

Sexual Misconduct Policy

Faith Baptist Bible College and Theological Seminary (FBBC&TS) is committed to safeguarding its ideals of scholarship, as well as its spiritual and moral atmosphere in an environment free from any form of sex discrimination. Sexual assault, sexual abuse, sexual harassment, sexual exploitation, gender-based harassment, as well as domestic violence, dating violence, and stalking (collectively “sexual misconduct,” whether these actions are sexually motivated or not) are strictly prohibited. Discipline up to and including dismissal (for students) and termination of employment (for employees) can be expected in response to any founded acts of sexual misconduct, which also may give rise to external legal and criminal action in certain situations. It is the policy of the institution to take all allegations of sexual misconduct seriously, to provide a prompt, just and impartial review of such matters when they are reported and, when a complaint is determined to be founded by a clear and convincing level of evidence, to take appropriate disciplinary and remedial action. Furthermore the institution will require annual training on this policy for students and for employees.

This policy applies to all students and employees of FBBC&TS, without exception. The scope of this policy includes all educational buildings and grounds (campus), as well as on-campus dormitories whether or not an incident involves students, employees, members of a third party, and campus visitors. This policy applies to all FBBC&TS students and employees at all academic-related events, activities, and functions whether held on or off campus, including extra-curricular events such as FBBC athletic competitions or FBBC musical concerts.

This policy describes the foundational beliefs and policies that drive the institution’s strong stance against sex discrimination and all related crimes. To give clarity of terms used in all Title IX related documents within the jurisdiction of FBBC&TS, this policy includes a list of definitions for various types of prohibited sexual misconduct. This policy also contains a detailed description of the role and responsibilities of the Title IX Coordinator, including contact information. In the rights and procedures section, this policy prescribes options one may consider in immediate response to an incident of sexual misconduct, available help for the complainant including information about important services like counseling, education programs, and information regarding complainant rights, and the proper step-by-step reporting procedure for reporting sexual misconduct both within and outside the institution. The policy details the Title IX Investigation Process, which includes rights and instructions for the appeal process, and closes with an outline of the institution’s Prevention, Education, and Training Programs.

This Sexual Misconduct Policy, as enacted by the Board of Directors of FBBC&TS and adopted by the institution’s President and Administration, will be annually reviewed for possible revision by the Title IX Coordinator, and reevaluated and ratified subsequently by the Administration and Board of Directors.

1| Foundational Beliefs and Policies

1.1 | Treatment of other Human Beings

- 1.1.1 “We believe that human beings, male and female, were originally created in the image and after the likeness of God. We believe in the sanctity of life of all human persons, including the unborn, ailing, and aging. We believe that Jesus Christ...lived a sinless life and

gave Himself as a perfect substitutionary sacrifice for the sins of all humanity. We believe that...we [must] love all individuals and seek their salvation. We believe that salvation is made effective only upon the exercise of personal faith in Jesus Christ, which faith is not a meritorious work, but possible only by the grace of God.”¹

1.1.2 In light of these truths, we affirm that every human being, including the unborn, ailing, aging, male and female ought to be shown compassion, love, and kindness, and afforded dignity and respect as God’s creatures, created uniquely in His image, and the objects of His love. Thus all forms of violence, including assault, dating violence, domestic violence, sexual abuse, and sexual assault, all forms of harassment, including gender-based harassment, retaliation, sexual harassment, and stalking are strictly prohibited at FBBC&TS.

1.2 | Justice and Peace

1.2.1 God proclaims in His Word that He establishes justice and provides peace² and that He desires that our service to Him demonstrate these same qualities.³ So we make it our aim to operate with justice, fairness, and equity in our treatment of students, and staff, and in the resolution of campus complaints, grievances, disciplinary proceedings, and crimes. We further aim to establish a campus which promotes peace, and policies and procedures that protect and promote this peace in cooperation with the civil government, instituted by God as His means of maintaining peace and order among humans.

1.3 | Gender and Sexuality

1.3.1 As a religious institution founded upon and framed by the Bible, we believe that every person ought to be afforded dignity and shown kindness, love, and respect. “We believe that marriage was divinely ordained to be the lifelong and exclusive union of one man and one woman, and we affirm that the Scriptures command that sexual intimacy be reserved for this Biblical marital relationship alone, condemning all other forms as sexual immorality. We believe God created both male and female, and that He designed gender distinctions between men and women, including the Biblically-defined and distinctive roles of husband and wife. Since gender distinctions are rooted in divine order, changing or disguising one’s inherited sex (and correlated gender) reflective of this order transgresses God’s design.”⁴ We celebrate these God-given (both in creation and in the Bible) distinctions, and the mutual, and equal, dignity, honor, and respect inherent in God’s designs for men and women. Sexual immorality, sex discrimination, and gender-based harassment are strictly prohibited on the campus of FBBC&TS.

1.3.2 The administration, staff, faculty, and students are required to abide by their respective handbooks in sexual conduct and related matters.

¹ Taken from the FBBC&TS Doctrinal Statement.

² Psalm 25:8; Philippians 4:7

³ Romans 14:17-19

⁴ FBBC&TS Doctrinal Statement.

2| Definitions

2.1 | Assault:

2.1.1 A person commits an assault when, without justification, the person does any of the following:

2.1.1.1 Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

2.1.1.2 Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

2.1.1.3 Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

2.2 | Consent:

2.2.1 “Consent”, in the context of sexual activity, means by clear, unambiguous action, agreeing, giving permission or saying yes to sexual activity with someone else, with knowledge of the act involved. Consent may not necessarily be inferred from silence or passivity. Consent is not present if a sexual act is committed through force, threat, intimidation or against the will of another. Furthermore, an individual cannot give consent if incapacitated from doing so due to the influence of drugs, alcohol, or other condition.

