

5 – TITLE IX AND CLERY POLICY

5.1 - POLICY.

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

5.1.1 - Rationale

Relationships between men and women at Boise Bible College are guided by Biblical principles of respect for other's consent, feelings, rights, and responsibilities. BBC 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.*,
- Disclosure of Campus Security Policy and Campus Crime Statistics (Jeanne Clery Act) U.S.C. Sec. 1092(f), originally enacted as the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542)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)

5.1.3 - Scope

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

5.1.4 - Non-Discrimination Policy

BBC is a Christian college affiliated with Christian Churches and Churches of Christ. Its mission is to glorify God by equipping servant leaders who build up the church to advance the gospel worldwide. Accordingly, BBC seeks to hire and educate individuals who share its vision and core values to carry out that mission. Boise Bible College does not unlawfully discriminate in admissions, educational programs, or employment practices.

Boise Bible College 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 can be directed to BBC's Title IX Coordinator: Ben Bishop; Title IX Coordinator; Boise Bible College, 8695 West Marigold Street Boise, Idaho 83714; e-mail: bbishop@boisebible.edu; Office: 208-376-7731

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.

5.1.5 - Sexual Misconduct Definitions

Examples of sexual misconduct prohibited by BBC 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. [BBC's editorial update to quoted source material appears in square brackets.]

- a. **Rape** – "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes either gender of victim or offender. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent." *Source: Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Summary Reporting System.*
- b. **Sex Discrimination** - Sex discrimination involves treating someone (an applicant[, student,] or employee) unfavorably because of that person's sex. *Source: U.S. Equal Employment Opportunity Commission (EEOC) web site, specifically located on <http://www.eeoc.gov/laws/types/sex.cfm>.*
- c. **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."*
- d. **Sexual Assault** - Sexual assault can be defined as 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.
- e. **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.

- f. **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.
- g. **Dating Violence** - Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.
- h. **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.
- i. **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.
- j. **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.
- k. **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.
- l. **Any other illegal sexual conduct** that is not explicitly defined above.
- m. **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.
- n. **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.
- o. **Intimidation** - Intimidation means making a person timid or fearful; compelling or deterring a person by threats.
- p. **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 college 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 college administrators, Student Services personnel (including Resident Assistants), and athletic coaches.
- q. **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. BBC

prohibits retaliation against those who file a complaint or third-party report or those who otherwise participate in the investigative and/or disciplinary process. BBC will take strong responsive action if retaliation occurs.

5.1.6 - Other Related Definitions

- 1) **Hate Crime** - A criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as a bias crime. *Source: Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Summary Reporting System.*

Hate Crime Categories of Bias

- **Bias** - Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin. Although there are many possible categories of bias under the Clery Act, only the following eight categories are reported:
 - **Race** - A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, and White).
 - **Gender** - A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
 - **Gender Identity** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).
 - **Religion** - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
 - **Sexual Orientation** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.
 - **Ethnicity** - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
 - **National Origin** - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.
 - **Disability** - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
- 2) **Bystander Intervention** - The term bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action. *Definition provided by the Department of Education*

Prevention Training Subcommittee, available at:

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>

- 3) **Programs to prevent** - The term programs to prevent refers to comprehensive educational and training programs intended to prevent violence that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and consider risk and protective factors as they occur on the individual, relationship, community and societal levels. *Definition provided by the Department of Education Prevention Training Subcommittee, available at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>*
- 4) **Primary prevention** - The term primary prevention refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention. *Definition provided by the Department of Education Prevention Training Subcommittee, available at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>*
- 5) **Awareness programs** - The term awareness programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience-specific programming (including both students and employees). Awareness month campaigns, "Speak Outs," rallies or marches, informational poster campaigns or resource websites, and educational programming that focus on sharing resources and information about these issues are examples of awareness programs. *Definition provided by the Department of Education Prevention Training Subcommittee, available at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>*
- 6) **Risk reduction** - The term risk reduction refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate sexual violence, domestic violence, and stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security. *Definition provided by the Department of Education Prevention Training Subcommittee, available at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>*
- 7) **Ongoing awareness and prevention campaigns** - The term ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence, and stalking prevention. These programs will occur at different levels throughout the institution (i.e., faculty, athletics, incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved. *Definition provided by the Department of Education Prevention Training*

Subcommittee, available at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-preventiontrng.pdf>

- 8) **Title IX Coordinator** - Core responsibilities of the lead Title IX Coordinator include overseeing the College'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.

