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Changes made since 2015 Revision:

- Pages 2,3,5 Dr. Greg Linton replaced Dr. Mark Pierce as the contact person in the non-discrimination statement and as the lead Title IX Coordinator
- Page 8 Inserted additional paragraphs in Confidentiality section
- Page 11 Revised sentence in Awareness and Prevention Program section
- Page 12 Updated victim resources in Knox County, Tennessee
- Page 13 Added victim resources in Marion County, Indiana

Changes made since 8/24/2016 Revision:

- Page 14 Added victim resources in Jefferson County, Kentucky

Changes made since 9/6/2016 Revision:

- Page 2,5,16 Added ExtendEd locations to lead Title IX Coordinator responsibilities

TITLE IX AND CLERY POLICY

Policy. It is the policy of Johnson University that sexual misconduct is unacceptable and will not be tolerated; therefore, **sexual misconduct committed by or upon a Johnson University student or employee is strictly prohibited.** Reported violations of this policy will be investigated thoroughly and resolved promptly.

Rationale. Relationships between men and women at Johnson University are guided by Biblical principles of respect for other's feelings, rights, and responsibilities. The university is committed to its moral, educational, and legal obligations to provide policies, procedures, and programs that protect students and employees from sexual misconduct (both on and off campus) and to establish an environment in which unacceptable behavior will not be tolerated. This policy complies with the following federal laws:

- Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sec. 1681, *et seq.*, which prohibits discrimination on the basis of sex in any federally funded education program or activity
- Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), 20 U.S.C. Sec. 1092(f), originally enacted as the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542)
- Violence Against Women Reauthorization Act of 2013 (VAWA), an amendment to the federal Clery Act and companion to Title IX

Scope. This policy applies to all Johnson University students (including campus residents, commuters, and online) and employees. It also applies to third parties involved in an act of sexual misconduct by or upon a Johnson University student or employee. It applies whether the act of sexual misconduct was committed on or off campus (both Tennessee and Florida campuses), regardless of whether or not the sexual misconduct is the subject of a criminal investigation.

Non-Discrimination Policy. Johnson is a Christian university affiliated with Christian Churches and Churches of Christ. Its mission is to educate students for “Christian ministries and other strategic vocations framed by the Great Commission in order to extend the Kingdom of God among all nations.” Accordingly, Johnson seeks to hire and educate individuals who share its vision and core values to carry out that mission. Johnson University does not unlawfully discriminate in admissions, educational programs, or employment practices.

Johnson University does not discriminate on the basis of race, sex, color, national origin, age, handicap, veteran status, genetic information, or political affiliation in provision of educational opportunities, programs and activities, or employment opportunities and benefits, pursuant to the requirements of Title VI of the Civil Rights Act of 1964 and subsequent amendments to that act, Title IX of the Educational Amendments of 1972 and subsequent re-authorization of that act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 and subsequent amendments to that act.

Direct questions concerning the non-discrimination policy to Dr. Greg Linton, Vice Provost for Academic Services, Johnson University, 7900 Johnson Drive, Box 67, Knoxville, TN 37998, telephone: 865-251-2364, email: glinton@johnsonu.edu.

For the Tennessee and Online campuses and for the various ExtendEd locations, inquiries

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related to Title IX may be referred to the lead Title IX Coordinator, Dr. Greg Linton, Vice Provost for Academic Services, Johnson University Tennessee, 7900 Johnson Drive, Box 67, Knoxville, TN 37998, telephone: 865-251-2364, email: glinton@johnsonu.edu.

For the Florida campus, inquiries related to Title IX may be referred to the branch Title IX Coordinator, Garrett Thompson, Assistant Director of Academic Support and Career Services, Johnson University Florida, 1011 Bill Beck Boulevard, Kissimmee, FL 34744, telephone: 407-569-1340, e-mail: gthompson@johnsonu.edu.

Other inquiries related to Title IX may be referred directly to the U.S. Department of Education's Office for Civil Rights at 800-421-3481 or ocr@ed.gov.