2.2.1.1 Incapacitation is a mental and/or physical state of helplessness, sleep, unconsciousness, unawareness that results in the inability to give consent.

2.2.1.2. Intimidation is behavior toward another that causes an individual (with ordinary sensibilities), reasonable fear of injury or harm.

2.3 | Dating Violence:

2.3.1 Dating violence is violence committed by a person:

2.3.1.1 who is or has been in a social relationship of a romantic or intimate nature with the complainant; and

2.3.1.2 where the existence of such a relationship shall be determined based on a consideration of the following factors:

2.3.1.2.1. The length of the relationship.

2.3.1.2.2 The type of relationship.

2.3.1.2.3. The frequency of interaction between the persons involved in the relationship.

2.4 | Domestic Violence:

2.4.1 Domestic violence is any felony or misdemeanor crime of violence committed by:

2.4.1.1. a current or former spouse or intimate partner of the complainant;

2.4.1.2. a person with whom the complainant shares a child in common;

2.4.1.3. person who is cohabiting with, or has cohabited with, the complainant as a spouse or intimate partner;

2.4.1.4. a person similarly situated to a spouse of the complainant under Iowa law; or

2.4.1.5. any other person against an adult or youth complainant who is protected from that person’s acts under Iowa law; as well as any act that constitutes “domestic abuse” under Iowa Code § 236.2.

2.5 | Harassment (sexual harassment or gender-based harassment):

2.5.1. Sexual or Gender-Based Harassment is unwelcome conduct of a sexual nature or that is aimed at another because of sex when:

2.5.1.1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;

2.5.1.2. Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or

2.5.1.3. Has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or educational environment (sometimes referred to as "hostile environment").

2.5.2 Conduct is considered "unwelcome" if an individual did not request or invite it and considered the conduct to be undesirable or offensive.

2.5.3. Harassing conduct includes various types of unwelcome verbal, written or physical conduct, including sexual advances; request for sexual favors; unwanted touching; persistent comments or jokes about an individual's sex, sexual orientation or gender identity; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

2.6 | Hostile Environment:

2.6.1 A hostile environment exists when harassment is sufficiently severe or pervasive/persistent and objectively offensive such that it alters the conditions of education or employment for the complainant. The determination of whether an environment is "hostile" must be based on a consideration of all of the circumstances.⁵ These circumstances may include, but are not necessarily limited to:

2.6.1.1. the frequency of the conduct;

2.6.1.2. the nature and severity of the conduct;

2.6.1.3. the identity and relationships of persons involved;

2.6.1.4. the location of the conduct and the context in which it occurred;

2.6.1.5. whether the conduct was physically threatening;

2.6.1.6. whether the conduct was humiliating;

2.6.1.7. the effect of the conduct on the alleged complainant's mental or emotional state;

2.6.1.8. whether the conduct was directed at more than one person;

2.6.1.9. whether the conduct arose in the context of other discriminatory conduct;

2.6.1.10. whether the conduct unreasonably interfered with the alleged complainant's educational or work performance;

2.6.1.11. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and

2.6.1.12. whether the speech or conduct deserves the protection of academic freedom.

2.6.2. The more severe the harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. For example, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the harassment is not particularly severe.

⁵ Actions which are offensive or inappropriate, but do not rise to the level of creating a hostile environment, should still be reported and the institution will take appropriate remedial steps intended to end or prevent such actions in the future.

2.7 | Quid pro quo sexual harassment exists when:

- 2.7.1.** there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- 2.7.2.** submission to such conduct is made either explicitly or implicitly a term or condition of that individual's education or employment.

2.8 | Retaliation:

2.8.1 Retaliation is an adverse action taken against another because they have participated in "protected activity." Protected activity may include, but is not necessarily limited to:

- 2.8.1.1. Filing or being a witness in a complaint or investigation under this policy;
- 2.8.1.2. Communicating with counselors, advisors, supervisors, or other FBBC&TS Administration about sexual misconduct;
 - 2.8.1.2.1. Resisting sexual misconduct or intervening to protect others from the same; or
 - 2.8.1.2.2. Otherwise opposing sexual misconduct, if the individual reasonably believes such conduct constitutes a violation of federal or state law or FBBC&TS policy.
- 2.8.1.3. Retaliation may occur when an adverse action is taken against an individual because that individual participated in protected activity, and where such adverse action would discourage a reasonable person from resisting or complaining about future sexual misconduct. Examples of retaliation include, but are not limited to, verbal or physical abuse, altering or interfering with an individual's grades, class selection or any other matter pertaining to student status (for students) or termination, demotion, or other material alterations to an individual's terms or conditions of employment (for employees).

2.9 | Sexual Abuse:

2.9.1 Sexual Abuse is any sex act, as defined in the Iowa Code Section 702.17, between persons when the act is performed with the other person in any of the following circumstances:

- 2.9.1.1. The act is done by force or against the will of the other. If consent or acquiescence of the other is procured through threats of violence toward any person or if the act is done while the other is under the influence of a sleep-inducing drug or is otherwise in a state of unconsciousness, the act is done against the will of the other.
- 2.9.1.2. Such other person is suffering from a mental defect or incapacity which precludes giving consent or lacks the mental capacity to know the right and wrong of the conduct on sexual matters; or
- 2.9.1.3. Such other person is a child.

2.10 | Sexual Assault:

2.10.1. A Sexual Assault is any actual or attempted sex act with another person, as defined by Iowa Code section 702.17, without that person's consent. Sexual assault may include rape, same-sex sexual assault, child sexual abuse, or incest. It is sexual assault even if:

- 2.10.1.1. The individuals involved have engaged in consensual sexual contact prior to the assault;
- 2.10.1.2. the individuals have had consensual intercourse in the past;
- 2.10.1.3. the individuals are married or otherwise in a committed relationship;
- 2.10.1.4. the individuals are under the influence of alcohol and/or drugs;
- 2.10.1.5. no weapon was involved in the assault;
- 2.10.1.6. there is no evidence of struggle or resistance by the complainant; or
- 2.10.1.7. there were no other witnesses.