5.1.7 - Rights of Accuser and Accused

5.1.7.1 - The following rights apply to both the accuser (alleged victim) and the accused (alleged perpetrator):

- a. The right to investigation and appropriate resolution of a credible complaint of sexual misconduct made in good faith to College administrators
- b. The right to be treated with respect by College officials
- c. The right to have College policies and procedures followed without material deviation
- d. The right to be fully informed of the nature, rules, and procedures of the campus disciplinary process
- e. The right to be informed in advance, when possible, of any public release of information regarding the complaint, except in cases where College officials are required to make a timely warning to the campus community
- f. The right to be notified of available counseling, mental health, or student services, both on campus and in the community
- g. 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
- h. 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)
- i. The right to a hearing closed to the public
- j. The right to have complaints heard by disciplinary and appeals officers who have received annual sexual misconduct adjudication training
- k. The right to a disciplinary committee hearing comprised of representative of both genders
- l. The right to petition that any member of the disciplinary committee be removed on the basis of bias
- m. The right for the same opportunity to have another person present, in a support or advisory role, during a College disciplinary hearing to accompany and assist in BBC hearing process, according to student disciplinary hearing policies and procedures
- n. The right to have BBC 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
- o. The right not to have irrelevant prior sexual history admitted as evidence in a College hearing
- p. The right to make an impact statement at the campus disciplinary proceeding and to have that statement considered by the disciplinary body in determining its sanction
- q. The right to appeal the finding and sanction of the disciplinary body, in accordance with the standards for appeal established by BBC

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

- a. The right not to be discouraged by College officials from reporting an assault to both on- campus and off-campus authorities
- b. The right to be informed by College officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by College 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.
- c. The right to notification of options for, and available assistance in, changing academic, living, transportation, or working situations after an alleged sexual assault 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:
 - i. Change of a student resident's housing to a different on-campus location
 - ii. Assistance from College support staff in completing the relocation
 - iii. Arranging to dissolve a housing contract and pro-rating a housing refund
 - iv. Exam or assignment rescheduling
 - v. Taking an "Incomplete" grade for a course
 - vi. Transferring to a different course section
 - vii. Temporary withdrawal
 - viii. Alternative course completion options
 - ix. Change in working location and/or supervisor
 - x. Change in work duties and/or responsibilities
- d. The right to preservation of privacy, to the extent possible and allowed by law
- e. The right not to have released to the public any personally identifiable information about the accuser/complainant, without his or her consent
- f. The right NOT to have any complaint of sexual assault mediated (as opposed to adjudicated)
- g. The right to a College 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
- h. The right to give testimony in a College hearing by means other than being in the same room with the accused
- i. The right to ask the investigators to identify and question relevant witnesses, including expert witnesses
- j. The right to be present for all testimony given and evidence presented before the conduct body
- k. 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

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

- a. The right to a timely written notice of the alleged violation contained within the complaint, including the nature of the violation and possible sanctions
- b. The right to a fundamentally fair hearing on the complaint, including timely notice of the hearing date and adequate time for preparation
- c. The right to written notice of the outcome of the hearing and the sanction(s) imposed by the disciplinary body

5.1.8 - Confidentiality

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 BBC's obligation to investigate and take appropriate action, especially if BBC is required to provide a timely warning of a Clery Act-reportable

campus crime or an immediate threat to the health or safety of students or employees. When necessary, College 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 College officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency (as permitted by federal regulations).

BBC encourages our 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 Act-reportable crimes may be included in the annual disclosure of crime statistics.

5.2 - TITLE IX AND CLERY GRIEVANCE PROCEDURES

5.2.1 - General

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.

5.2.2 - Reporting Procedures

Formal reporting procedures include the victim or eyewitness 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 Boise Bible College 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 Dean of Students for investigation and processing through to conclusion.

