



I.	INTRODUCTION, SCOPE AND PURPOSE.....	2
II.	DEFINITIONS.....	3
III.	UNDERSTANDING CONSENT AND INCAPCITIATION.....	7
IV.	DETERMINING HOSTILE ENVIRONMENT SEXUAL HARASSMENT AND STALKING.....	9
V.	TITLE IX COORDINATOR	10
VI.	REPORTING SEXUAL HARASSMENT AND SEXUAL MISCONDUCT.....	10
	A. Reporting Contacts.....	11
	B. Amnesty	12
	C. Retaliation.....	12
	D. Response Protocol	12
VII.	REQUESTS FOR ANONYMITY OR THAT NO REPORT BE PURSUED.....	14
VIII.	PRIVACY AND CONFIDENTIALITY	15
	A. Employee Reporting Responsibilities.....	15
	B. FERPA.....	16
	C. The Clery Act and Record Keeping	16
IX.	SUPPORTIVE MEASURES.....	16
X.	EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE.....	18
XI.	THE INVESTIGATION AND PROCEDURES AFTER THE FORMAL COMPLAINT.....	18
	A. Formal Investigation.....	19
	B. Access to Evidence.....	20
	C. Right to an Advisor.....	20
XII.	HEARING AND DETERMINATION PROCEDURE.....	21
	A. Party's Written Response to Investigative Report.....	21
	B. Pre-Hearing Conference.....	22
	C. Hearing Procedures.....	22
XIII.	THE APPEALPROCESS.....	25
XIV.	INFORMAL RESOLUTION.....	26
XV.	TIMEFRAME	26
XVI.	DISMISSAL OF A COMPLAINT.....	27
XVII.	RESOURCES	27

A. Emergency Resources.....	27
B. Confidential Resources.....	28
C. Campus Non-Confidential Resources.....	30
D. Staff and Faculty Resources.....	30
XVIII. TRAINING.....	30
XIX. RECORDKEEPING.....	30

Lindenwood University (the “university” or “Lindenwood University”) is committed to maintaining an environment that is free from sexual discrimination, sexual and gender-based harassment and violence, relationship violence, stalking and retaliation. The university does not discriminate on the basis of sex in matters of education, extracurricular activities, programs, athletics, admissions, housing, services, financial aid, or in the context of employment (collectively, the “programs and employment”).

Consistent with the University’s Non-Discrimination Notice and the U.S. Department of Education’s implementing regulations for Title IX of the Education Amendments of 1972 (“Title IX”) (see 34 C.F.R. § 106 *et seq.*), the University prohibits Sexual Harassment that occurs within its education programs or activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

This policy prohibits Sexual Harassment meeting specific definitions according to the Title IX regulations. The University also prohibits other sexual misconduct, not falling under specific Title IX regulatory definitions. Such conduct may include Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking that occurs outside of the University’s Education Programs or Activities or outside the United States; or unwelcome conduct that does not rise to

- A.** _____ is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.
- B.** _____ is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's Education Programs or Activities.
- C.** _____ includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.²
- 1.** "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - 2.** "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - 3.** "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 - 4.** "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where

² The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

When an individual is physically forced to participate. Force is the use or threat of physical violence and/or imposing on someone physically in order to gain sexual access. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. Any sexual activity that is forced is by definition without consent.

When an individual is intimidated, threatened (perceived or otherwise), isolated, or confined. Such intimidation could involve the use or threat of a weapon.

When an individual is coerced or unreasonably pressured to participate in sexual activity. When someone makes clear that they do not want to engage in sexual activity, wants something to stop, or does not want to go past a certain point of sexual interaction – continued pressure past that point can be considered coercive behavior. When evaluating coercive behavior, factors such as the frequency, duration, location (isolation of recipient of unwanted contact), and intensity of coercive behaviors will be considered. 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 activity.

" A person violates this Policy if they have sexual contact with someone they know, or should know, to be mentally incapacitated or to have reached the degree of intoxication that results in incapacitation.

An individual who is incapacitated cannot communicate consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/or physically helpless, unable, unconscious, asleep or unaware that the sexual activity is occurring.