2.11 | Sexual Exploitation occurs when a person takes sexual advantage of another person without that person’s consent, including but not limited to sexual intimidation or distribution/publication of sexual or intimate information about another person.

2.12 | Stalking: Stalking occurs when:

2.12.1. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family;

2.12.2. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct; and

2.12.3. The person’s course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person’s immediate family.

2.12.4. “Course of Conduct” as used in subsections 2.12.1-2.12.3 above, means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

3. | Title IX Coordinator

3.1. The Title IX Coordinator has primary responsibility for coordinating FBBC&TS’ efforts to comply with and carry out its requirements under Title IX. This oversight includes the institution’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the institution can address issues that affect the wider school community. A student or employee should contact the Title IX Coordinator to:

3.1.1. Seek information or training about rights and options available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct and relationship violence.

3.1.2. Make a formal complaint or report of sex discrimination, including sexual misconduct and relationship violence.

3.1.3. Notify the institution of any incidents, policies, or procedures that may raise Title IX concerns.

3.1.4. Request information about resources and support services relating to sex discrimination, sexual misconduct, and relationship violence, and

3.1.5. Seek answers to any questions about the institutions policies and procedures as they relate to sex discrimination, sexual misconduct, and relationship violence.

3.2. The name and contact information for the Title IX Coordinator for FBBC&TS is found on the website (<https://www.faith.edu/title-ix-policy/>).

3.3. In the event that the incident, policy, or procedure about which the student or employee seeks to file a formal report or complaint appears to create a conflict of interest for the Title IX Coordinator, students or employees may contact one of the Deputy Title IX Coordinators (contact

information found on the website: <https://www.faith.edu/title-ix-policy/> or the Dean of the Seminary in the case of seminarians).

3.4. Complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at: Chicago Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544. Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov.

4 | Role and Responsibilities of the Title IX Coordinator. The Title IX Coordinator's functions and responsibilities include the following:

4.1 Training Students, Faculty, and Staff, Including:

4.1.1. Regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate officials, and the extent to which counselors and advocates may keep a report confidential, and

4.1.2 Regular training for students outlining their rights under Title IX, definitions relating to sexual misconduct and relationship violence (including hostile environment and consent), reporting options, grievance procedures for formal complaints, disciplinary standards as they relate to Title IX, strategies and skills for bystander intervention, and information about confidential/responsible reporting on campus.

4.2. Overseeing Title IX Investigations, Including:

4.2.1. Determining whether the report or complaint alleges conduct that may, upon investigation, constitute sexual misconduct,

4.2.2. Following the Title IX Investigation procedure as outlined in section 5 of this document,

4.2.3. Making certain that individual formal reports and complains are handled properly and in a prompt and timely manner,

4.2.4. Informing all parties regarding the grievance process,

4.2.5. Confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable,

4.2.6. Maintaining information and documentation related to the investigation in a secure manner, and

4.2.7. Monitoring compliance with timeframes specified in the grievance procedures.

4.2.8. Providing Remedies, Including Interim Measures, by:

4.2.8.1. Upon learning of a report or complaint of sexual misconduct, promptly taking steps to ensure the complainant's equal access to the institution's programs and activities, protecting the complainant as necessary.

4.2.8.2. Implementing interim measures before the final outcome of the Title IX Investigation

and remedial measures after the final outcome of the investigation.

4.2.8.3. Making the complainant aware of all available resources as stated in section 4 of this document.

4.2.8.4. Responding to incidents of sexual misconduct by deciding whether to adopt appropriate campus-wide remedies, including the review and revisions of the Sexual Misconduct and Relationship Violence Policy, enhanced security and monitoring, and/or increased education and prevention efforts.

4.2.8.5. In the case a Title IX Investigation leads to a determination that the clear and convincing evidence reflects that sexual misconduct or relationship violence has occurred, reviewing proposed sanctions before they are imposed, along with interim and long-term measures taken, to ensure such measures and sanctions are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

4.3 Monitoring and Advising Title IX Compliance, including some of the following:

4.3.1. Coordinating an annual climate survey,

4.3.2. Analyzing data from the climate survey to assess the rates and nature of sexual misconduct, any risk factors, general knowledge of the institution's policies, procedures, resources, and potential sanctions, and the effectiveness of the institution's efforts to ensure the institution is free from sexual misconduct,

4.3.3. Reviewing regularly all formal Title IX reports and complaints to ensure the institution responded as required by Title IX obligations,

4.3.4. Reviewing regularly all formal Title IX reports and complaints to identify and address any patterns,

4.3.5. Reviewing regularly all institutional policies and procedures to ensure compliance with Title IX requirements,

4.3.6. Organizing and maintaining files for grievances, reports, complaints, and other records relating to sex discrimination, in a secure manner,

4.3.7. Assessing the institution's compliance with its own policies and procedures as related to sex discrimination and recommending modifications where appropriate,

4.3.8. Coordinating with the Clery Act requirements with respect to overlapping obligations.

4.3.9. Consulting regularly with the President and other campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues and to develop and implement any modifications of policies and procedures, and

4.3.10. Ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local complainant advocacy organizations and service providers, including rape crisis centers.

5 | Rights and Procedures

5.1 | Immediate Response

The following may be helpful for complainants to consider in the initial response to sexual misconduct or relationship violence. Complainants:

5.1.2. May consider, if necessary for personal safety, or the safety of someone else, seeking refuge from the assailant, or calling the proper authorities (911 for the police).