Sexual Misconduct Definitions. Examples of sexual misconduct prohibited by the university include, but are not limited to, sex discrimination, sexual harassment, sexual assault, sexual violence, stalking, dating violence, domestic violence, gender-based harassment, indecent exposure, and any other illegal sexual conduct. [The university's editorial update to quoted source material appears in square brackets.]

- a. **Sex Discrimination.** Sex discrimination involves treating someone (an applicant[, student,] or employee) unfavorably because of that person's sex[/gender]. *Source: U.S. Equal Employment Opportunity Commission (EEOC) web site, specifically located on <http://www.eeoc.gov/laws/types/sex.cfm>.*
- b. **Sexual Harassment.** Sexual harassment is unwelcome conduct of a sexual nature; including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. It has been defined by the Equal Employment Opportunity Commission (EEOC) as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment [or education], (2) submission to or rejection of such conduct by an individual is used as the basis for employment [or educational] decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work [or academic] performance or creating an intimidating, hostile, or offensive working [or educational] environment. *Source: Equal Employment Opportunity Commission (EEOC) regulations, 29 C.F.R., Section 1604.11(a).*

Examples [of sexual harassment] include, but are not limited to, unwelcome sexual advances; repeated sexually oriented kidding, teasing, joking, or flirting; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; derogatory or demeaning comments about women in general, whether sexual or not; leering, whistling, touching, pinching, or brushing against another's body; offensive crude language; or displaying objects or pictures which are sexual in nature that would create hostile or offensive work[, educational,] or living environments. Such conduct is coercive and threatening and creates an atmosphere that is not conducive to teaching, learning, and working. *Source: American Council on Education's publication entitled "Sexual Harassment on Campus: A Policy and Program on Deterrence."*

- c. **Sexual Assault.** Sexual assault means coerced or non-consensual sexual intercourse,

sexual activity, or sexual conduct against the victim's will. Sexual assault includes rape, sexual battery, sexual coercion, and sexual exploitation. For Clery purposes, sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.

- d. **Sexual Violence.** Sexual violence is a form of sexual harassment. Sexual violence means any incident of rape; sexual battery; lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose; sexual performance by a child; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by prosecuting authorities.
- e. **Stalking.** Stalking is willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. Aggravated stalking includes a credible threat to the person or failure to follow an injunction for protection or other court-imposed prohibition against repeat violence toward the person. For Clery purposes, stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress.
- f. **Dating Violence.** Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. For Clery purposes, stalking is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- g. **Domestic Violence.** Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. For Clery purposes, domestic violence is defined as a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- h. **Sexual Exploitation.** Sexual exploitation means taking the advantage of sexuality and attractiveness of a person to make a personal gain or profit (*i.e.*, coercing someone into prostitution). It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes.
- i. **Gender-based Harassment.** Gender-based harassment is an act of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if that act does not involve conduct of a sexual nature.
- j. **Indecent Exposure.** Indecent exposure means exposing or exhibiting one's sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public.

- k. **Any other illegal sexual conduct** that is not explicitly defined above.

Other Related Definitions.

