CULVER-STOCKTON COLLEGE TITLE IX POLICIES AND PROCEDURES

I. STATEMENT OF POLICY AND NOTICE OF NONDISCRIMINATION

Culver-Stockton College (College) adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. The College does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its educational programs or activities on the basis of age, color, disability, gender expression and identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status and all other classifications protected by law. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the Culver-Stockton College community on the basis of a protected class is in violation of this Policy.

Culver-Stockton College is committed to providing an environment free of discrimination and administers academic programs and extracurricular programs without regard to race, color, creed or religion, gender, marital status, national origin, military status, disability, age, or any other characteristic protected by law. Title IX requires all higher education institutions that receive federal financial assistance not to discriminate on the basis of sex in educational programs. In keeping with that commitment, the College maintains a strict policy against Prohibited Conduct including but not limited to sexual misconduct, sexual assault, sexual exploitation, sexual harassment, dating violence, stalking, intimate partner violence. Any inquiries concerning Title IX can be addressed to the Title IX Coordinator or to the United States Department of Education Office for Civil Rights (OCR).

The College does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"); Title VII of the Civil Rights Act of 1964 ("Title VII"); and all applicable Missouri laws. Such behavior also requires the College to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

In addition, the College considers complicity in the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding to constitute Prohibited Conduct under this policy. These forms of Prohibited Conduct undermine the character and purpose of the College and will not be tolerated. For full definitions of these terms, see Section II.

Culver-Stockton College is committed to providing reasonable, non-retroactive accommodations to qualifying students, faculty and employees with disabilities as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended, as well as state law. Disabilities may include mental or physical disabilities that substantially limit one or more of a person's major life activities, and which may require modifications to the programs, services or facilities of the College. Consistent with the law, Culver-Stockton College is not obligated to provide accommodations that are unduly burdensome or unreasonable, or that fundamentally alter the nature of the College's programs.

Culver-Stockton College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution. Within any resolution process related to this policy, Culver-Stockton College provides reasonable accommodations to persons with disabilities and religious accommodations, when that accommodation is consistent with state and federal law.

The College adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering the College's Community of Trust, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. The College will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The College conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

This policy applies to the entire college community, including but not limited to, faculty, staff, administration, students, vendors and visitors associated with the College. The College reserves the right to revise this policy at any time and will update the College website with the most recent version of the policy.

II. PROHIBITED CONDUCT UNDER THIS POLICY

Prohibited Conduct under this policy is prohibited regardless of the sex or sexual orientation of the complaining party or responding party. Prohibited Conduct includes all forms of Sexual Misconduct. Sexual Misconduct includes, but is not limited to, the following specifically defined forms of behavior: Sexual Harassment, Unwelcome Conduct, Hostile Environment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence including Dating Violence and Domestic Violence, Physical Assault, Stalking, and Retaliation.

Sexual Misconduct – sexual misconduct may take many forms, including but not limited to the following:

- **Sexual Harassment**

Sexual harassment includes any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

- **Unwelcome Conduct**

Sexual Harassment includes unwelcome conduct if the behavior was not request or invited and is considered to be undesirable or offensive.

Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be

physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that they welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

- **Hostile Environment**

A hostile environment exists when sexual harassment is sufficiently serious to deny or limit the ability to participate in or benefit from the College's programs or activities.

A hostile environment can be created by anyone at the College (*e.g.*, administrators, faculty members, students, and campus visitors).

In determining whether sexual harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective.
This means both that the conduct was unwelcome to the person who was harassed and that a reasonable person would have perceived the conduct as undesirable or offensive for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists , the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sexual harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more the degree to which the conduct affected a person's access to their education or employment.

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

- **Sexual Assault**

Sexual assault is actual or attempted sexual contact with another person without that person's *consent*. Sexual assault includes, but is not limited to, rape, fondling, incest, and statutory rape. Definitions of sexual assault include:

i. Rape is 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, without the consent of the victim. This offense includes the rape of both males and females.
ii. 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 the victim is incapable of giving consent because of his/her

age or because of his/her temporary or permanent mental or physical incapacity.

iii. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or if the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape. In Pennsylvania, children less than 13 years old cannot grant consent to sexual activity. Teens between the ages of 13 and 15 cannot consent to sexual activity with anyone who is four or more years older than them. People ages 16 and older can legally consent to sexual activity, so long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

iv. Incest is sexual intercourse between people who are related to each other within the degree wherein marriage is prohibited by law.