5.1.3. May consider making a mental or written note of the scene considering such details as time, location, witnesses, and a description of the assailant and the events. As applicable, the individual may consider visiting a local emergency room or clinic which can provide medical care and collect forensic evidence. In these cases, a Sexual Assault Nurse Examiner (SANE), who can give a confidential medical examination, may be requested. It is best if such an examination take place within 120 hours of the incident. Any evidence which can be preserved about the incident may prove useful as evidence in any ensuing investigation.

5.2 | Available Help

There are various provisions on and off campus for complainant care following an incident of sexual misconduct or relationship violence. Though complainants are encouraged to talk to someone about what happened, they ought to consider the ability of the one with whom they speak to maintain a complainant's confidentiality. Refer to section 5.7 of this document for more specific information regarding confidentiality.

5.2.1. Complainants are encouraged to seek moral support from a trustworthy friend or family member, and complainants have the right to request this person's presence at any proceedings related to the event.

5.2.2. The Iowa Sexual Abuse Hotline can be reached at 1-800-284-7821.

5.2.3. Complainants may consider reporting the matter to the proper authorities. Immediate safety threats or emergencies may warrant calling 911 for the police. The Ankeny Police Department's non-emergency line is 515-286-3333. Complainants should remember that they are not required to file charges along with the report. The assistance of either a male or female officer may be requested.

5.2.4. Complainants may register with the county attorney so that he or she will be kept informed of the status of the case.

5.2.5. Complainants are encouraged, but not required, to seek counseling services with counselors certified by the Association of Certified Biblical Counselors (ACBC). Local ACBC certified counselors include Dan Bunge and/or Charlotte Bunge of Des Moines, and Scott Owen of Ames. The individual may also search for other available counselors and find the contact information for the listed counselors at the ACBC website (www.biblicalcounseling.com). Seeking counseling through the ACBC will not trigger an investigation by FBBC&TS.

5.2.6. Complainants are encouraged to report the incident to the campus authorities.

5.2.7. The Title IX Coordinator for FBBC&TS is Mrs. Faith Taylor, taylorf@faith.edu, 1900 NW Fourth Street, Ankeny, IA 50023, (515) 964-0601, Ext. 225. The Title IX Coordinator can meet with students or employees to explain applicable rights, policies, and procedures of the complainant and institution as related to the Sexual Misconduct Policy, and to give advice and direction regarding the reporting of the incident. Further details about the Title IX Coordinator's functions and responsibilities may be found in section 3.

5.2.8. The Student Life Department, studentlife@faith.edu, (515) 422-5820, is located on campus in Jordan Hall. Here, students can find explanation on the institution's Sexual Misconduct Policy.

5.2.9. The Security Department (515-210-6563) has at least one guard on duty Monday through Friday from 6:00 p.m. to 6:00 a.m. and 24 hours a day on weekends. They are available to provide assistance including access to buildings, safe transportation across campus, support in potentially threatening situations, and help in contacting the proper local authorities. Emergency and similar calls should be directed to 911.

5.3 | Interim Measures

5.3.1. Whether or not the complainant chooses to make a formal report of the incident with the institution, the complainant has the right to request reasonably available changes to his or her academic, living, transportation, and working situation. FBBC&TS will take any necessary and reasonably possible measures to ensure the protection of the complainant or reporter after making the report. The Title IX Coordinator will oversee the administration of Interim Measures, while the Dean of Students⁶ may give assistance in these areas, as well as in reporting an incident to the local law enforcement agencies, or any other campus life issues not mentioned above, seeking to place minimal burden on the complainant.

5.3.2. The following interim measures may be requested. FBBC&TS, after consulting with the complainant or the complainant’s counselor or advocate, will determine which, if any, measure(s) are appropriate to ensure the complainant’s safety and equal access to educational programs and activities:

- 5.3.2.1. Academic accommodations (see paragraph title “Academic Accommodations” below)
- 5.3.2.2. Assistance in medical and mental health services information and referral
- 5.3.2.3. Change in campus housing and/or dining locations
- 5.3.2.4. Assistance in finding alternative housing
- 5.3.2.5. Assistance in alternative employment arrangements/work schedules
- 5.3.2.6. A “no contact” directive pending the outcome of an investigation, which serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another
- 5.3.2.7. Providing an escort to ensure that the student can move safely between school programs and activities
- 5.3.2.8. Assistance with transportation accommodations
- 5.3.2.9. Assistance identifying an advocate to help secure additional resources or assistance.

5.3.3. Consideration of any other interim measures not listed above will be considered on a case-by-case basis, where necessary to protect the complainant’s safety and equal access. Such measures can be adjusted beginning before the investigation, through the process of the investigation, and after the investigation to ensure that the measures are effective to keep the complainant safe.

5.4 | Academic Accommodations

Depending on the nature of the incident, a variety of Academic Accommodations are available to the complainant. Considering the ongoing mental and physical challenges that may face complainants of sexual misconduct, the institution is willing to work with the complainant’s mental and health care

⁶ The title “Dean of Students” in this document applies to two positions, one for the College, and one for the Seminary. For the college and all college students, it refers to the Dean of Students. For the seminary and all seminary students, it refers to the Dean of the Seminary, who fulfills the Dean of Students position for the Seminary.

providers. The Health Services Special Needs Coordinator (Nurse) and the Vice-President of Academic Services can work with complainants and their health care providers as applicable, and to make the necessary accommodations, including the following:

- 5.4.1. Transferring to another section of a class,
- 5.4.2. Rescheduling an academic assignment or test,
- 5.4.3. Accessing academic support, such as tutoring,
- 5.4.4. Arranging for incompletes, a leave of absence, or withdrawal from a class or from campus, or
- 5.4.5. Preserving eligibility for academic, athletic, or other scholarships, financial aid, and internships.