- 1) **Consent.** Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Incapacitation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the person from having the capacity to give consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
- 2) **Hostile environment caused by sexual harassment.** “[A] hostile environment has been created ... if sexually harassing conduct by an employee, another student, or a third party is sufficiently serious that it denies or limits a student’s ability to participate in or benefit from the school’s program based on sex” (p. 5, U.S. Department of Education, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, published January 2001). This standard would be applied to the work place in the case of an employee.
- 3) **Intimidation.** Intimidation means making a person timid or fearful; compelling or deterring a person by threats.
- 4) **Responsible Employee.** A “responsible employee” is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty to report to appropriate university officials about incidents of sexual violence or any other misconduct by students, or who a student could reasonably believe has this authority or responsibility. Responsible employees receive specialized training annually. Responsible employees include university administrators, Student Services personnel (including Resident Assistants), athletic coaches, Human Resources personnel, and Campus Security personnel.
- 5) **Retaliation.** It is unlawful to retaliate against anyone in any way, especially by intimidation or assault, for articulating a concern about sexual misconduct, sexual harassment, or sex discrimination. The university prohibits retaliation against those who file a complaint or third-party report or those who otherwise participate in the investigative and/or disciplinary process. The university will take strong responsive action if retaliation occurs.
- 6) **Title IX Coordinator.** For the Tennessee and Online campuses and for the various ExtendEd locations, the lead Title IX Coordinator is Dr. Greg Linton, Vice Provost for Academic Services, Johnson University Tennessee, 7900 Johnson Drive, Box 67, Knoxville, TN 37998, telephone: 865-251-2364, email: glinton@johnsonu.edu. For the Florida campus, the branch Title IX Coordinator is Garrett Thompson, Assistant Director of Academic Support and Career Services, Johnson University Florida, 1011 Bill Beck Boulevard, Kissimmee, FL 34744, telephone: 407-569-1340, email: gthompson@johnsonu.edu. Core responsibilities of the lead Title IX Coordinator include overseeing the university’s response to Title IX reports and complaints, identifying and addressing any pattern or systemic problem revealed by such reports and complaints, and evaluating an alleged victim’s confidentiality request, if one is made. Core responsibilities of the branch Title IX Coordinator include overseeing the university’s response to Title IX reports and complaints made on the Florida branch campus and

evaluating an alleged victim's confidentiality request, if one is made.

Rights of Accuser and Accused. The following rights apply to **both the accuser (alleged victim) and the accused (alleged perpetrator)**:

- The right to investigation and appropriate resolution of a credible complaint of sexual misconduct made in good faith to university administrators
- The right to be treated with respect by university officials
- The right to have university policies and procedures followed without material deviation
- The right to be fully informed of the nature, rules, and procedures of the campus conduct process
- The right to be informed in advance, when possible, of any public release of information regarding the complaint, except in cases where university officials are required to make a timely warning to the campus community
- The right to written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, or other services available for victims, both on campus and in the community
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused for compelling safety reasons (this exception does not include the name of the alleged victim/complainant, which will always be revealed to the accused)
- The right to a hearing closed to the public
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training
- The right to a conduct panel comprised of representative of both genders
- The right to petition that any member of the conduct body be removed on the basis of bias
- The right for the same opportunity to have another person present, in a support or advisory role, during a university disciplinary hearing to accompany and assist in the university hearing process, according to discipline hearing policies and procedures
- The right to have the university compel the presence of student, faculty, and staff witnesses, and the opportunity to ask questions of witnesses (indirectly through and at the discretion of the hearing chair), and the right to challenge documentary evidence
- The right not to have irrelevant prior sexual history admitted as evidence in a university hearing
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the conduct body in determining its sanction
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the university

The following rights apply only to the **accuser (alleged victim)**:

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- The right not to be discouraged by university officials from reporting an assault to both on-campus and off-campus authorities
- The right to be informed by university officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by university authorities in notifying such law enforcement authorities, if the victim so chooses. This also includes the right not to report to law enforcement authorities, if this is the victim's desire.
- The right to written notification of options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures after an alleged incident, if so requested by the victim and if such changes are reasonably available. No formal complaint or investigation, either campus or criminal, need occur before this option is available. Accommodations may include:
 - Change of a student resident's housing to a different on-campus location
 - Assistance from university support staff in completing the relocation
 - Arranging to dissolve a housing contract and pro-rating a housing refund
 - Exam or assignment rescheduling
 - Taking an "Incomplete" grade for a course
 - Transferring to a different course section
 - Temporary withdrawal
 - Alternative course completion options
 - Change in working location and/or supervisor
 - Change in work duties and/or responsibilities
- The right to preservation of privacy, to the extent possible and allowed by law
- The right not to have released to the public any personally identifiable information about the accuser/complainant, without his or her consent
- The right NOT to have any complaint of sexual assault mediated (as opposed to adjudicated)
- The right to a university no-contact order against another student who has engaged in or threatened to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the complaining student, witnesses, or others
- The right to give testimony in a university hearing by means other than being in the same room with the accused
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses
- The right to be present for all testimony given and evidence presented before the conduct body
- The right to be informed of the outcome and sanction(s) of any disciplinary hearing involving sexual assault, usually within 24 hours of the decision being made