- **Sexual Exploitation**

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's *consent*. Examples of behavior that could rise to the level of sexual exploitation include:

i. prostitution of another person;

ii. recording images (*e.g.*, video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's *consent*;

iii. distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not *consent* to such disclosure and objects to such disclosure; and,

iv. viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's *consent*, and for the purpose of arousing or gratifying sexual desire.

- **Intimate Partner Violence including Dating Violence and Domestic Violence**

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence includes dating violence and domestic violence and may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault.

- **Physical Assault**

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

- **Stalking**

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

- Retaliation

The College strictly prohibits any material adverse action against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. No retaliatory action shall be taken against any person who shall make a good-faith report of alleged harassment, whether the report is shown to have been valid or not. The college will take strong responsive action if retaliation occurs. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator or to a Deputy Title IX Coordinator, who shall conduct a separate investigation of the matter pursuant to Section II of this Policy, and make findings so the College can take appropriate actions to address such conduct in a fair and impartial manner.

OTHER RELEVANT DEFINITIONS

- Title IX Coordinator – also called Coordinator, the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.
- Deputy Title IX Coordinator - the College's Deputy Title IX Coordinator has responsibility to support and assist the Title IX Coordinator in assuring the College complies with Title IX requirements.
- Complaining Party – a person who contacts any member of the College Title IX compliance team to file a complaint or make a report of Prohibited Conduct, including sex discrimination and sexual misconduct
- Responding Party – a person about whom a complaint or report of engaging in Prohibited Conduct, including sex discrimination and sexual misconduct is made
- Advisor – after a complaint or report of Prohibited Conduct under Title IX has been received by the college, each party is entitled to select an advisor to assist them through the processes outlined in the Policy. Both the complaining and responding parties have the right to an advisor at any step of the formal or informal processes as described in Sections IV and V of this Policy. The advisor may be, but does not have to be, an attorney.
- Supportive measures – also called interim measures, supportive measures may be provided before a final decision is made, if necessary, to protect the parties and the broader campus community. Supportive measures may be provided regardless of whether there is a complaint or

resolution process commenced. The College will make accommodations and provide supportive measures for a person who has experienced an act of Prohibited Conduct, or to others involved in the process including those adversely affected by allegations of Prohibited Conduct, if requested and reasonably available.

- **Code of Conduct** – the Culver Stockton Code of Conduct guides the procedures for investigation of, consequences for, and appeal of disciplinary measures for students who have violated conduct expectations of the College. The Code of Conduct is available to students on the Culver Stockton website file:///C:/Users/rhansen/Downloads/Cat%20Tracker%202025-26%20(PDF).pdf in the Cat Tracker Student Handbook and is also available via a link in every Canvas course offered by the College.
- **Report** – a report is a written account of the conduct alleged to be Prohibited Conduct.
- **Complaint** – a complaint is a formal request for the College to investigate the Prohibited Conduct and adjudicate as appropriate pursuant to this Policy. Parties are encouraged to file a report of the incident, even if they are not certain they want to file a complaint.
- **Affirmative consent** - informed, voluntary, and mutual, agreement to participate in an activity. Affirmative consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used.
- **Informal Resolution Facilitator** – if the College determines it is appropriate, an Informal Resolution Facilitator may be appointed to address an incident of Prohibited Conduct in an informal manner. The Informal Resolution Facilitator will not be the Title IX Investigator. The Informal Resolution Facilitator must be free of conflicts and bias and appropriately trained on duties and policy provisions. It is the responsibility of the Informal Resolution Facilitator to ensure that all essential terms are documented and to assign consequences for parties that fail to comply with the informal resolution.
- **Licensed Counselor** – a trained and licensed mental health counselor who is employed by the college to assist with on-campus mental health issues. Disclosures to licensed counselors about incidents of Prohibited Conduct are confidential and will not trigger the College to investigate Prohibited Conduct.
- **Chaplain** – an ordained minister or other trained clergy who is employed by the college to provide pastoral care on campus. Disclosures to Clergy about incidents of Prohibited Conduct are confidential and will not trigger the College to investigate the Prohibited Conduct.
- **Responsible Employees** – employees of the college who are required to report all the details of an incident of Prohibited Conduct (including the identities of all involved parties) to the Title IX Coordinator. A report to these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the Prohibited Conduct. Also called Campus Security Authorities.