5.6 | Requests for Interim Measures

5.6.1. Complainants may request Interim Measures in two ways. The first option allows for the complainant to report the incident to “responsible employees” (see section 5.7.2.2) who can address any requests for Interim Measures with the Title IX Coordinator. The second option allows complainants to request interim measures through a third-party advocate. This does not negate the potential that such a request may trigger FBBC&TS’s Title IX Investigation process. As stated in the Confidentiality policy, if confidentiality is requested by the advocate, the Title IX Coordinator will consider the request, weighing the options to determine whether the institution can honor the request while still providing a safe and nondiscriminatory environment for all students. Regardless of whether the institution initiates a Title IX investigation, Interim Measures may still be afforded to the complainant.

5.6.2. If requesting Interim Measures through an advocate, the complainant may request that the advocate not disclose the nature of the sexual misconduct, or even that sexual misconduct occurred. The Advocate may report an incident of trauma and request Interim Measures, recognizing that the institution will seek to respond appropriately based on the information reported.

5.7 | Confidentiality

5.7.1. FBBC&TS is committed to creating an environment in which those who have experienced sexual misconduct are encouraged to come forward, while also protecting the privacy of all involved in an investigation. Complainants should be aware of the confidentiality of the reporting options available to them. Those who can maintain near complete confidentiality are classified as “privileged” or “confidential” communication options. Generally, confidentiality will apply when seeking services from 1) trained and statutorily certified complainant’s advocates; 2) licensed psychological counselors or health care providers; 3) a personal attorney representing the complainant; and/or 4) a religious or spiritual counselor (e.g., non-FBBC & TS pastor). Any other FBBC&TS employee cannot guarantee confidentiality, as FBBC&TS may have an independent obligation to report or investigate potential sexual misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of sexual misconduct or retaliation received by a non-confidential FBBC&TS employee. However, complaints will be handled in great discretion, with personally identifiable information protected and information only disclosed to those who need to know for FBBC&TS to promptly and thoroughly investigate and resolve the matter. FBBC&TS must balance the needs of individual students with its obligation to protect the safety and well-being of the campus

community.

5.7.2. FBBC&TS will also keep personally identifiable information out of public recordkeeping, including FBBC&TS's Annual Security Report of Crime Statistics under the Clery Act. For more information, consult the FBBC&TS Security Department's Clery Report Policies.

5.7.2.1. | "Responsible Employee" (Mandatory) Reporting

"Responsible Employees" (i.e., "mandatory reporters") are those who have the authority to redress sexual misconduct (i.e., the Title IX team [see 6.2.6.1]) or have the duty to report such incidents. Complainants, upon submitting a formal report to these individuals, have the right to expect the institution to take immediate and appropriate steps to investigate and resolve the matter as explained in the Title IX Investigation policies and process section (5). Such employees must report all relevant details of the incident (including the name of the complainant and alleged respondent(s), any witnesses, any other relevant facts such as the date, time, and specific location of the incident) to the Title IX Coordinator. As possible, such information will be shared only with those responsible for handling the institution's response to the report. Furthermore, responsible employees should ensure that the complainant understands the employee's reporting obligation, and, if the complainant desires to maintain confidentiality, direct the complainant to confidential resources. The complainant may request the opportunity to submit a formal report and maintain complainant confidentiality. The institution will consider the request but cannot guarantee the ability to honor it. "Responsible Employees" on the campus of FBBC&TS include all full- or part-time employees, excluding student employees, and are considered "mandatory reporters." Reports to any of these individuals are non-confidential.

5.7.2.2. | Formal Reports and Confidentiality Requests

If a complainant discloses information to a responsible employee, or makes a formal report with the Title IX Coordinator, but desires to maintain confidentiality or to request that no Title IX Investigation or disciplinary action result, FBBC&TS must consider the request in light of the institution's obligation and commitment to safeguard its spiritual and moral atmosphere in an environment free from any form of sex discrimination, including sexual misconduct and relationship violence. The complainant must understand that FBBC&TS's ability to conduct a meaningful investigation or to take any disciplinary action with respect to the matter will be limited or even null. However, interim measures may still be afforded and remedial action such as additional surveillance and training may take place. There may be times, to safeguard the spiritual and moral atmosphere of the campus for a non-discriminatory environment, when FBBC&TS may not be able to honor the complainant's request for confidentiality. The President, Dean of Students, and Title IX Coordinator have been designated to evaluate such requests for confidentiality. The following may be considered in evaluating this request:

5.7.1.2.1. The increased risk that the alleged respondent will commit additional acts of sexual or other violence, such as:

- 5.7.1.2.1.1. whether there have been other sexual violence complaints about the same alleged respondent;
- 5.7.1.2.1.2. whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;
- 5.7.1.2.1.3. whether the alleged respondent threatened further sexual violence or other violence against the complainant or others;
- 5.7.1.2.1.4. whether the sexual violence was committed by multiple respondents;
- 5.7.1.2.1.5. whether the sexual violence was a respondent with a weapon;

- 5.7.1.2.1.6. whether the complainant is a minor;
- 5.7.1.2.1.7. whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- 5.7.1.2.1.8. whether the complainant's report reveals a pattern of respondent (e.g., via illicit use of drugs or alcohol) at a given location or by a group.

If the institution determines that it cannot maintain a complainant's confidentiality, the institution will inform the complainant of this decision prior to starting an investigation, and, to the extent possible, will only share information with people responsible for handling the college's response.

All available help and Interim Measures as described in sections 5.3 and 5.6 will be provided as needed and requested by the complainant.

5.8 | Reporting

5.8.1. The Title IX Investigation Process is initiated when a complaint is filed with the Title IX Coordinator. In the event of an actual or reasonably perceived conflict of interest for the Title IX Coordinator, students may contact a Title IX Deputy Coordinator to initiate the investigation process. Whether or not the complainant chooses to make a formal report, the Title IX Coordinator will notify the individual of complainant procedures and rights, in writing, at the time of reporting.