The following rights apply only to the **accused (alleged perpetrator)**:

- The right to a timely written notice of the alleged violation contained within the complaint, including the nature of the violation and possible sanctions
- The right to a fundamentally fair hearing on the complaint, including timely notice of the hearing date and adequate time for preparation
- The right to a campus conduct outcome based solely on the evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without

prejudice.

- The right to written notice of the outcome of the hearing and the sanction(s) imposed by the conduct body

Confidentiality. Although every effort will be made to keep a complaint confidential and to protect the privacy of individuals, it is regrettable that confidentiality and anonymity may have to give way to the university's obligation to investigate and take appropriate action, especially if the university is required to provide a timely warning of a Clery-reportable campus crime or an immediate threat to the health or safety of students or employees. When necessary, university officials will make a timely warning to the campus community (as required by federal regulations) unless issuing the notification will, in the professional judgment of responsible university officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency (as permitted by federal regulations).

The university encourages our professional or pastoral counselors among the faculty and staff to inform persons they are counseling (when the counselor deems it appropriate) about procedures for confidential reporting so that Clery-reportable crimes may be included in the annual disclosure of crime statistics. Certain criteria must be met for complete confidentiality between a victim and a pastoral counselor or a professional counselor. There may be situations in which counselors are in fact under a legal obligation to report a crime. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors, as defined below. The following definitions apply to Title IX and Clery situations:

- **Pastoral counselor** – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, AND is functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor** – A person whose official responsibilities include providing mental health counseling to members of the institution's community AND who is functioning within the scope of the counselor's license or certification.

The university will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodations or protective measures.

TITLE IX AND CLERY GRIEVANCE PROCEDURES

Implicit in the following Title IX grievance procedures is a provision that allows the complaining party to avoid her or his immediate work supervisor or faculty advisor if that person is the source of the problem. It is understood, of course, that formal channels may not be needed except when earlier attempts at private and informal resolution fail. However, in the case of alleged sexual assault or sexual misconduct, it is unnecessary and, most likely, inappropriate for an alleged victim to attempt informal resolution with the alleged perpetrator. In such a case, the formal grievance procedure should be initiated immediately.

Reporting Procedures. Formal reporting procedures include the victim or eye-witness of an act of sexual misconduct initiating a criminal complaint, an institutional complaint, and/or a report to a responsible employee (including the Title IX Coordinator). Alternative reporting options include a victim's or eye-witness' privileged or confidential disclosures to a professional or pastoral counselor.

A victim or eye-witness of sexual misconduct by or upon a Johnson University student or employee must first go to a place of safety and then immediately report the incident to a responsible employee, regardless of the time of day or night. The complaint will then be turned over to the Title IX Coordinator for investigation and processing through to conclusion.

Time is especially critical if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred. In such a case, the victim should not bathe until physical evidence of the assault can be obtained by medical personnel or law enforcement officers. It is important to preserve all physical evidence for examination by a physician that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order, particularly if there were no witnesses. If such a crime has occurred, the university will take prompt and effective steps to end the violence, prevent its recurrence, and address its effects. When deemed necessary, the university will take steps to protect the complainant, including interim steps taken prior to the final outcome of the investigation.

Upon the victim's request, a specially trained Student Services (in the case of a student) or Human Resources (in the case of an employee) staff member will assist the victim in notifying local law enforcement of the incident, if the victim so chooses; guide the victim through the available options; and support the victim in his or her decisions related to the incident.

If a victim or eye-witness desires to make an anonymous report, the university's ability to respond will be limited by the confidentiality request. In certain cases, strict confidentiality is not possible because of federal Clery Act requirements to report certain crimes, including but not limited to the more serious forms of sexual misconduct. Each reported Clery crime is evaluated on a case-by-case basis to determine whether or not the university must issue a timely warning to the campus community about that particular criminal incident. If confidentiality is requested, every effort will be made to keep the name and location of the alleged victim and/or witnesses confidential. Ultimately, confidentiality requests are decided by the Title IX Coordinator.