III. TITLE IX COORDINATOR

Role of the Title IX Coordinator

The College's Title IX Coordinator ('Coordinator') has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The College's Deputy Title IX Coordinator has responsibility to support and assist the Title IX Coordinator in assuring the College complies with Title IX requirements.

CULVER-STOCKTON COLLEGE TITLE IX POLICIES AND PROCEDURES

Prohibited Conduct against people at the college, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the College's response to reports and complaints that involve possible Prohibited Conduct to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider school community.

A person should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) to:

- seek information or training about rights and courses of action available to resolve reports or complaints that involve potential Prohibited Conduct, including sexual discrimination and sexual misconduct;
- file a complaint or make a report of Prohibited Conduct, including sex discrimination and sexual misconduct;
- notify the College of an incident or policy or procedure that may raise potential Title IX concerns;
- get information about available resources (including confidential resources) and support services relating to Prohibited Conduct, including sex discrimination and sexual misconduct; and
- ask questions about the College's policies and procedures related to Prohibited Conduct, including sex discrimination and sexual misconduct.

The College's Title IX compliance team includes:

- Rachel Hansen is the College's Title IX Coordinator and can be reached by telephone at (573) 288-6343, or by email at rhansen@culver.edu.
- Caitlin Erickson is the College's Deputy Title IX Coordinator and can be reached by telephone at (573) 288-6453, or by email at cerickson@culver.edu.
- Brianne Seals, Executive Director of Human Resources, is the College's Deputy Title IX Coordinator and can be reached by telephone at (573) 288-6739, or by email at bseals@culver.edu.
- Director of Residence Life & Conduct Caleb Wyrick may be reached by phone or email at: 573-288-6000, ext. 6716 or by email at tywrick@culver.edu.
- Campus Safety may be reached by telephone at (573) 288-6300, or by email at campussafety@culver.edu. Campus Safety's office is located in the Gladys Crown Student Center in room 201.

If the incident, policy, or procedure about which a person seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX compliance team, another member of the team may be contacted.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at: https://www2.ed.gov/about/offices/list/ocr/complaintintro.html or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): http://www.justice.gov/crt/complaint/#three.

Functions and Responsibilities of the Title IX Coordinator

The Title IX Coordinator's functions and responsibilities include the following:

1. **Training for Students, Faculty, and Staff**
   The Title IX Coordinator collaborates with other institutional offices to ensure there is ongoing training, consultation, and technical assistance on Title IX for all students, faculty, and staff, including:
   A. regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual Prohibited Conduct under this Policy, the obligation to report Prohibited Conduct to appropriate College officials, and the extent to which counselors and advocates may keep a report confidential, and
   B. regular training for students outlining their rights under Title IX; with regard to sexual misconduct. This training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

2. **Investigations**
   The College is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator ensures federal compliance with this response, including:
   A. determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct;
   B. appointing an investigative team upon such determination;
   C. making certain that individual reports and complaints are handled properly and in a prompt and timely manner;
   D. informing all parties regarding the grievance process;
   E. confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable;
   F. maintaining information and documentation related to the investigation in a secure manner; and
   G. monitoring compliance with timeframes specified in the grievance procedures.

   The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about Prohibited Conduct, including sexual misconduct, in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students. The College's Confidentiality Policy is set in Section IV.

3. **Remedies, Including Interim Measures**

Upon learning of a complaint of Prohibited Conduct, the Title IX Coordinator ensures the institution promptly takes steps to ensure the person who filed the report, referred to as the complaining party, maintains equal access to the College's programs and activities and protects the complaining party as necessary. Such steps include making the complaining party aware of all available resources, including but not limited to housing assistance, academic support, counseling, disability services, and health and mental health services.