Time is especially critical in a sexual assault case. In the case of sexual assault, 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 to prove criminal sexual assault, particularly if there were no witnesses. If sexual violence has occurred, BBC will take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects. When deemed necessary, BBC 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, guide the victim through the available options, and support the victim in his or her decisions related to the incident.

If a victim or eyewitness desires to make an anonymous report, BBC'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 Act crime is evaluated on a case-by-case basis to determine whether or not

the College 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 Dean of Students.

The College 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 College 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. When necessary, College 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 College officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency (as permitted by federal regulations).

5.2.3 - 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 College'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 College'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 Coordinator immediately of any report of sexual misconduct made by a College student, College 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 College official in charge of a particular case.

5.2.4 - Appeal Procedures

Recognizing that employees and students may be reluctant and/or embarrassed to voice a complaint about sexual misconduct decisions, the College’s formal grievance process is available to permit a dissatisfied victim, eyewitness, or offender to make an appeal of a Title IX decision. A dissatisfied victim, eyewitness, or offender should follow the grievance procedures outlined in section 4.4.1.

In short, a student Title IX appeal would begin at the appropriate step found in section 4.4.1 of the *Student Handbook*. After the student’s written grievance complaint is submitted, the Title IX appeal will be investigated by the appropriate administrator and handled by the Academic Council. Since the Dean of Students and lead investigator were closely involved in the resolution of the initial sexual misconduct complaint, they will be recused from service on the appeals board assigned to a Title IX appeal.

5.2.5 - Awareness and Prevention Programs

The college desires to have in place educational programs to promote the awareness that rape and other sexual offenses may occur among students. These include the annual distribution of a written summary of the Sexual Assault policy to all new students (included in the Student Handbook), an explanation of the policy at New Student Orientation, and annual instruction given to female students in sexual assault awareness and avoidance, usually taught by a law enforcement officer.

5.2.6 - Victim Services and Resources

Local and referral help is available for victims of sexual misconduct from the College’s Student Services department. Local community and state victim services organizations are listed.

Garden City Police Department

www.gardencitypolice.org

Emergency Phone: 9-1-1

Garden City Police Department offers the following contacts in their online resource guide.

Sexual Assault:

- BSU Sexual Assault: (208) 426-2624
- Valley Crisis: (208) 465-5011
- WCA: (208) 345-7273

Ada County Sheriff's Office Victim Services 7200 Barrister Boise, ID (208) 577-3000	Boise City Police Department Victim Services 333 N. Sailfish Boise, ID (208) 570-6220
Meridian City Police Department Victim Services 1401 E. Watertower Meridian, ID (208) 888-6678	Ada County Prosecutor's Office Misdemeanor and Felony Cases 200 W. Front, 3rd Floor (208) 287-7700

BBC 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:

- a. Contact information for trained on- and off-campus victim advocates or counselors who can provide an immediate confidential response in a crisis situation
- b. Emergency numbers for on- and off-campus safety, law enforcement, Dean of Students, and other first responders
- c. Health care options, off-campus

Ongoing Assistance:

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

5.2.7 - Possible Disciplinary Sanctions

A student or employee found guilty of sexual misconduct following a disciplinary hearing 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:

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

Possible disciplinary sanctions for an employee include the following:

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

5.2.8 - 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 reputation of the accused, may be guilty of defamation of character, and may be sued in a court of law.
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The accrediting association for Boise Bible College is the Association for Biblical Higher Education.

As a student, you have the right to contact them with questions and complaints.

ABHE, 5850 T G Lee Blvd, Suite 130, Orlando, FL, 32822

www.abhe.org • 407-207-0808 • Email: info@abhe.org

The Student Handbook is not a static document. We make changes in the Student Handbook each year to strengthen our procedures and students should be aware of changes that affect their participation on campus. Working through ASBBC, students have the opportunity to advocate for changes or additions to these regulations. The Student Handbook also outlines the procedures students can follow if they believe they have been treated inappropriately or unfairly. We urge students to seek out an advisor if they believe they have been treated in ways that violate the principles that are outlined in this document. Students are a critical part of the life of this community. We urge all persons on campus to use these guidelines in effective ways to support and enhance student engagement at BBC.