The university is obligated under the federal Clery Act to report certain crimes that occur on campus, in a non-campus building or property, or on public property within the reasonably contiguous geographic area of the institution on its annual campus crime report provided to the U.S. Department of Education. The university is also obligated to issue timely warnings to the campus community about certain crimes that have already occurred but may continue to pose a serious or ongoing threat to students and/or employees.

Investigation Procedures. Reported sexual misconduct of any kind will be adequately, reliably, and thoroughly investigated, regardless of whether or not the incident is the subject of a separate criminal investigation. A victim of sexual misconduct has the right to file a criminal complaint with the appropriate local law enforcement agency, if they desire to do so. The filing of a criminal complaint will not replace or hinder the university's investigation of a sexual misconduct violation. A victim of sexual misconduct may elect to have the investigation proceed through the criminal justice system, the university's disciplinary process, or both.

A Title IX investigation begins with the initial report of sexual misconduct made to a responsible employee. It is the duty of the responsible employee to notify the Title IX

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Coordinator immediately of any report of sexual misconduct made by a University student, University employee, or third-party. The Title IX Coordinator will either lead the investigation or appoint a lead investigator to thoroughly investigate the claims made in the initial report.

Throughout the course of an investigation, both the accused and the accuser will have an equal opportunity to present relevant witnesses and other evidence. The investigation and any subsequent disciplinary hearing will be conducted impartially. Any real or perceived conflict of interest between the fact-finder or decision-maker and the parties involved in a complaint will be disclosed and resolved immediately. A prompt and equitable resolution of a sexual misconduct complaint will be made using a preponderance of the evidence standard to evaluate the complaint (*i.e.*, it is more likely than not that sexual misconduct occurred). “In each case, the issue is whether the harassment rises to a level that it denies or limits a student’s ability to participate in or benefit from the school’s program based on sex” (p. 5, U.S. Department of Education, *Revised Sexual Harassment Guidance*). This standard would be applied to the work place in the case of an employee.

Sexual misconduct investigations will be resolved promptly. A typical sexual misconduct case takes approximately 60 days following receipt of the complaint; 1 day to initiate the process, 1-28 days to thoroughly investigate the incident, 2-9 days to conduct a disciplinary hearing (if necessary), 1-6 days to reach a fair and equitable decision, 1-2 days to concurrently provide written notification to the complainant and the alleged perpetrator of the final outcome of the complaint, and 2-14 days to allow time for an appeal (if applicable). These time frames are estimated; the actual amount of time needed for each stage of the process will be determined by the facts of a particular case. These time frames may be increased, if needed, by the Title IX Coordinator or the university official in charge of a particular case.

Hearing Procedures. The University is committed to providing a prompt, fair, and impartial investigation and resolution for all students, employees, faculty, and staff involved. A time shall be set for a Title IX hearing not less than 48 hours after the written notice has been made to both the accused and the accuser. In cases that involve a complaint from a student about a student, the officials will typically be the faculty members of the disciplinary committee. In cases that involve a complaint involving any faculty or staff employee of the University, the Title IX Coordinator will appoint an adjudication board consisting of three members including at least one cabinet level member and/or senior campus administrator. The hearing may be conducted in the absence of the accused or accuser when proper notice has been given. A Title IX hearing shall be conducted by the Student Life Discipline Committee (in the case of an accused student) or by a specially appointed Human Resources Discipline Committee (in the case of an accused employee), according to the following guidelines:

- a) A Title IX hearing is conducted in private and is closed to the public. Admission of any person to a Title IX hearing shall be at the discretion of the Discipline Committee.
- b) Both the accused and the accuser have the same opportunity to have another person or other persons present during a Title IX hearing, but only in a support or advisory role to accompany and assist the accused or accuser in the hearing process.
- c) Eye-witness testimony, written statements, relevant documents, applicable exhibits, pertinent records, and impact statements may also be presented at the hearing by either the accused or accuser. Both the accused and the accuser are entitled to present witnesses at the hearing. Any witness is subject to follow-up questioning by any committee

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member. The acceptance of any testimony and/or any tangible evidence will be at the discretion of the committee.