5.8.2. Complaints should be filed as soon as possible after the date of the alleged Sexual Misconduct, and a written complaint is preferable. A written complaint should include the following information:

- 5.8.2.1. Complainant's name. (Complainant's home address, email, telephone number, and FBBC&TS Student/Employee ID number should be documented separately from the written complaint.)
- 5.8.2.2. Name of the person against whom the complaint was made, including job title or student status, if known.
- 5.8.2.3. A clear and concise statement of the facts that constitute the alleged Sexual Misconduct, including dates on which the acts were committed and any information to identify witnesses.
- 5.8.2.4. Complainant should include the term and year of his/her most recent active employment, academic, or student status within the University.
- 5.8.2.5. A student who is seeking admission to FBBC&TS should include the term and year in which he/she sought admission to the University.
- 5.8.2.6. The full name, address, and telephone number of complainant's advisor or supervisor, if any.
- 5.8.2.7. The specific harm that resulted from the alleged act and the remedy sought.
- 5.8.2.8. The complainant's signature and the date on which the complaint was submitted.

5.8.3. The respondent will have the right to see the written complaint, and thus concerns about confidentiality should be raised when completing a written complaint. A complaint should be submitted within the later of the following two dates: (a) thirty (30) days after the alleged misconduct; or, (b) the end of the semester in which the alleged incident occurred. If more than 365 days have elapsed since the day of the alleged conduct, the complaint may not be processed.

5.8.4. As noted above, FBBC&TS may or may not be able to honor all requests to keep the details or identities in a complaint of Sexual Misconduct confidential and will need to weigh the interests of the

complainant against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. If FBBC&TS honors requests for confidentiality in the complaint process, a complainant must understand that FBBC&TS's ability to fully investigate the incident and pursue disciplinary action against the respondent may be limited.

5.8.5. Upon receiving such matters, the Title IX Coordinator will promptly begin the Title IX Investigation Process as outlined later in this document.

5.9 | Complainant Rights

The complainant is granted several rights by Title IX. These rights include:

- 5.9.1.** The right to be assisted by campus authorities in reporting the incident to local law enforcement, and the right to decline to report the incident to law enforcement.
- 5.9.2.** The right to seek, from a local judge, a judicial no-contact, restraining, or protective order.
- 5.9.3.** The right, if an FBBC&TS Title IX Investigation begins, to be notified of the timeframes for all major stages of the investigation.
- 5.9.4.** The right to present witnesses and evidence during the FBBC&TS Title IX Investigation.
- 5.9.5.** The right to have a lawyer (if the respondent is allowed to have a lawyer).
- 5.9.6.** The right to an appeal process⁷, equally available to both parties.
- 5.9.7.** The right to be notified of the outcome of the complaint and any appeal, including sanctions directly related to the complainant.
- 5.9.8.** The right to have any proceedings documented (written findings of fact, transcripts, or audio recordings).
- 5.9.9.** The right NOT to “work it out” with the alleged respondent in mediation. Mediation is not appropriate in cases involving sexual violence.
- 5.9.10.** The right to “remedies” provided by FBBC&TS:
 - 5.9.10.1. If the investigation has revealed a hostile environment, the institution must take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects.
 - 5.9.10.2. To bring any necessary disciplinary action against the respondent, and help the complainant get back on track in the education.
 - 5.9.10.3. To provide remedies for the broader student population to prevent the recurrence of such an event.
 - 5.9.10.4. If requested by the complainant, and reasonably available, the institution must make changes to the academic, living, transportation, and working situations of any complainant, whether or not a formal report is made.
- 5.9.11.** The right to report any retaliation by school employees, the alleged respondent, and other students. Information about this process and the school's response is found in section 5.10 of this document, titled “Retaliation.”

5.10 | Retaliation

Retaliation, as defined in section 2.8, is strictly prohibited for all students and employees of FBBC&TS. All students and employees have the right to report any incidents of retaliation to the

⁷ The Appeals Policy is located in 6.3 in this document.

Title IX Coordinator. If, after due process of investigation, such a report is confirmed, the institution may enact sanctions up to and including student dismissal or employee termination.

6 | Title IX Investigation Procedures

This procedure section provides the framework for a Title IX Investigation and the rights and procedures of the appeal process.

6.1 | Title IX Investigation Policies

6.1.1 All Title IX investigations must be based on clear and convincing evidence.

6.1.2 The Title IX Investigation process is designed to provide a prompt, fair, and impartial investigation and resolution.

6.1.3 All proceedings must be conducted by officials who receive annual training in sexual misconduct, including how to conduct an investigation in a manner that protects the safety of complainants and promotes fairness and accountability.

6.1.4 Both the complainant and the respondent are entitled to the same opportunity to have others present at all proceedings relating to the Investigation, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

6.1.5 Both the complainant and the respondent shall be informed simultaneously, in writing, of (1) the outcome of any institutional disciplinary proceeding that arises from an allegation of sexual misconduct or relationship violence; (2) the institution's procedures for the respondent and the complainant to appeal the results of the institutional disciplinary proceeding; (3) any change to the results that occurs prior to the time that such results become final; and (4) the final results, when they become final.

6.1.6 All records and documented evidence of the proceedings will be kept confidential in password-protected and/or encrypted document storage systems. Any public records will not include information identifying the complainant, to the maximum extent permissible by law.

6.1.7 If the final determination is that domestic violence, sexual assault, or stalking occurred, disciplinary action up to and/or including dismissal or job termination may be expected. Protective measures may be taken to ensure the ongoing safety of the complainant and the campus community. Such measure may include the notification of local law enforcement; judicial orders of restraint, no-contact, or another such order; and any other measures deemed prudent by the Title IX Team.