Evaluating incapacitation requires an assessment of how the consumption of drugs and/or alcohol affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, capacity to appreciate the nature and quality of the act, or level of consciousness.

Warning signs that a person may be so impaired by alcohol and/or drugs that they no longer have the capacity to give consent may include, but is not limited to

Difficulty walking, stumbling, or falling down;

Being unable to stand or walk without assistance;

Slurred speech or inability to communicate clearly;

Inability to focus or confusion about what is happening;

Vomiting; or

Combativeness, emotional volatility, or other marked change in demeanor.

Implicitly or explicitly threatening physical conduct or any combination of these behaviors toward an individual person.

The university has designated a Title IX coordinator to oversee all reports of sexual misconduct at the university and to facilitate the university's compliance with Title IX.

The Title IX coordinator may delegate certain responsibilities to the Title IX deputy coordinator(s) or others, as appropriate. The University's deputy Title IX coordinator, if any, is responsible for assisting the Title IX coordinator.

Questions about the applicability of this policy or the university's compliance with Title IX can be directed to the university's Title IX coordinator, or the Office for Civil Rights:

Title IX Coordinator. Paula R. Stewart, MS., Evans Commons, Room 3030, 209 S. Kingshighway, St. Charles, MO 63301, Ph: 636.255.225, pstewart@lindenwood.edu

Office for Civil Rights, Kansas City Office, U.S. Department of Education. One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106, Ph: 816.268.0550, OCR.KansasCity@ed.gov.

The university encourages all university members to promptly report all incidents of Sexual Harassment as soon as possible in order to maximize the university's ability to respond promptly and effectively.

After receiving a report under "Reporting Sexual Harassment," the Title IX Coordinator will conduct a preliminary assessment to determine:

Whether the conduct, as reported, falls, or could fall within the scope of this policy (see "Scope"); and

Whether the conduct, as reported, constitutes, or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter under this Policy. The Title IX Coordinator will evaluate the conduct as possible violations of other university policies contained in the Student Handbook or Employee Guidebook. The Title IX Coordinator will consult with the Associate Vice President for Student Affairs and/or the Vice President of Human Resources (or their designees) to determine a course of action consistent with other universities policies.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see "Supportive Measures"); to discuss and consider the Complainant's wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. The Title IX Coordinator will provide the Formal Complaint form to the Complainant. The Complainant must sign the Formal Complaint to begin the investigation phase.

A Complainant may choose to make a report to the university and may choose to make a report to law enforcement. The Complainant may pursue either or both of these options at the same time. The university will encourage the Complainant to report sexual misconduct to law enforcement. However, the Complainant will not be required to do so. If the Complainant chooses to file a complaint with law enforcement, the university will do its best to assist law enforcement where possible and, if the Complainant wishes, the university can help him, her, or them in notifying law enforcement. However, should the matter be subject to both the Formal investigation process and law enforcement, the university will complete its own independent investigation and will not rely solely upon law enforcement investigations and/or conclusions.

These designated reporting contacts have been trained to make the reporting party aware of available options and alternatives, to aid the reporting party in making an informed decision as to a course of action, and to enable the reporting party to follow through in that decision. The reporting contacts are private – but not confidential – resources, as defined above. The designated reporting contacts are

Title IX Coordinator. Paula R. Stewart, MS, Evans Commons, Room 3030, 209 S. Kingshighway, St. Charles, MO 63301, Ph: 636.255.2265, pstewart@lindenwood.edu.

Assistant Vice President of Student Affairs. Dr. Heather Black., Evans Commons Room 3040, 209 S. Kingshighway, St. Charles, MO 63301, hblack@lindenwood.edu

Dean of Students/Dir. Of Residential Life. Dr. Ryan McDonnell Evans Commons Room 3010, 209 S. Kingshighway St. Charles, MO 63301, 636.949.4312, rmcdonnell@lindenwood.edu

Director of Public Safety & Security. Ryan Anderson, 1905 A First Capitol Dr., St. Charles, MO 63301, 636.949.4911, randerson1@lindenwood.edu

Vice President for Human Resources (for employees). Deb Ayres, Stumberg Hall, 209 S. Kingshighway, St. Charles, MO 63301, Ph. 636.949.4405, dayres@lindenwood.edu.