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines, in conjunction with other relevant offices, whether campus-wide remedies should be adopted in response, including review and revision of the College's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations. If the Conduct Panel finds that an individual engaged in Prohibited Conduct, including sexual misconduct, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the College's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

4. Monitoring and Advising

To address Prohibited Conduct, including sexual misconduct, on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

A. reviews regularly all reports and complaints raising potential Title IX issues throughout the College to ensure that the College responded consistently with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual;
B. reviews regularly all reports and complaints raising potential Title IX issues throughout the college to identify and address any patterns;
C. reviews regularly the College's policies and procedures to ensure that they comply with the requirements of Title IX;
D. ensures the maintenance of files related to grievances, reports, complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner,
E. assesses regularly the College's compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate;
F. coordinates regularly with the Director of Campus Safety who serves as the College's Clery Act Compliance Officer with respect to overlapping obligations related to sexual misconduct against students, including prevention, education, and training;
G. consults regularly with campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct; and
H. ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local complaining party advocacy organizations and service providers, including rape crisis centers.

IV. AFFIRMATIVE CONSENT

The College offers the following guidance concerning affirmative consent and assessing incapacitation:

"Affirmative Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. To avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.

Affirmative Consent may be withdrawn at any time. Once Affirmative Consent is withdrawn, sexual activity must cease immediately. In evaluating Affirmative Consent in cases of alleged incapacitation in which drugs or alcohol are involved, the following questions should be considered: (1) *Did the person initiating sexual activity know that the other party was incapacitated? and if not,* (2) *Should a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is "YES," Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forego all sexual activity. Being impaired by alcohol or other drugs is no defense to any violation of this policy.

V. REPORTING

Any person who has experienced Prohibited Conduct under this policy should promptly report the incident or incidents and the names of the individuals involved to the Title IX Coordinator, Campus Safety, the Dean of Student Life, the Director of Human Resources or to local law enforcement. The Dean of Student Life may be reached at (573) 288-6334 and the Director of Human Resources may be reached at (573) 288-6739. Campus Safety may be reached at (573) 288-6300. You may also contact the Title IX Coordinator at (573) 288-6343, or by email at rhansen@culver.edu. In the event of an emergency, local law enforcement should be contacted by dialing 911 in addition to contacting Campus Safety. All full-time employees are considered mandated reporters ("Responsible Employees") (except the Licensed Counselor and Chaplain) and are required to report all forms of sexual harassment or sexual misconduct.

If a person has experienced Sexual Misconduct as defined in this Policy, the first priority should be to get to a place of safety.

- The person should then obtain the necessary medical treatment.
- The person has the right to decide whether to make a statement to law enforcement, but it is strongly recommended that they contact Campus Safety at (573) 288-6300 for guidance through the process. Campus Safety's office is located in the Gladys Crown Student Center in room 201. Campus Safety can also be reached through email at campussafety@culver.edu.

Reporting and Confidentially Disclosing Sexual Violence: Know the Options

The College encourages people who have experienced Prohibited Conduct to talk to somebody about what happened so they can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a complaining party's confidentiality.

Some are required to maintain near complete confidentiality, including the Licensed Counselor and Chaplain; talking to them is sometimes called a "privileged communication." Disclosures to these employees will not trigger the College to investigate the incident against the person's wishes. Other employees are required to report all the details of an incident (including the identities of all parties involved) to the Title IX Coordinator. A report to these employees (called responsible employees) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make people aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they experience an act of Prohibited Conduct.

Reporting Options and Confidentiality

1. **Privileged and Confidential Communications (Professional and Pastoral Counselors)**

   Professional, licensed counselors and pastoral counselors (Chaplain) who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complaining party's permission.

2. **Reporting to Responsible Employees**

   A Responsible Employee is a College employee who has the authority to redress Prohibited Conduct, who has the duty to report incidents of sexual violence or other student misconduct, or who a person could reasonably believe has this authority or duty.

   When a person tells a responsible employee about an incident of Prohibited Conduct, they have the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

   A responsible employee must report to the Title IX coordinator all relevant details about the alleged Prohibited Conduct of which they are aware so the College can investigate pursuant to this Policy. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the complaining party's consent or unless the Prohibited Conduct has also been reported to law enforcement.

   Before a complaining party reveals any information to a responsible employee, the employee should ensure that the complaining party understands the employee's reporting obligations and, if the complaining party wants to maintain confidentiality, direct the complaining party to confidential resources.

