Hall, Room 130
615-966-5198

Campus Ministry Resources

Steve Davidson
Lipscomb University's Spiritual Life Department
Elam Hall, Room B-217
Bennett Campus Center, Lower Level
615-966-6280

Non-Confidential Resources

Non-confidential resources have been trained to assist individuals who have been affected by Sexual Misconduct.

Title IX Coordinator

Kathy Hargis, Director of Risk Management &
Title IX Compliance
Crisman Administration Bldg., 106
615-966-5661
kathy.hargis@lipscomb.edu

Title IX Deputies – Lipscomb Academy Resources

Jennifer Green – Elementary
Brewer Campus, Room 112
615-966-6320
jennifer.green@lipscomb.edu

Title IX Deputy – Faculty Resource

Julie Wilbeck
Burton Health Sciences, Room 168
615-966-7192
julie.wilbeck@lipscomb.edu

Ritchie Pickens – Middle School
Harding Hall, Room 168
615-966-1785
ritchie.pickens@lipscomb.edu

Title IX Deputy – Student Life Resource

Josh Roberts
Bennett Campus Center, Room 100
615-966-6054
josh.roberts@lipscomb.edu

Jesse Savage – High School
Harding Hall, Room 130
615-966-6441
jesse.savage@lipscomb.edu

Title IX Deputy – Athletics Resource

Lin Garner
Allen Arena, 006
615-966-5743
lin.garner@lipscomb.edu

Title IX Deputy – Employee Resource

Stan Lowery
Elam Hall, B-106C
615-966-6190
stan.lowery@lipscomb.edu

Title IX Deputy – Security Resource

Darrin Bellows
Elam Hall, B-223
615-966-6634
darrin.bellows@lipscomb.edu

Outside Community Resources

External community resources can also assist individuals who have been affected by Sexual Misconduct.

Metro Police Department Dispatch Center

200 James Robertson Parkway
Nashville, Tennessee 37201
(615) 862-7400

Meharry Medical Center

General Hospital
1818 Albion Street
Nashville, Tennessee 37208
615-341-4000

Tennessee Coalition to End Domestic & Sexual Violence

2 International Plaza Drive, Suite 425
Nashville, Tennessee 37217
800-289-9018

Sexual Assault Center

101 French Landing Drive
Nashville, Tennessee 37228
615-259-9055
www.sacenter.org
Crisis & Support Line 800-879-1999

National Domestic Violence Hotline

800-799-SAFE (7233)

REPORTING

The Institution is committed to providing a variety of welcoming and accessible ways for members of the Institution Community to report instances of alleged Sexual Misconduct. In accordance with Title IX, the Institution is required to take immediate and corrective action if a Responsible Employee knows or, in the exercise of reasonable care, should have known about Sexual Misconduct. All Responsible Employees must promptly share any report of Sexual Misconduct with the Title IX Coordinator or a member of the Title IX team. The Institution cannot take appropriate action unless an incident is reported. All reports must be shared with the Title IX Coordinator within 24 hours of being reported.

All individuals are strongly encouraged to report alleged incidents of Sexual Misconduct immediately to the Institution’s Department of Security and Safety and/or to local law enforcement. The Institution’s Department of Security and Safety personnel will assist and advise regarding the importance of preserving evidence for the proof of a criminal offense and advise to whom the alleged offense should be reported. Each victim has the sole discretion, however, to decide whether or not to file a police report or to pursue civil action against the alleged perpetrator.

All individuals will have access to Institution and community resources regardless of whether or not they decide to report an incident to local law enforcement.

False Reports

Any Complainant or Third Party who knowingly makes false charges alleging a violation of this policy may be subject to discipline action.

Anonymous Reporting

Any individual may make an anonymous report concerning an alleged violation of this policy by disclosing his or her name, identifying the Respondent or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the Institution's ability to respond to an anonymous report may be limited. The Institution's anonymous reporting resource, TIPS, can be found at the lower right hand corner of the Institution's website, *www.lipscomb.edu*.

When any alleged violation of this policy is reported anonymously, the Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies and, in consultation with the Chief of Security, comply with all reporting obligations under the Clery Act.

Reporting Incidents Involving Minors or Suspected Child Abuse

Under Tennessee law, all persons must report any suspected case of child abuse or neglect. Any person who knowingly fails to make a report of suspected child abuse commits a crime and may be subject to a fine not to exceed \$2,500.

All Institution employees must immediately report any suspected child abuse or neglect to the Title IX Coordinator and the Chief of Security. The source of abuse does not need to be known in order to make a report.