Although certain individuals or entities are designated reporting contacts, employees, including but not limited to faculty and staff, who are aware of sexual misconduct are to report the information to the Title IX coordinator unless otherwise designated as a confidential resource.

To encourage reporting and participation in the processes under this Policy, individuals who in good faith report Sexual Harassment, participate in an investigation or hearing process, either as a Complainant, Respondent, reporting party, witness, or bystander, will not be subject to disciplinary action by the university for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that such

to a place of safety. In addition, to preserve evidence, do not (a) wash, clean, or change clothes, (b) shower, (c) use sanitary products, (d) use the restroom, (e) touch anything that the accused party may have touched, and/or (f) cover up injuries, if any, with make-up, lotions, or creams.

The Title IX coordinator will make notifications to appropriate university officials, and, where possible, limit the information provided to such officials by taking the Complainant's preferences into consideration (consistent with the section on privacy and confidentiality). Including informing Public Safety consistent with the University's Clery Act obligations.

The Complainant will be given the option to file a criminal report with the St. Charles Police Department or another appropriate jurisdiction. A reporting party's decision not to notify the police at the time of the initial report does not preclude the reporting party from filing a criminal report at a later date, provided the conduct is within Missouri's applicable statute of limitations.

The reporting contact and/or Title IX coordinator will provide the reporting party a copy of available resources both on and off campus, including coordinating with a campus or off-campus counselor.

The Title IX Coordinator will review the processes and procedures contained in Lindenwood's Title IX Sexual Harassment Policy, including whether the Complainant wishes to file a Formal Complaint.

If the Complainant files a Formal Complaint, the Title IX coordinator shall provide written notice to the Complainant and the Respondent. The notice shall contain the following:

- a statement of allegations with sufficient detail; and
- that the Complainant and the Respondent have a right to an advisor of their choosing throughout the process. The university will appoint an advisor at the end of the investigation phase if the party does not have an advisor of choice;
- and

Recognizing that sexual misconduct can include criminal acts that violate the security of the entire campus community, there may be instances where the university has a responsibility to investigate or disclose

Whether the circumstances suggest there is an increased risk of future acts of sexual misconduct; and

Whether the university possesses other means to obtain relevant information (e.g., security cameras, witnesses, physical evidence, etc.).

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

data about outcomes and sanctions. In addition, if a report of a violation of this policy discloses a serious and continuing threat to the campus community as defined in the Clery Act, the university will issue a timely warning notification to the community to protect the health or safety of the community.

At no time will the university release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

After a report of Sexual Harassment, the university will offer reasonable and appropriate measures to facilitate a Complainant's or a Respondent's continued access to university programs and employment. The supportive measures shall not unreasonably burden either party. The university offers a wide range of supportive measures for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the university's response to a report of sexual misconduct. These measures are designed to restore and preserve equal access to the school's education program or activities and protect the safety of all parties or the schools' educational environment or deter sexual harassment. Supportive measures may be imposed on an interim basis or may be extended permanently.

In every report under this policy, the Title IX coordinator will discuss the need for potential supportive measures with the associate vice president of student affairs (in the cases where the Respondent is a student) or the vice president for human resources (in the cases where the Respondent is faculty or staff) – or their designee. Upon receiving information regarding the nature of the report, the associate vice president for student affairs or vice president for human resources (or designee) will make an immediate assessment of any risk of harm to the Complainant, the Respondent or the broader campus community, and may institute measures he, she, or they

The university may be permitted to remove a Respondent from campus on an emergency basis. In order for the university to remove a Respondent from campus, it must conduct an individualized safety and risk analysis. After the analysis, the university may remove a Respondent if the university determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

If the university determines there is an immediate threat to the physical health or safety of any student or other individual, the Title IX Coordinator will provide notice of the removal to the Respondent. The Respondent shall have an opportunity to challenge the removal determination immediately by providing written notice to the Title IX Coordinator. The Title IX Coordinator will designate an Emergency Removal Appeal Officer and notify the parties of the appeal. The Emergency Removal Appeal Officer will make an appeal determination within two (2) university business days. Either party may submit any evidence they would like the ER Appeal Officer to consider within 24 hours of notice of the appeal. The ER Appeal Officer's determination on emergency removal is final.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

The university's process for resolving reports of Sexual Harassment will be prompt and equitable and conducted with the oversight of the Title IX Coordinator. If the Complainant or Title IX Coordinator files a Formal Complaint, the process shall be as set forth below.