If the complaining party wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complaining party that the College will consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the complaining party's request for confidentiality.

Responsible employees will not pressure a complaining party to request confidentiality, but will honor and support the complaining party's wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a complaining party to make a full report if the complaining party is not ready to.

3. Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond.

If a complaining party discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for everyone, including the complaining party.

If the College honors the request for confidentiality, a complaining party must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action to remedy the Prohibited Conduct may be limited.

Although rare, there are times when the College may not be able to honor a complaining party's request in order to provide a safe, non-discriminatory environment for everyone.

The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged Prohibited Conduct: Caitlin Erickson, Deputy Title IX Coordinator; or Brianne Seales, Deputy Title IX Coordinator.

When weighing a complaining party's request for confidentiality or that no investigation or discipline be pursued, the Title IX Deputy Coordinators will consider a range of factors, including the following:

The increased risk that there will be additional acts of Prohibited Conduct, such as:

- whether there have been other complaints of Prohibited Conduct by the responding party;
- whether the responding party has a history of arrests or records from a prior school indicating a history of violence;
- whether the responding party threatened further sexual violence or other violence against the complaining party or others;
- whether the Prohibited Conduct was committed by multiple actors;
- whether the sexual violence was perpetrated with a weapon;
- whether the complaining party is a minor;

- whether the College possesses other means to obtain relevant evidence of the Prohibited Conduct (e.g., security cameras or personnel, physical evidence); and
- whether the complaining party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the complaining party's request for confidentiality.

If the College determines that it cannot maintain complaining party confidentiality, the College will inform the complaining party prior to starting an investigation or as soon as reasonably possible and will, to the extent possible, only share information with people responsible for handling the College's response.

The College will remain ever mindful of the complaining party's well-being and will take ongoing steps to protect the complaining party from retaliation or harm and work with the complaining party to create a safety plan. Retaliation against the complaining party, whether by students or College employees, will not be tolerated. The College will also:

- assist the complaining party in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the responding party pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the complaining party of the right to report a crime to campus or law enforcement – and provide the complaining party with assistance if they wish to do so.

The College may not require a complaining party to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of Prohibited Conduct campus-wide, all reports of such conduct (including non-identifying reports) will prompt the College to consider broader remedial action, such as increased monitoring, supervision or security at locations where the reported Prohibited Conduct occurred; increased education and prevention efforts, including to targeted population groups; conducting climate assessments/complaining party surveys; and/or revisiting policies and practices.

4. Reporting to Law Enforcement

The College encourages individuals to report incidents of sexual misconduct to local law enforcement officials. Timely reporting to law enforcement is an important factor in the successful investigation and prosecution of crimes, including sexual violence crimes, and may lead to the arrest of an offender or aid in the investigation of other incidents.

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. Filing a police report can result in an investigation of whether sexual violence or

related crimes occurred and the prosecution of those crimes against a perpetrator. In the event of an emergency local law enforcement may be contacted by dialing 911. Local law enforcement may also be contacted as follows:

Canton, Missouri Police Department
108 North 5th Street
Canton, MO 63435
Phone: (573) 288-4412 (Non-Emergency)

Lewis County, Missouri Sheriff
107 South Washington Street
Monticello, MO 63457
Phone: (573) 767-5287 (Non-Emergency)

5. **Resolution**

As outlined in the Code of Conduct, the College is committed to the prompt resolution of any alleged violation of this policy. The appropriate administrator will investigate as is necessary to determine the validity of the complaint. All such claims will be promptly investigated and corrective action taken, if warranted, to ensure that further Prohibited Conduct does not occur and the complaining party is protected through the best efforts of the College. It should be noted that the College's ability to investigate in a particular situation may be affected by any number of factors, including whether the report is anonymous, whether the complaining party is willing to file a report or to consent to an Investigation, the complaining party's request for confidentiality, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to fully investigating and resolving all alleged and suspected violations of the Policy possible under the circumstances.