- d) The committee's determination shall be made using a preponderance of the evidence standard on the basis of whether it is more likely than not that the accused violated Title IX or the Campus Community Standards of Conduct. None of the following rules of evidence apply during a Title IX hearing: the federal rules of evidence, the Tennessee rules of evidence, the Florida rules of evidence, common-law principles of evidence, or any other formal law or rule of evidence.
- e) A record of all hearings held before the Student Life Discipline Committee shall be made and preserved by the office of the Dean of Students (Tennessee campus) or the Executive Director of Student Life (Florida campus). A record of all hearings held before the Human Resources Discipline Committee shall be made and preserved by the office of the Human Resources Director. The record may take the form of summary notes, a rough transcript, or an audio recording. The choice of the form of record will be left to the discretion of the committee at each hearing.
- f) The record of the hearing shall be the exclusive property of the University. The record of a Title IX hearing is not distributed to the accused, accuser, or any other party. The record of a Title IX hearing shall be kept for a period of at least seven (7) years.

Appeal Procedures. Recognizing that employees and students may be reluctant and/or embarrassed to voice a complaint about sexual misconduct decisions, the university's formal grievance process is available to permit a dissatisfied victim, eye-witness, or offender to make an appeal of a Title IX decision. A dissatisfied victim, eye-witness, or offender should follow the grievance procedures that can be found at the end of Unit Six of the *Student Handbook*. In short, a Title IX appeal would begin with submission of an online grievance form, which may be accessed by using the following link on the university website:

<http://websurvey2.johnsonu.edu/cgi-bin/rws5.pl?FORM=StudentGrievances>

After the online grievance complaint form is submitted, the Title IX appeal will be investigated by the appropriate administrator and handled by the grievance committee. Since the Title IX Coordinator and lead investigator were closely involved in the resolution of the initial sexual misconduct complaint, they will be recused from service on the grievance committee assigned to a Title IX appeal.

Awareness and Prevention Program. The university offers an educational program for students and employees that promotes awareness and creates a campus community culture designed for the prevention of rape; acquaintance or date rape; dating violence, domestic violence, or stalking; other sex offenses, forcible or non-forcible, heterosexual or homosexual; and other Title IX offenses. Ultimately, the foundation for such a program comes from the university's mission, Christian perspective, and core values.

The university's Title IX awareness and prevention program begins with a new-student orientation session during Genesis Weekend, which is held on both campuses. The same awareness and prevention information is also provided during the orientation process for new distance-education students and new employees.

The university's Title IX awareness and prevention program continues with ongoing educational activities on both campuses that are offered to both students and employees. These ongoing educational activities include: (1) safety awareness and violence prevention articles

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published in the *Johnson University Royal Scribe* (royalscribe.net), a student publication for the entire university community; (2) educational materials available on the university's website; and (3) special events/activities during Sexual Assault Awareness Month in April.

Victim Services and Resources. Local and referral help is available for victims of sexual misconduct from the university's Health Services department and counseling center (available only on the TN campus), as well as the Student Services department. Local community and state victim services organizations are listed below for both Tennessee and Florida campuses. Many of these resources have web sites and toll-free telephone numbers that would be helpful for online students.

In Knox County, Tennessee:

Knox County Sheriff's Office – Family Crisis Unit

www.knoxsheriff.org/family/index.php

Emergency Phone: 9-1-1

24-hour Helpline: 865-521-6336

Office Phone: 865-215-6820

Family Justice Center, 400 Harriet Tubman St., Knoxville, TN 37915

The Family Crisis Unit is responsible for investigating incidents of domestic violence, child abuse, and elder abuse. In addition to investigating these incidents, the unit also provides immediate safety crisis counseling information and support to victims of these crimes.