From the time a report or Formal Complaint is made, a7 (ay)3.9 (pl)6 (ac)s(es)3.9 (po10 (or)J)0.)10 (nd nh2 0 5.43 (d

It is the responsibility of the investigator – not the parties – to gather relevant evidence, to the extent possible. The investigator will conduct a fair and reliable fact-gathering process in light of the circumstances. The investigator will be responsible for interviewing the Complainant and the Respondent, interviewing potential witnesses, collecting relevant documentation and physical evidence, creating a timeline (to the extent possible), and preparing a written report documenting the complete investigation.

The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information during the formal investigation process. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

The investigator will determine the relevance of any proffered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.

Medical and counseling records of a Complainant or Respondent are privileged and confidential records that

The investigator will seek to finalize the investigative report within 35 business days of receiving the Complainant's report, but this timeframe may be extended due to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for university breaks or vacations, and/or to address other legitimate reasons.

From the point a Formal Complaint is made, and until an investigation, determination, and appeal are complete, the Complainant and the Respondent may have an advisor of their choice present at any meeting related to the investigation or disciplinary proceeding. An advisor of choice may include an attorney retained by a party at their own expense. Any party accompanied by such an advisor may be required to execute an appropriate FERPA waiver.

Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Advisors may participate in an advisory capacity to the party they are advising and may be present with the party he, she, or they are advising during all meetings, interviews, and hearings that are a part of the investigation, determination, and appeal process. They may only participate directly during the questioning portion of the live hearing. If a party wishes to speak privately with their advisor during any meeting, interview, or hearing, that party may request a brief recess from the meeting, interview, or hearing. The advisor may not be a fact witness or otherwise have any conflicting role in the process, as determined by the Title IX coordinator.

At the conclusion of the investigation, if the Complainant or Respondent does not have an advisor of choice or if the Complainant or Respondent wish to change advisors or have another advisor appointed, the university shall assign a hearing advisor. The hearing advisor is a staff or faculty member designated by the university to assist parties during the live hearing in order to cross examine any or all of the evidence. The Title IX Coordinator will assign the hearing advisor at the conclusion of the investigation and before the investigator submits the finalized investigative report. The Title IX Coordinator will provide the investigative report to the hearing advisor.

A party's written response to the investigation report must include:

To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;

Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified

with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be notified of a request for attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matt

The parties, hearing advisors and witnesses will agree to the Rules of Decorum;
The hearing officer will ask questions of the parties;
The Complainant's advisor will ask questions of the Respondent;
The Respondent's advisor will ask questions of the Complainant;
Any witnesses present will answer questions of the hearing officer, Complainant's advisor; and the Respondent's advisor, in this order (the hearing officer shall determine in which order the witnesses' will be called for questioning);
The Complainant will make a closing statement;
The Respondent will make a closing statement.

Either party is not permitted to question the other party or any witness.

The Complainant and Respondent's closing statements shall be directed to the hearing officer and not at the other party. It should follow the Rules of Decorum. At any time, the hearing officer may stop either party during their closing statement if he, she, or they feel the statement is directed at the other party or does not follow the Rules of Decorum.

The hearing officer cannot draw an inference about the determination regarding responsibility based solely on the party's or witness's absence from the live hearing or refusal to answer any questions during the live hearing.