6. **Reporting Option Examples**

OPTION 1: REPORT INCIDENT, BUT CHOOSE NOT TO FILE A COMPLAINT OR CHARGES

- A report is a written account of what happened. A complaint is a formal request for the College to investigate the assault and adjudicate as appropriate. People who experience Prohibited Conduct are encouraged to file a report of the incident, even if they are not certain they want to file a complaint.
- Filing a report or complaint about Prohibited Conduct with the College and reporting Prohibited Conduct to law enforcement are separate processes.
- As mentioned earlier, the College may file a complaint even if the complaining party does not want to file a formal complaint, if the College believes there is a threat to the safety of the college environment.
- There are no time limits for filing a complaint.

OPTION 2: FILE A COMPLAINT WITH THE COLLEGE

- Campus Safety, the Title IX Coordinator, or the Dean of Students, can assist the complaining party in filing a formal complaint. There is also a silent witness form online at https://culver.edu/campus-life/campus-safety/silent-witness-form/.

- Investigations are conducted by members of Campus Security Authorities that have been trained in Title IX investigations.

OPTION 3: PURSUE CRIMINAL CHARGES

- Complaining party can file an official report of the incident with law enforcement by filing a report by contacting the Canton Police Department or Lewis County Sheriff's Office.
- Campus Security Authorities can also assist the complaining party in contacting law enforcement.

OPTION 4: PURSUE BOTH COLLEGE AND CRIMINAL CHARGES

- Processes outlined in options 2 and 3 occur simultaneously.

VI. INVESTIGATION AND RESOLUTION

The College's investigative and resolution processes of reports of violations of this policy will be prompt, fair and impartial. The procedures set forth below are intended to afford a prompt response to reports of sexual misconduct, to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

After a report is filed there will be a Title IX investigation in which a trained investigator will determine whether there is "more likely than not" evidence that an alleged violation occurred. The timeframe of an investigation will depend upon the availability to interview witnesses, access information, and whether law enforcement is involved (based on the reporting party's request). The timely manner of an investigation is important, and most investigations will be completed within one week, but other factors may delay the response. The trained investigator will conduct interviews with both parties and any witnesses. The complaining party and the responding party can have an advisor of their choice during any meeting or interview who may be, but is not required to be, an attorney. The College will keep both parties informed throughout the process. Prior to completion of the investigative report, the college will send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have 10 calendar days to submit a written response which the investigator will consider prior to completion of the investigative report.

SUPPORTIVE MEASURES

Supportive measures may be provided before a final decision is made, if necessary, to protect the parties and the broader campus community. Supportive measures may be provided regardless of whether there is a complaint or resolution process commenced. The College will make accommodations and provide supportive measures for a person who has experienced an act of Prohibited Conduct, or to others involved in the process including those adversely affected by allegations of Prohibited Conduct, if requested and reasonably available. The College may take such steps even when an individual asks that the College keep a reported violation of this policy confidential and refrain from investigating the matter, and regardless of whether an individual chooses to report to law enforcement.

Examples of supportive measures include:

- referral to counseling, medical or mental health services;

- establishing a no-contact directive prohibiting the parties involved from communication with each other during the resolution process;
- education to the campus community;
- providing campus escorts; and
- offering adjustments to academic deadlines or course schedules.

Additionally, a responding party may be temporarily suspended pending completion of an investigation, particularly when, in the judgment of the Title IX coordinator(s) or their designee(s), the safety or well-being of any member of the campus community may be jeopardized by the on-campus presence of the responding party.

To request supportive measures, individuals who believe they have experienced Prohibited Conduct should contact the Title IX Coordinator or Dean of Student Life. If a responding party, witness or person accused of misconduct feels that they need interim measures, please contact the Title IX Coordinator. The need to make changes to a supportive measure should also be brought to the attention of the Coordinator.

The College will maintain as confidential any supportive measures provided to an individual, to the extent possible (e.g. to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures).

INFORMAL RESOLUTION

An informal resolution (i.e. mediation) will only be used if both parties voluntarily agree to do so. The complaining party can end the informal process at any time and begin the formal complaint process. Additional information on the informal resolution option is included below in Section VII.

DEAN OF STUDENT SANCTIONS

If the Title IX investigator determines that "more likely than not" a violation of this Policy occurred, the responding party will have the option to accept the finding of the investigator or dispute the finding. If the responding party accepts the finding of the investigator, then it will be sent to the Dean of Student Life for sanctioning. If the responding party disputes the finding of the investigator, the matter will proceed to a hearing before the Conduct Panel, as described below in this Policy.