6.1.8 In situations necessitating the confidentiality of the complainant, records will be kept without personally identifiable information, including name, identification number (student or employee), and other personal information.

6.1.9 No officer, employee, or agent of FBBC&TS may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under Title IX.

6.2 | Title IX Investigation Process

6.2.1 When a formal complaint/report has been made, it must be brought to the Title IX Coordinator. If the Title IX Coordinator is under accusation, it must be taken to the Title IX Deputy Coordinator. Where a complaint is filed with the Title IX Deputy Coordinator, all references to “Title IX Coordinator” hereinafter shall be deemed to apply to the Deputy Title IX Coordinator.

6.2.2 If the report involves any danger to the campus, students, or employees, the Crisis Management Plan (see Student Life) will immediately be implemented to ensure appropriate and prompt emergency notification.

6.2.3 After ensuring that any necessary protective measures, or requested interim helps have been offered and implemented for the complainant, the Title IX Coordinator will initiate a Title IX investigation.

6.2.4 The designated FBBC&TS Title IX Investigator information is on the website. <https://www.faith.edu/title-ix-policy/> Where an actual or reasonably perceived conflict of interest or other reasons warrant an alternative investigator, the Title IX Coordinator will designate an alternative investigator, who might be another FBBC&TS employee or outside investigator. Any designated Investigator shall have the requisite skill, training, and expertise to conduct an appropriate investigation into allegations of sexual misconduct.

6.2.5 As much as is reasonably possible, evidence related to the complaint will be gathered by the Investigator. Both the complainant and the respondent will be provided with a co-equal right and opportunity, separately in an environment where direct confrontation is not required, to present and provide any related evidence, including witnesses, to the Investigator. After receiving and reviewing all relevant information from the complainant and respondent, including witness testimony, the Investigator will issue preliminary findings on whether or not the complaint is founded, based on a preponderance of the available evidence.

6.2.6 Upon retrieving as much related evidence as reasonably possible, the Investigator will present the information to the Title IX Team.

6.2.6.1 The Title IX Team consists of the following: the Executive Vice-President, Title IX Coordinator, Title IX Deputy Coordinators (2), Investigator, Director of Security, VP for Enrollment and Student Life, and the Director of Human Resources (if involving an employee). One member will be assigned as secretary to keep careful notes of all proceedings. The Title IX Team has the task of providing a prompt, fair, and impartial review of the matter, a co-equal opportunity to both the respondent and complainant to present evidence in an environment where direct confrontation is not required, and, when a complaint is determined to be founded by a clear and convincing level of evidence, to take appropriate disciplinary and remedial action.

6.2.6.2 In the event that one of the members of the Title IX Team has an apparent conflict of interest, the complainant or respondent may request, with the Title IX Coordinator, that that individual be replaced on the Title IX Team.

6.2.7 The complainant and the respondent will both receive separate opportunity, if desired, to present evidence and their testimony to the Title IX Team.

6.2.7.1 Evidence and questioning regarding the complainant’s prior sexual conduct with anyone other than the alleged respondent will be prohibited.

6.2.7.2 Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

6.2.8 Based on clear and convincing level of evidence, the Title IX Team will reach a conclusion.

6.2.9 Based on the conclusion, the information will be organized on the Disciplinary Proceeding Outcomes document (DPO—see Appendix A) and two copies shall be prepared – one for the complainant and one for the respondent.

6.2.10 To provide for the simultaneous notification of both the complainant and the respondent, the Investigator will call for two separate meetings, at the same time, in separate locations on campus, providing for the safe arrival and departure of the complainant and respondent.

6.2.11 Simultaneously, the Investigator will notify the respondent, using the DPO, of the decision in the matter and any sanctions relating directly to the respondent, while the Title IX Coordinator notifies the complainant, using the DPO, of the decision in the matter and any sanctions relating directly to the complainant. Included in the simultaneous notification, each party shall be notified of their co-equal right to appeal any disciplinary or remedial action resulting from the decision of the Title IX Team. Neither party will be required to abide by any nondisclosure agreement that would prevent the re-disclosure of information related to the outcome of the proceeding.

6.2.12 Amnesty for Student Misconduct.

FBBC&TS recognizes that complainants and individuals with information about sexual misconduct may hesitate to come forward out of fear that their own actions are violations of FBBC&TS’s student conduct policies. While FBBC&TS does not condone violations of such policies, it considers reporting incidents of sexual misconduct to be of principal importance. Therefore, FBBC&TS seeks to remove barriers to reporting sexual misconduct. To this end, a violation of the student handbook, when the violation is disclosed (either by a student-participant or a third party) as a result of a report of sexual misconduct, will not result in dismissal for the reporting party, provided that the complaint is raised in good faith and the health and safety of the individuals involved is not jeopardized. However, amnesty will not be extended to the extent FBBC&TS determines that the violation of its student conduct policies was egregious, involved any illegal activity, or involved violations that did, do, or may place the health or safety of any other person at risk. FBBC&TS reserves the right to extend grace to all parties involved and may choose to recommend or require institutional or counseling remedies for a student consistent with our values.

6.3 | Appeals

6.3.1. Decisions made by the Title IX Team regarding Sexual Misconduct may be appealed. The following paragraphs describe the proper process for appeals for students and employees in various contexts. The appeal processes listed below apply only to complaints and decisions relating to Sexual Misconduct.

6.3.2. A party aggrieved by the decisions made by the Title IX Team regarding sexual misconduct may file with the Title IX Coordinator a Petition for Appeal within three (3) business days of notification of the final outcome of the Investigation. The appeal must be in writing and state clearly the grounds that justify reconsideration. General dissatisfaction with the outcome of the Investigation or related

proceedings is not a basis for appeal. The written appeal may be made only on one or more of the following grounds:

6.3.2.1. There was a significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.

6.3.2.2. There is significant new evidence that was previously unknown to the appellant, which the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome and substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the notice of appeal.