Within 10 university business days from the date of the live hearing's conclusion, the hearing officer shall make a determination as to whether, based on the preponderance of the evidence standard, the Respondent committed an act or acts of sexual misconduct in violation of this policy. A determination letter will be provided via the party's Lindenwood email account, the party's personal email account or via hand-delivery. The determination letter will be sent to each party, simultaneously, containing the following:

- Summary of the allegations of sexual harassment and the specific prohibited conduct; and
- Summary of the procedural steps taken from the time the university received the Formal Complaint, including notifications to the parties, interviews; and
- Findings of fact supporting the determination; and
- A statement regarding determination of responsibility as to each allegation; and
- A statement of rationale for the result as to each allegation; and
- If applicable, any disciplinary sanctions the school imposes on the Respondent; and
- Appeal procedures and permissible bases for appeals.

Sanctions for violations of this policy may include those listed under Supportive Measures, and are included, but are not limited to expulsion, suspension, disciplinary probation, mandated counseling, assessment, alcohol, sexual harassment, and/or drug education program, restrictions on campus privileges, restrictions on campus housing, restrictions on participating in student activities or sports, community service, educational sanctions, No-Contact Orders, changes to employees' work schedules or job assignments, leaves of absence, university-imposed administrative leave or separation, employee counseling, termination, and/or any other sanction which can be tailored to the involved individuals to achieve the goals of this policy.

The nature and violence of the conduct at issue;

the Complainant or the Respondent by notifying the Title IX Coordinator in writing of such conflict and the factual basis for any alleged conflict.

The grounds for appeal may only be one or more of the following:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The other party will have an opportunity to review the appeal and may submit a written response to the appeal to the appeal officer within three university business days following the appeal being sent to that party. The appeal officer may, in the appeal officer's discretion, provide both parties with an opportunity to speak to the merits of the appeal in person, through videoconference, or over the phone.

Except in extraordinary circumstances, appeals will be resolved by the appeal officer within seven university business days following receipt of the request for appeal, but only after the other party has had three university business days to respond. The Appeals Officer shall issue a written decision describing the result of the appeal and the rationale, with simultaneous, written notice to both parties. The written decision shall be provided to each party simultaneously via their Lindenwood student email account or personal email account.

The decision of the Appeal Officer is a final determination.

At any time after the parties are provided written notice of the Formal Complaint, and prior to reaching a final determination, the university may facilitate an informal resolution that does not involve a full investigation and determination. This process is not available if the Respondent is a non-student employee accused of committing Sexual Harassment against a student. Before beginning any informal resolution process, the university shall obtain the Complainant and Respondent's voluntary, written consent to the informal resolution. Additionally, the university shall provide written notices to the Complainant and Respondent containing the following:

Describes the parameters and requirements of the informal resolution process to be utilized;

Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX

The records that will be maintained or could be shared.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. Informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Except for good cause, the university will attempt to resolve a Formal Complaint, including the investigation, hearing and appeal process, between 65-75 university business days following receipt of a report. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, fairness, and impartiality. The university may extend this timeframe for good cause and will communicate any delay in the process in writing to the parties, including an updated timeframe for completion and the reason(s) for the delay. Good cause may exist for a variety of factors, including but not limited to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for university breaks or vacations, and/or to address other legitimate reasons.

The university may dismiss a Formal Complaint of Sexual Harassment if at any time:

- the Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw; or
- the Respondent is no longer enrolled or employed by the school; or
- specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

Upon dismissal of a Formal Complaint, the university shall send written notification of the dismissal to the Complainant and Respondent simultaneously.

Anonymous reports can also be submitted on the university website at: <http://www.lindenwood.edu/student-life/campus-security/reporting-crime/>. Sexual misconduct submitted through the anonymous website will be shared with the Title IX coordinator.

The *only* university resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, *i.e.*, suspected child abuse or neglect or imminent risk of harm to self or others) are

- Disclosure to a licensed counselor at the Student Counseling and Resource Center;
- Disclosure to a medical professional in the context of the physician-patient relationship; and
- Disclosure to a member of the clergy when the communication is made in the clergy member's professional capacity of giving religious or spiritual advice.

Speaking confidentiality with a licensed counselor in the Student Counseling and Resource Center (or any other confidential resource) does not require a report to Public Safety, the Title IX coordinator, or any other reporting body, without the consent of the Complainant.