Sexual Assault Crisis Center of East Tennessee

<http://www.mcnabbcenter.org/sacet>

24-hour Crisis Line: 865-522-7273

2455 Sutherland Avenue, Building B, Knoxville, TN 37919

YWCA of Knoxville, Victim's Advocacy Program

www.ywcaknox.com/programs/vap/

Office Phone: 865-523-6126

Advocates for victims of domestic violence.

Tennessee Domestic Violence Hotline

1-800-356-6767

In Osceola County, Florida:

Osceola County Sheriff's Office – Victim Services

www.osceola.org/index.cfm?lsFuses=department/Sheriff

Emergency Phone: 9-1-1

Service Phone: 407-348-1150

2601 East Irlo Bronson Highway, Kissimmee, FL 34744

The Osceola County Sheriff's Office Victim Advocate Unit is on call 24-hours a day and provides crisis counseling and intervention, emergency cell phones, transportation, and

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assistance in filing victim's compensation claims.

Florida Coalition against Domestic Violence – Domestic Violence Hotline

www.fcadv.org/

24-hour Hotline: 800-500-1119

The Florida Domestic Violence Hotline provides crisis counseling and refers callers to the nearest domestic violence center.

Help Now of Osceola, Inc.

www.helpnowshelter.org/

24-Hour Domestic Violence Hotline: 407-847-8526

Outreach Office: 407-847-3286

Shelter: 407-847-0128

Administrative Office: 407-847-3260

821 Emmett Street, Kissimmee, FL 34741

Help Now provides safe emergency shelter, counseling, case management, information and referral, legal advocacy, and a 24-Hour crisis phone line.

Florida Council Against Sexual Violence – Sexual Violence Hotline

www.fcasv.org/

24-hour Hotline: 1-888-956-7273

The Florida Sexual Violence Hotline provides crisis counseling and refers callers to the nearest sexual violence services center. For child, adolescent, and adult victims.

In Marion County, Indiana:

Indianapolis Metropolitan Police Department – Victim Assistant Unit

<http://www.indy.gov/eGov/City/DPS/IMPD/Services/Pages/victim-asst.aspx>

Emergency Phone: 9-1-1

Office Phone: 317-327-3331

50 N. Alabama St, Indianapolis, IN 46204

Indianapolis Crisis Helpline

Phone: 800-279-TALK

Office: 317-251-7575

Text: CSIS to 839863

Centers of Hope:

IU Health Methodist

1701 Senate Blvd, Emergency Entrance, I-65 at 21st Street
(317) 963-3394 (Forensic Nurse Examiner mobile phone)

Eskenazi Health

720 Eskenazi Ave, between Michigan and 10th Streets
(317) 880-8004 (manager)

Riley Hospital for Children (Pediatrics)

706 Riley Hospital Drive, between Michigan and 10th Streets
(317) 274-7377

Community Hospital East

1500 North Ritter Avenue
(317) 621-4673 (HOPE)

Franciscan St. Francis Health

8111 S. Emerson Ave, Entrance 1
(317) 528-5442
(317) 528-5262

St. Vincent Hospital

2001 West 86th Street, Emergency Department
(317) 338-3756
(317) 338-1956

In Jefferson County, Kentucky:

Louisville Metro Police Department – Domestic Violence Services

Emergency Phone: 9-1-1

24 Hour Crisis Line: 1-844-BESAFE1 (1-844-237-2331)

This number is staffed with certified Domestic Violence Counselors, trained to offer crisis counseling, support, referrals, and other information about domestic violence. Counseling is available to resident and non-resident victims of domestic violence. This support helps the victim regain self-esteem and make decisions about their life.

Non-Emergency Phone: 502-574-7111

633 W. Jefferson Street
Louisville, KY 40202

Jefferson County Sheriff's Office

Emergency Phone: 9-1-1

Office Phone: 317-327-3331

531 Court Place, Suite 604
Louisville, KY 40202

The Center for Women and Families

The Center for Women and Families helps victims of sexual assault and domestic violence in certain counties in Indiana and Kentucky with shelter, advocates, transportation assistance, safety planning, counseling and support groups, and referrals.