The Institution will report all suspected child abuse or neglect to law enforcement and/or to the Tennessee Department of Children's Services ("DCS"). The Institution must act quickly regarding all reasonable suspicions of sexual or physical abuse or neglect.

In addition to notifying the Title IX Coordinator and Chief of Security, any individual must make a direct report as follows:

- If a child is in immediate danger, call 911; or
- If a child is not in immediate danger, call DCS at 877-237-004 or report online at <https://reportabuse.state.tn.us>.

RESOLUTION OF ALLEGED VIOLATIONS

Initial Assessment

Upon receipt of a report under this policy, the appropriate members of the Title IX team, led by the Title IX Coordinator, will make a prompt assessment of any risk of harm to the victim(s) or to the Institution Community and will take prompt steps necessary to address those risks.

The initial review of any report will proceed to the point where a reasonable assessment of the safety of the victim(s) and the Institution community can be made. Furthermore, an investigation may be initiated depending on a variety of factors, such as the age of the parties involved, the Complainant's

desire to pursue disciplinary action, the risk posed to any individual or the Institution Community by not proceeding, and the nature of the allegation.

Investigation

Following the initial assessment, the Institution may initiate a prompt, thorough and impartial investigation. The Title IX Coordinator, in consultation and coordination with the appropriate members of the Title IX team, will oversee the investigation. The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any Third-Party witnesses, will be treated with appropriate sensitivity and respect.

Within ten days of receiving a report under this policy, the Title IX Coordinator in conjunction with the appropriate members of the Title IX team will commence the investigation process, if deemed appropriate, and notify the appropriate senior administrator(s) that a report has been received and a formal investigation has begun.

The appropriate members of the Title IX team will oversee the investigation based on the specific allegations. The Institution may engage the assistance of an external investigator to assist in the process, if deemed necessary. The appropriate members of the Title IX team will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the investigation. The appropriate members of the Title IX team will also coordinate the gathering of any available physical or medical evidence, including documents, communications between the parties involved, and other electronic records, as appropriate. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence and to identify witnesses who may have relevant information.

The Title IX Coordinator and appropriate members of the Title IX team, in consultation with any appropriate senior administrators, will determine if any interim actions should be taken. In making such determination, members of the Title IX team may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The appropriate senior administrator will communicate and oversee the application of any such interim actions.

The Institution will investigate all Sexual Misconduct claims even if the Complainant does not wish to pursue disciplinary or legal action. Additionally, if the Complainant desires to press criminal charges, local law enforcement may also conduct a formal investigation.

At the request of law enforcement, the Institution may agree to defer its Title IX investigation until after the initial stages of any criminal investigation. The Institution will nevertheless communicate with the Complainant regarding his or her Title IX rights, procedural options and the implementation of interim measures to assure the safety and well-being of the Complainant and the Institution Community. The Institution will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during any investigation will be used to evaluate the appropriate course of action, provide for the safety of the appropriate individuals and the Institution Community, and impose remedies as necessary to address the effects of the alleged conduct.

Interim Measures, Remedies and Accommodations

Upon receipt of a report, the Institution may promptly impose reasonable and appropriate interim measures designated to eliminate the hostile environment and protect the parties involved. The Institution

will maintain consistent contact with the parties involved to ensure that safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal resolution or corrective action is sought by the Complainant or the Institution.

A Complainant or Respondent may request separation or other protection, or the Institution may choose to impose interim measures at its discretion to ensure the safety of all parties and/or the broader Institution Community.

All individuals are encouraged to report concerns about failure of any person to abide by any restrictions imposed as an interim measure. The Institution will take prompt and responsive action to enforce any previously implemented measure.

Potential remedies and accommodations that may be applied to a Complainant or Respondent include:

- Access to counseling services and assistance in setting up initial appointments, both on or off campus;
- Imposition of a campus no-contact order;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule or transferring sections, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in a student's Institution-owned residence;
- Assistance from Institution staff in completing residence relocation;
- Relocation of office space;
- Limiting an individual or organization's access to certain Institution facilities of activities pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, buildings or activities;
- Providing medical services through health clinic resources;
- Providing academic support services;
- An interim suspension pending the outcome of an investigation or a hearing;
- Any other remedy that can be tailored to the involved individuals to achieve the goal of this policy.