CONDUCT PANEL HEARINGS

If the responding party disputes the finding by the Title IX Coordinator that it is "more likely than not" that a violation of this Policy occurred, the matter will be referred to the Conduct Panel. The Conduct Panel comprises three (3) faculty and/or staff members that have been trained to hear conduct issues. The Title IX Coordinator will sit on the panel as an ex officio member to regulate policy but will not have a final vote in the case. The Dean of Student Life or designee will act as hearing officer but will not have a final vote in the case. The Conduct Panel meeting will occur no later than five (5) business days after the investigation concludes including receipt of written responses from both parties. The Conduct Panel will determine only if a policy violation has occurred. If they determine a policy violation has occurred, the finding will be given to the Dean of Student Life to review and make a sanction.

Hearing procedures are as follows:

- A live hearing will be held as a part of the formal adjudication process. The hearing may be conducted with all parties physically present or, at the request of either party, participants may appear virtually, with technology enabling them to see and hear each other;
- The responding party, the complaining party, and their advisors will have access to any information that will be presented at the conduct meeting;
- Both fact and expert witnesses may be presented by either party;
- Legally privileged information (such as medical records) may not be used without that party's voluntary, written consent;
- Each party's advisor is permitted to cross-examine the other party and any witnesses in the live hearing directly, orally, and in real time;
- Cross examinations may be conducted by the party's advisor and never by the party personally;
- If a party does not have an advisor to conduct cross-examination, the College will provide an advisor to the party free of charge;
- Only relevant cross-examination and other questions may be asked of a party or witness; the hearing officer will determine whether a question is relevant, and explain any decision to exclude a question as not relevant, before a party or witness answers a cross-examination or other question;
- Questions and evidence regarding the complaining party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the responding party committed the alleged conduct, or concern specific incidents of the complaining party's prior sexual behavior with respect to the responding party and are offered to prove consent;
- An audio or audiovisual recording or transcript of any live hearing will be made available to all parties for review.

APPEAL OF FINDINGS

The complaining party and/or the responding party will have the option to appeal the decision and/or sanction as outlined in the Code of Conduct. All appeals are heard by the Appeals Committee. Please refer to the Appeals section in the Code of Conduct. The Appeals Committee is made up of faculty, staff, and students. The committee has been trained by the Title IX Coordinator and Dean of Student Life. Their decision will be conducted in an impartial manner and any committee member with a conflict of interest will not hear the case. The reporting party and/or responding party have three (3) business days to submit a written appeal. Written notification will be provided to the reporting party and responding party regarding the final outcome. The Title IX Coordinator will be kept informed throughout the process and will review all findings to make sure they are compliant with policy.

COOPERATION WITH LAW ENFORCEMENT

The College will comply with law enforcement requests for cooperation, and such cooperation may require the College to suspend the fact-finding aspect of the Title IX investigation while the law enforcement agency is in the process of gathering evidence. The College will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. The College has an obligation to make reasonable efforts to investigate and address instances of sexual misconduct when it knows or should have known about such instances, regardless of reporting party cooperation and involvement. All parties are presumed to be innocent pending an

investigation, are entitled to an objective evaluation of the evidence, and will have equal opportunity to present evidence to support or refute an alleged incident of Prohibited Conduct.

VII. INFORMAL RESOLUTION

Informal resolution may be used any time prior to a final determination under a grievance process. For informal resolution to be utilized, a formal complaint must be filed. The college will determine if it is appropriate to offer an informal resolution. To pursue an informal resolution, both parties must voluntarily consent and may withdraw their consent at any time.

If an informal resolution is to be pursued by the college, the following elements are required to be shared with and agreed to by both parties:

- the allegations;
- the requirements of the informal resolution process;
- the ability of both parties to withdraw consent to an informal resolution and return the case to grievance procedures;
- agreement to a resolution would preclude grievance procedures for the same allegations;
- potential terms, including that a resolution is binding only on the parties; and
- what information will be maintained and how it may (or may not) be used if grievance procedures are resumed.

If informal resolution is appropriate, the college will appoint an Informal Resolution Facilitator. The Informal Resolution Facilitator will not be the Title IX Investigator. The Informal Resolution Facilitator must be free of conflicts and bias and appropriately trained on duties and policy provisions. It is the responsibility of the Informal Resolution Facilitator to ensure that all essential terms are documented and to assign consequences for parties that fail to comply with the informal resolution.