6.3.2.3. The sanctions imposed are grossly disproportionate to the violations found to have occurred and would result in substantial injustice.

6.3.3. An appeal which is not based on one of these criteria will be dismissed without further consideration. If no appeal is received by the Title IX Coordinator within the three (3) business day period, the findings, conclusions, and sanctions imposed by the Title IX Team will be final.

6.3.4. If the appeal is received within the three (3) business day period, the Title IX Coordinator will select and notify the Appeals Board. The Appeals board consists of the President, the Vice-President for Academics Services, the Vice-President for Business and Campus Operations along with the Seminary Dean as an alternate. The Appeals Board will then review the investigator's findings, the conclusions of the Title IX Team, and/or any sanctions imposed, and obtain any additional information deemed necessary by the Appeals Board for resolution of the appeal. No member of the Appeals Board will have participated previously in the formal process or have a conflict of interest with either the complainant or respondent.

6.3.5. Within fifteen (15) business days of the date of the filing of the appeal and within seven (7) days after concluding its review of the applicable findings and/or sanctions, unless there are extenuating circumstances (i.e., unavailability of Appeals Board member(s), uncooperative witness(es), school break periods and periods when FBBC&TS is closed), the Appeals Board will render a written decision on which will be communicated to the complainant and respondent simultaneously and in writing. The Appeals Board's decision on all appeal requests is final.

7 | Prevention, Education, and Training Programs

7.1 | Students

7.1.1. As a part of new and returning student orientation, all students will be required to read the Sexual Misconduct Policy, as well as receive instruction regarding the implementation of the policy, their rights as students, and location and function of Title IX-related services on campus.

7.1.2. Once each semester students will be given the opportunity and will be encouraged to participate in bystander intervention training at no cost to the student.

7.2 | Employees

7.2.1. All employees will be educated and trained in the nature and implementation of the Sexual

Misconduct Policy at new employee orientation, and then yearly at the August employee in-service.

7.2.2. The Title IX Coordinator, Deputies, and Investigator(s) shall receive yearly training in the areas of Title IX compliance. All members of the Title IX Team will receive periodic training in the adjudication of Title IX investigations and disciplinary proceedings as deemed necessary by the Title IX Coordinator.

7.2.3. Contact information for Title IX Coordinator, Deputy Coordinator(s), and the entire Title IX Team is found on the website. <https://www.faith.edu/title-ix-policy/>

Appendix A DISCIPLINARY PROCEEDING OUTCOME

In cases of Sexual Violence, including sexual assault, domestic violence, dating violence, and stalking, this document will be used to simultaneously inform both the accuser and the accused of: (1) the outcome of any institutional disciplinary proceeding; (2) Any change to the results of any proceeding; (3) the final results when they become final; and (4) the procedures for the accused and the victim to appeal the results of the proceeding.

| The nature of this outcome communication: |
|---|
| <input type="checkbox"/> This is notification of a disciplinary proceeding as a part of the Title IX Investigation Process. |
| <input type="checkbox"/> This is notification of a change in the result of a previous disciplinary proceeding. |
| <input type="checkbox"/> This is notification of the final results of the Title IX Investigation Process. |
| <input type="checkbox"/> This is notification of the results of an appeal to the final results of the Title IX Investigation Process. |

| A brief description of the disciplinary proceeding: |
|---|
| |

| The outcome of the disciplinary proceeding: |
|---|
| |

| Results or Sanctions relating to you: |
|---------------------------------------|
| |

APPEAL PROCEDURE:

Decisions made by the Title IX Team regarding Sexual Misconduct may be appealed. The following paragraphs describe the proper process for appeals for students and employees in various contexts. The appeal processes listed below apply only to complaints and decisions relating to Sexual Misconduct. Please refer to the Student Handbook for a broader appeal and/or complaint process.

A party aggrieved by the decisions made by the Title IX Team regarding sexual misconduct may file with the Title IX Coordinator a Petition for Appeal within three (3) business days of notification of the final outcome of the Investigation. The appeal must be in writing and state clearly the grounds that justify

reconsideration. General dissatisfaction with the outcome of the Investigation or related proceedings is not a basis for appeal. The written appeal may be made only on one or more of the following grounds:

- There was a significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.
- There is significant new evidence that was previously unknown to the appellant, which the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome and substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the notice of appeal.
- The sanctions imposed are grossly disproportionate to the violations found to have occurred and would result in substantial injustice.

An appeal which is not based on one of these criteria will be dismissed without further consideration. If no appeal is received by the Title IX Coordinator within the three (3) business day period, the findings, conclusions, and sanctions imposed by the Title IX Team will be final.

If the appeal is received within the three (3) business day period, the Title IX Coordinator will select and notify the Appeals Board.⁸ The Appeals Board will then review the investigator's findings, the conclusions of the Title IX Team, and/or any sanctions imposed, and obtain any additional information deemed necessary by the Appeals Board for resolution of the appeal. No member of the Appeals Board will have participated previously in the formal process or have a conflict of interest with either the complainant or respondent.

Within fifteen (15) business days of the date of the filing of the appeal and within seven (7) days after concluding its review of the applicable findings and/or sanctions, unless there are extenuating circumstances (i.e., unavailability of Appeals Board member(s), uncooperative witness(es), school break periods and periods when FBBC&TS is closed), the Appeals Board will render a written decision on which will be communicated to the complainant and respondent simultaneously and in writing. The Appeals Board's decision on all appeal requests is final.

⁸ The President, VP for Academic Services, VP for Business and Campus Operations along with the Seminary Dean as an alternate.