Optional, Pre-Complaint Meeting

Further, following contact with the Title IX Coordinator, but prior to the submission of a formal, written complaint to the Title IX Coordinator, the Complainant may request a meeting with the Respondent alleged to be directly responsible for the violation or with the person having immediate supervisory authority related to the violation. Such meeting shall be in the presence of the Title IX Coordinator and, in the Title IX Coordinator's discretion, the appropriate members of the Title IX team and/or appropriate senior administrator(s). In addition, the persons who are alleged to be directly or indirectly responsible for the violation of this policy may discuss the allegations of the Complainant with the Title IX Coordinator. The purpose of any pre-complaint meeting will be for the Complainant to request a proposed course of action in order to resolve the matter in a manner consistent with biblical principles of dispute resolution. Such pre-complaint meeting shall be solely at the option of the Complainant. At no time will the Complainant be required to confront or meet with the Respondent. In cases involving Sexual Assault, such a meeting shall not occur. Such meeting is not a condition for the

submission of a written complaint to the Title IX Coordinator. If the matter cannot be resolved as a result of any pre-complaint meeting, then the Complainant may submit to the Title IX Coordinator a formal, written complaint. Participation in a pre-complaint meeting is voluntary, and any party may request to end the process at any time.

The Title IX Coordinator will maintain records of all pre-complaint meetings. Every effort will be made to complete any pre-complaint meeting within 30 days of the date of the initial report.

Written Complaint

If a pre-complaint meeting is not possible, not appropriate or fails to satisfactorily resolve an alleged violation of this policy, the Complainant or Respondent may file a formal written complaint with the Title IX Coordinator or a Title IX Deputy. The complaint should include the names(s) of the individual(s) involved, the date(s), time(s) and location(s) of the event(s) and a detailed description of the actions constituting the alleged violation. The complaint should also provide the names, addresses and phone numbers of any witnesses or potential witnesses. All written complaints must be signed and dated.

Within five working days of receipt of a signed complaint, the Title IX Coordinator and appropriate members of the Title IX team will review the complaint. If the complaint does not sufficiently describe the facts such that a determination can be made regarding the alleged violation, the complaint will be returned and the Complainant will be invited to submit an amended complaint providing enough actual detail to allow a determination to be made.

The Title IX Coordinator and/or appropriate members of the Title IX team shall meet with the Complainant to review the complaint and identify the scope and nature of any additional investigation, if necessary, above and beyond that conducted in connection with the initial report (as outlined above in the section entitled “Resolution of Alleged Violations – Investigation”). In addition, the Title IX Coordinator and/or appropriate members of the Title IX team shall meet with the Respondent to present a copy of the complaint and this policy, to receive the Respondent’s written answer to the complaint, if any (which should be submitted within five days of Respondent’s receipt of the written complaint), and to review with the Respondent the scope and nature of the investigation.

The Title IX Coordinator and/or appropriate members of the Title IX team shall thoroughly investigate any complaint. Prior to completing the investigation, the Title IX Coordinator and/or appropriate members of the Title IX team shall meet again with the Complainant and Respondent separately to give an overview of the steps taken during the investigation, to ask the Complainant and the Respondent for names of any additional person(s) with whom the Title IX Coordinator and/or appropriate members of the Title IX team should speak, and to request any additional information relevant to the investigation. If the Respondent or any witness refuses or fails to respond to the Title IX Coordinator’s request for a response to the complaint or request for information, or otherwise fails to cooperate, the Title IX Coordinator may nevertheless continue the investigation.

Formal Resolution

After completion of the investigation, the matter will be referred to the Title IX Coordinator for formal resolution. The Title IX Coordinator, in consultation with any appropriate members of the Title IX team and appropriate senior administrator(s), shall consider the allegations, review and evaluate the investigative report and findings and determine whether to issue a final determination with or without a formal hearing. A formal hearing before the Title IX Council may be held upon either (a) determination by the Title IX Coordinator, in his or her sole discretion, or (b) written request of either the Complainant or the Respondent. If the Title IX Coordinator does not request a formal hearing, the Title IX Coordinator

shall notify the Complainant and the Respondent of such determination and give each of them the option to request a hearing within ten days of such notice. If neither the Complainant nor the Respondent requests a hearing within such period, the Title IX Coordinator, in consultation with any appropriate members of the Title IX team and/or appropriate senior administrator(s), will make a final determination without a hearing, as outlined in the section below entitled “Resolution of Alleged Violations – Final Determination.”