The College may elect to make information shared during the informal resolution confidential in the event that grievance procedures resume. The College may prohibit the Informal Resolution Coordinator from serving as a witness in the grievance procedure, if either party chooses to pursue that process. In addition, the College must ensure that the parameters of the resolution are disclosed to both parties in the notice.

VIII. RETALIATION

No retaliatory action shall be taken against any person who shall make a good-faith report of alleged harassment, whether the report is shown to have been valid or not. The College will take strong responsive action if retaliation occurs. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of Prohibited Conduct should report such concerns to the Title IX Coordinator or to a Deputy Title IX Coordinator, who shall investigate the matter and make findings so the College can take appropriate actions to address such conduct in a fair and impartial manner.

The complaining party will be kept informed of the final decision in the disciplinary process and have the right to appeal a decision made by a judicial authority at any time in the process. Per the College Code of Conduct, the complaining party will have three (3) business days to write an appeal.

IX. COMPLAINTS INVOLVING CULVER-STOCKTON COLLEGE EMPLOYEES

Complaints that involve an employee of Culver-Stockton College will be referred to the Human Resources Office. The Executive Director of Human Resources will conduct the investigation and will consult with the Title IX Coordinator as needed.

X. PREGNANCY

Discrimination and harassment based on pregnancy and related conditions is sex discrimination and sex-based harassment. The college must provide certain accommodations to people with pregnancy and related conditions. Pregnancy and related conditions include pregnancy, childbirth, termination of pregnancy and lactation. Medical conditions related to pregnancy, childbirth, termination of pregnancy and lactation also qualify for certain accommodations. The recovery from the special conditions also qualifies for accommodations.

Pregnancy must be treated the same as other temporary medical conditions when considering the impact of assessing eligibility within programs or courses. It is not discrimination for a pregnant student to voluntarily participate in a "separate portion" of a program if it is comparable in nature.
The College will only require a pregnant student to provide a doctor's certification of pregnancy if the level of physical ability or health is necessary, if such certification is necessary of all participating students or if the information obtained is not used for discriminatory purposes.

Reasonable Modifications

Students who are pregnant or are experiencing related conditions may request Reasonable Modifications to ensure equal access to the Recipient's education program and activity and to prevent sex discrimination. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on the pregnant student's individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible. Retroactive modifications may be available in limited circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the Reasonable Modifications offered. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- intermittent absences to attend medical appointments;
- access to online or homebound education;
- changes in schedule or course sequence, where available;
- time extensions for coursework and rescheduling of tests and examinations;
- allowing a student to sit or stand, or carry or keep water nearby;
- changes in physical space or supplies (for example, access to a larger desk); and
- a larger uniform or other required clothing or equipment.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer or to determine specific actions to take to ensure equal access. Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to implement the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for Reasonable Accommodations just like any other student with a temporary disability. The Title IX Coordinator may refer a student experiencing pregnancy-related conditions to the Coordinator of Accessibility to ensure the student receives reasonable accommodations for their temporary disability as required by law.

Pregnant students must be allowed to take a voluntary leave of absence for at least the period medically necessary and upon return, the student must be reinstated to academic status, and as practicable, to the extracurricular status before the leave occurred.

The College will provide access to lactation space, other than a bathroom, that is clean and private. The available space must be for the purpose of expressing breast milk or for breastfeeding as necessary.

Miscellaneous

Take Back the Night and other public awareness events

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of Prohibited Conduct, are not considered notice to the College of Prohibited Conduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

Anonymous Reporting

Although the College encourages complaining parties to talk to someone, the College provides an online form for anonymous reporting (See Option 2 below). The system will notify the user (before they enter information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation.

Amnesty

The College encourages reporting of sexual misconduct and seeks to remove any barriers to an individual/group making a report. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. An individual(s) who reports sexual misconduct that was directed at them or another person, either as a complaining party or a third party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

First Amendment Considerations

This policy does not impair the exercise of rights protected under the First Amendment. The College's sexual misconduct policy prohibits only sexual harassment that creates a hostile environment. In this and other ways, the College applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.