University Resources.

- campus@lindenwood.edu, Evans Commons, Third Floor, (636) 949-4525
- campus@lindenwood.edu, Evans Commons, Third Floor, (636) 949-4525
- chaplain@lindenwood.edu, McCluer Hall 116,, Rev. Dr. Nichole Torbitzky, (636) 949-4651, chaplain@lindenwood.edu

Medical Services in the Community.

- www.311st.org, 300 1st Capitol Drive, St. Charles, MO 63301, (636) 947-5000
- www.barnesjewish.com, 1 Barnes Jewish Hospital Plaza – BNO, St. Louis, MO (314) 362-9273
- www.636.org, 607 S. New Ballas Road, St. Louis, MO 63141, (314) 251-6000

Additional Confidential Resources in the Community

- www.turningpointdvs.com/, Sexual Assault Program, 1601 Old S. River Rd, St. Charles, MO, 24-hour Hotline: 1 (877) 946-6854 or (636) 946-6854
- www.turningpointdvs.com/, PO Box 426, Warrenton, MO 63383, (636)456-1186, <http://www.turningpointdvs.com/>
- www.gayandtrans.org, Serving the Lesbian, Gay, Bisexual, and Transgender Community, P.O. Box 15067, St. Louis, MO, Hotline: (314) 503-2050
- www.3820.com, 3820 W. Pine Mall., St. Louis, MO (314) 531-1115, (314) 531-7273 (24-hour access)

- 314) 993-2777 (24-hour access/crisis line)
- , (314) 531-2003 (crisis hotline), (314) 646-7500 (counseling and support services)

Additional National Online Confidential Resources

- a. <https://www.nsvrc.org/>
- b. 24 hours hotline (800)656-HOPE (4673) or <https://www.rainn.org/>
- c. <https://www.thehotline.org/>, (800)799-7233 or (800)799-3224(TTY) _____

The following campus departments can provide resources, guidance and assistance to students. These departments are required to share all reports of Sexual Misconduct with the Title IX Coordinator.

Associate Vice President, Student Affairs, Dr. Heather Black., Evans Commons, Room 3040, hblack@lindenwood.edu

Dean of Student/Dir of Residential Life, Dr. Ryan McDonnell, Evans Commons Room 3010, (636) 949-4312, rmcdonnell@lindenwood.edu

Public Safety, 1905 A First Capitol Dr., St. Charles, MO, (636) 949-4911

The university is concerned with the well-being of its staff members, its faculty, and their families. An Employee Assistance Program (EAP) is a benefit set up by Lindenwood to provide employees assistance for themselves and their immediate family members in dealing with personal concerns. Assessment, short-term counseling, and referral services are available for concerns such as domestic violence, anxiety, marital issues, relationship issues, etc. To use the services, contact

www.paseap.com or Call (800)356-0845 or Jessica Bucci, Human Resources, (636) 627-2577, jbucci@lindenwood.edu

The university will offer students and employees with primary prevention and awareness programming, initiatives, strategies and campaigns that promote awareness of and seek to end sexual harassment, relationship violence, sexual assault, sexual exploitation, retaliation, and stalking (“awareness programming”). Such awareness programming will include (a) a statement that sexual misconduct is prohibited, (b) definitions of those offenses, (c) the definition of consent, (d) safe and positive options for

bystander intervention to prevent harm or intervene in risky situations, (e) recognition of signs of abusive behavior and how to avoid potential attacks, and (f) ongoing prevention and awareness campaigns.

The investigators, advisors, appeal, and hearing officers will be trained at least annually by the Title IX coordinator and/or outside sources on issues relating to sexual harassment; including the definition and scope of the school's education program or activity, serving impartially, issues of relevance to create an investigative report and during questioning at the live hearing, using technology at live hearings. The training materials will be posted to the university's website at www.lindenwood.edu/student-life/title-ix.

Throughout all stages of the investigation and adjudication, the Title IX Coordinator is responsible for maintaining documentation of all proceedings conducted under this policy.

The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the University's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) for public release.