Title IX Council

If a formal hearing is called, the Title IX Council will be comprised of the following persons: (i) the Title IX Coordinator; (ii) the applicable Title IX Deputy; and (iii) the appropriate senior administrator of the Institution, as determined by the Title IX Coordinator and the applicable Title IX Deputy(s). If, however, the Title IX Coordinator deems it appropriate, the Title IX Council may also include two students of the Institution (unless the matter involves one or more employees of the Institution, in which case such two individuals shall be either students, faculty and/or administrative staff, as appropriate, to match the status of the Complainant and the Respondent) selected by the foregoing three members of the council, with a preference that one such individual shall be male and one shall be female (unless both the Complainant and the Respondent are of the same gender) and neither shall be a close acquaintance of the Complainant or the Respondent. Notwithstanding the foregoing, under no circumstances shall a student of Lipscomb Academy serve on the Title IX Council.

Promptly after the Title IX Council is selected, the Title IX Coordinator shall notify the Complainant and Respondent of the identity of the members of the Title IX Council. The Complainant and the Respondent shall have the opportunity to challenge the presence of any member of the Title IX Council for cause by delivering a written objection within two days of such notice. Failure to challenge the composition of the Title IX Council within such period shall constitute a waiver of any objection of the Title IX Council. Except with respect to challenges to the participation of the Title IX Coordinator, the Title IX Coordinator shall determine whether the challenge has merit and reserves sole discretion to make changes to the Title IX Council at all times. In the event of a challenge to the participation of the Title IX Coordinator, the President of the Institution shall determine whether the challenge has merit and reserves sole discretion to appoint another person to serve in the place of the Title IX Coordinator for a given matter.

Hearing Procedures

Any hearing must be held within 50 days of the date of the initial report. If a formal hearing is requested, the Title IX Coordinator shall inform both the Complainant and the Respondent of the date and time of the hearing, which shall take place in a timely manner. The Complainant and the Respondent each have the right to be present at any and all hearings, including appeals, but no party shall be required to attend or speak at any hearing under this policy.

Within a reasonable time period after receiving notice of a hearing, as specified by the Title IX Coordinator to ensure that the deadlines specified within this policy are met, the parties shall provide the Title IX Council with a list of witnesses that they propose to call, and copies of documents and description of any other information they propose to present at the hearing, on or before a date set by the Title IX Coordinator. Promptly after receipt of such information, the Title IX Coordinator will provide each party with a copy of the list of witnesses and identification or copies of documents or other information submitted by each party. In the absence of good cause, as determined by the Title IX Coordinator in his or her sole discretion, the parties may not introduce witnesses, documents or other information at the hearing that were not provided to the Title IX Council prior to the specified deadline.

The Title IX Coordinator may arrange for the hearing to be recorded and may arrange for the preparation of a transcript of the recording or the hearing, as he or she deems appropriate.

The Title IX Coordinator may, in his or her sole discretion, appoint an independent third party to oversee the hearing (the “Hearing Administrator”). The hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The Title IX Coordinator or the Hearing Administrator, as the case may be, will determine the order of witnesses and resolve any questions of procedure arising during the hearing. At the hearing, both parties will have the opportunity to present witnesses and testimony. The parties are responsible for the attendance of their witnesses at the hearing. The burden of proof will not be solely on either party.

The parties will not be permitted to personally question or cross-examine each other or any witness during the hearing. Only the Title IX Council or the Hearing Administrator, as the case may be, will be permitted to ask clarifying questions of either party or any witness during the hearing. Both parties may ask the Title IX Coordinator or the Hearing Administrator, as the case may be, to pose additional questions or inquire further into specific matters by submitting such a request in writing. If necessary, a brief recess may be granted to allow both parties an opportunity to prepare and submit such requests. The Title IX Coordinator or the Hearing Administrator, as the case may be, is empowered to disallow any questions that are irrelevant or redundant. After all witnesses and other information have been presented, each party may make a closing statement. If the Title IX Council determines that unresolved issues exist that would be clarified by the presentation of additional information, the Title IX Coordinator or the Hearing Administrator, as the case may be, may recess the hearing and reconvene it in a timely manner to receive such additional information.

Use of alcohol or drugs by the Claimant at the time of the incident will be considered for purposes of determining Consent or memory only and will not form the basis for independent proceedings or discipline. The sexual history or sexual character of the Claimant shall not be presented in any investigation or hearing and may be considered as to the Respondent only if it establishes a pattern of complaints or behavior.

Upon advance notice to the Title IX Council, either party may request that one attorney, parent or other support person be present at the hearing with such party. Such support person may privately consult with and advise such party during the proceeding but may not make any statements, examine witnesses or otherwise directly participate during the hearing. If any support person (including an attorney) fails to follow this restriction, the Title IX Coordinator or the Hearing Administrator, as the case may be, may remove such person from the hearing.