Website: <http://www.thecenteronline.org/>

Hotline: (844) 237-2331

Main Phone: (502) 581-7222

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The university will make appropriate changes to the academic, living, transportation, and working situations of any sexual misconduct victim, if requested and reasonably available. For example, a victim of sexual assault may be moved to a different residence hall (if a student) or work location (if an employee), if available.

Immediate Assistance:

- Contact information for trained on- and off-campus victim advocates or counselors who can provide an immediate confidential response in a crisis situation
- Emergency numbers for on- and off-campus safety, law enforcement, Title IX Coordinator, and other first responders
- Health care options, both on- and off-campus

Ongoing Assistance:

- Counseling, advocacy, and support resources, both on- and off-campus
- Academic accommodations and interim protection measures

Possible Disciplinary Sanctions. Following a disciplinary hearing, a student or employee determined to have committed sexual misconduct will be subject to disciplinary action up to and including expulsion from school for a student or termination of employment for an employee.

Possible disciplinary sanctions for a **student** include the following:

- Issuance of disciplinary points, verbal or written warning, and/or monetary fine
- Mandatory meeting with Dean of Students or his/her designee
- Mandatory counseling or other professional intervention
- Disciplinary hearing
- Discretionary sanctions (i.e., revocation of any student privilege, community service, disqualification from awards or representing the university, loss of institutional financial aid, etc.)
- Housing suspension or expulsion
- Disciplinary probation for a specified period of time
- Institutional suspension, administrative withdrawal, or expulsion

Possible disciplinary sanctions for an **employee** include the following:

- Issuance of verbal or written warning, recorded in the personnel file
- Mandatory meeting with the appropriate university administrator or his/her designee
- Mandatory counseling or other professional intervention
- Disciplinary hearing
- Discretionary sanctions (i.e., revocation of any employee privilege, campus housing suspension or expulsion, community service, disqualification from awards or representing the university, , etc.)
- Employment probation for a specified period of time
- Suspension from or termination of employment

Special Training for Responsible Employees. Annual training is provided to Responsible Employees on issues related to sex discrimination, dating violence, domestic violence, sexual assault, and stalking. Adjudication hearings are conducted by university officials who also receive annual training on how to conduct an investigation and hearing that protects the

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safety of victims and promotes accountability.

The primary sources of special training for Responsible Employees on the Tennessee campus, Online campus, and various ExtendEd locations are the lead Title IX Coordinator and the Vice President for Student Services. The primary sources of special training for Responsible Employees on the Florida campus are the branch Title IX Coordinator and the Associate Dean of Students. These designated university officials should have the most current knowledge of federal and state laws, regulations, and policies relating to Title IX. Since these university officials are the most informed members of the university community with regard to the university's Title IX responsibilities, they are best prepared to train others in the appropriate responses to a Title IX complaint or potential sex discrimination situation that needs special attention and/or corrective action.

Safety Awareness. Through the years, Johnson University students and employees have not been immune from physical or sexual assault on or near the university's campuses in Tennessee and Florida. After dark, people who are driving alone to and from campus should stay on the most public roads, avoiding the less traveled back roads to the campus. According to law enforcement officials, if a car with flashing blue lights tries to pull you over, turn on your emergency blinker lights and continue driving until you come to a brightly lit public parking lot where other people are present. Legitimate law enforcement officers won't mind the extra driving.

Additional Considerations.

- 1) Claims of sexual misconduct may involve one-on-one situations with no additional witnesses to refute or substantiate the complaints, making final resolution difficult.
- 2) Regardless of the truth or falsity of the allegations, sexual misconduct charges that cannot be proved may have an adverse effect upon the career and family life of both the alleged perpetrator and the alleged victim.
- 3) If allegations of sexual misconduct prove to be untrue, the complainant may cause irreparable damage to the accused's reputation, may have defamed the accused's character, and may be sued in a court of law.