Each party has the option not to testify or, upon advance notice, not be in the physical presence of the other party at the hearing. If the alleged violation involves a Sexual Assault, then the parties shall not be physically present at the hearing at the same time, and shall each meet separately before the Title IX Council. All hearings conducted under this policy will be closed to the public. Documents prepared in connection with the hearing and documents, testimony or other information introduced at the hearing, and any recording or transcript of the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by applicable law.

Final Determination

At the conclusion of the investigation or hearing, the Title IX Coordinator or the Title IX Council, as the case may be, will weigh all evidence received through the course of the investigation or hearing and, by majority vote (in the event of a hearing), make a final determination about the allegations based on a preponderance of the evidence (i.e., whether it is more likely than not that Sexual Misconduct

occurred). In the event no hearing was held, the Title IX Coordinator, in consultation with any appropriate members of the Title IX team and appropriate senior administrator(s), shall make such final determination. Then, in the event of a hearing where the Title IX Council determined the Respondent is responsible for Sexual Misconduct, the Title IX Council shall determine by majority vote the sanction to be imposed. In the event no hearing was held where the Title IX team determined the Respondent is responsible for Sexual Misconduct, the Title IX Coordinator, in consultation with any appropriate members of the Title IX team and appropriate senior administrator(s), will determine the sanction to be imposed. Within 60 days of the date of the initial report, the Title IX Coordinator or the Title IX Council, as the case may be, shall issue the final determination. The Title IX Coordinator and/or the appropriate senior administrator(s) shall issue the following:

- A summary of the investigative report;
- A written notice setting forth:
 - The findings of the Title IX Coordinator or the Title IX Council, as the case may be, regarding the alleged violations;
 - Description of the actions taken, if any, including, without limitation, disciplinary actions for any parties involved;
 - The Complainant’s and Respondent’s right to appeal the determination.

The Title IX Coordinator and/or the appropriate senior administrator will promptly communicate with and deliver to the Complainant and Respondent the findings of such report.

Disciplinary Action

In the event the Title IX team or the Title IX Council, as the case may be, finds that the Respondent is responsible for an act of Sexual Misconduct or other violation under this policy, it may impose any appropriate sanction that it determines to be fair and proportionate to the violation. In determining any disciplinary action, the appropriate members of the Title IX team (in consultation with the appropriate senior administrator(s)) or the Title IX Council, as the case may be, may consider the following:

1. Students. If a student is found to have committed a Sexual Assault, the appropriate administrator may initiate expulsion proceedings pursuant to the terms of the Student Handbook.

2. Staff. If a staff member is found to have committed a Sexual Assault, then the appropriate administrator may terminate the staff members’ employment in accordance with the applicable handbook of the Institution.

3. Faculty. If the Respondent is a faculty member and his or her conduct warrants discipline that is less severe than discharge or suspension, the Title IX Coordinator or Title IX Council, as the case may be, will recommend sanctions to the Provost or the Head of the Academy, as appropriate. In cases where the faculty member is found to have committed a Sexual Assault or the faculty member’s actions warrant discharge or termination of employment, the matter will proceed in accordance with the terms of the applicable handbook of the Institution providing for Dismissal for Cause.

The appropriate senior administrator will oversee the application of any such disciplinary action.

Appeal Rights

Any appeal of a final determination hereunder shall stay the imposition of disciplinary action under this policy, but only during the pendency of the appeal. If the disposition of the appeal does not alter the recommended sanction, disciplinary action pursuant to this policy shall proceed.

The Complainant and/or Respondent may appeal the determination by submitting a written objection to the Title IX Coordinator within ten calendar days of the receipt of the final determination. All grounds for appeal shall be based solely on the emergence of new evidence that was previously unavailable or that some procedural aspect of this policy was not properly followed.

The appropriate Senior Vice President, Provost or other senior administrator of the Institution shall consider the objections presented, review and evaluate the investigative report and findings, and reach his or her conclusion. The senior administrator shall issue a decision in writing to the Complainant and Respondent within ten days of receiving the appeal. The President of the Institution may, in his sole discretion, consider any appeal from such senior administrator's decision, in which case the President shall issue a decision in writing to the Complainant and Respondent, which shall be the final decision of the Institution on this matter.

This Sexual Harassment and Sexual Misconduct Policy was adopted on December 31, 2014.