



# Sex Discrimination & Title IX Policy and Procedures

Effective August 1, 2024

[BANE ANGLES](#)

# Table of Contents

<b>I. POLICY STATEMENT</b> .....	<b>4</b>
<b>II. RELIGIOUS LIBERTY</b> .....	<b>4</b>
<b>III. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT</b> .....	<b>4</b>
<b>IV. DEFINITIONS</b> .....	<b>6</b>
<b>V. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY</b> .....	<b>8</b>
<b>VI. TITLE IX COORDINATOR</b> .....	<b>9</b>
<b>VII. CAMPUS AND COMMUNITY RESOURCES</b> .....	<b>10</b>
1. OVERVIEW OF RESOURCES AND DISCLOSURES .....	10
2. MEDICAL CARE AFTER A SEXUAL ASSAULT .....	11
3. PREGNANCY AND RELATED CONDITIONS.....	12
<b>VIII. PROHIBITED CONDUCT</b> .....	<b>13</b>
1. SEX DISCRIMINATION .....	13
2. SEX-BASED HARASSMENT (APPLICABLE UNDER TITLE IX AND TITLE VII) .....	13
<i>a. Quid Pro Quo</i> .....	13
<i>b. Hostile Environment</i> .....	14
<i>c. Sexual Assault/Sexual Violence</i> .....	14
<i>d. Dating Violence</i> .....	15
<i>e. Domestic Violence</i> .....	15
<i>f. Stalking</i> .....	15
3. SEXUAL EXPLOITATION .....	16
4. AIDING OR FACILITATING .....	16
5. RETALIATION .....	16
6. FALSE OR BAD FAITH ALLEGATIONS .....	17
7. CONSENT, COERCION, AND INCAPACITATION.....	17
<i>a. Consent</i> .....	17
<i>b. Coercion</i> .....	17
<i>c. Incapacitation</i> .....	18
<b>IX. MAKING A REPORT UNDER THIS POLICY</b> .....	<b>18</b>
1. REPORTING GUIDELINES.....	18
<i>a. Designated Reporters</i> .....	19
<i>b. Time Frame for Reporting</i> .....	20
<i>c. Anonymous Reporting</i> .....	20
<i>d. Public Awareness and Advocacy Events</i> .....	20
2. RESPONSE TO REPORTS OF PROHIBITED CONDUCT .....	20
3. ADVISORS .....	21
4. AMNESTY FOR DRUG AND ALCOHOL USE AND CONSENSUAL SEXUAL ACTIVITY.....	21
5. COORDINATION WITH LAW ENFORCEMENT .....	22
<b>X. SUPPORTIVE &amp; OTHER INTERIM MEASURES</b> .....	<b>23</b>
1. REVIEW OF SUPPORTIVE MEASURES .....	23
2. EMERGENCY REMOVAL .....	24
3. ADMINISTRATIVE LEAVE.....	24

4. REQUIREMENT OF NON-DISCLOSURE .....	24
5. VIOLATIONS.....	24
<b>XI. RESOLUTION PROCESS.....</b>	<b>25</b>
1. OPTIONS FOR RESOLUTION OF REPORTS.....	25
2. INITIAL REVIEW .....	25
3. SUPPORT-BASED RESOLUTION .....	25
4. COMPLAINTS.....	25
<i>a. Consolidation of Complaints .....</i>	<i>26</i>
<i>b. Dismissal of Complaints .....</i>	<i>26</i>
5. NOTICE OF ALLEGATIONS .....	27
6. INFORMAL RESOLUTIONS .....	28
7. FORMAL RESOLUTIONS .....	30
<i>a. Evidentiary Standard and Burden of Proof.....</i>	<i>30</i>
<i>b. Investigation and Adjudication Procedures.....</i>	<i>30</i>
8. WITNESS ROLE AND PARTICIPATION IN THE INVESTIGATION .....	30
<b>XII. SANCTIONS &amp; REMEDIES .....</b>	<b>31</b>
1. SANCTIONS.....	31
2. REMEDIES .....	31
3. DISCLOSURE OF FINAL RESULTS .....	32
<b>XIII. APPEALS .....</b>	<b>32</b>
<b>XIV. TIME FRAMES.....</b>	<b>34</b>
<b>XV. TRAINING.....</b>	<b>34</b>
<b>XVI. RECORD KEEPING .....</b>	<b>34</b>
<b>XVII. CONFLICTS OF INTEREST.....</b>	<b>35</b>
<b>XVIII. POLICY REVISIONS.....</b>	<b>35</b>
<b>APPENDIX A: PROCEDURES FOR THE RESOLUTION OF COMPLAINTS OF PROHIBITED CONDUCT .....</b>	<b>36</b>
<b>APPENDIX B: RESOURCES FOR SUPPORT.....</b>	<b>45</b>
CONFIDENTIAL RESOURCES.....	45
COMMUNITY RESOURCES.....	45
EXTERNAL AGENCIES .....	45
RESOURCES FOR EMPLOYEES .....	46
REPORTING TO LAW ENFORCEMENT AUTHORITIES .....	46
REPORTING RESOURCES FOR CHILD ABUSE PROTECTION .....	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>ADDENDUM NO. 1.....</b>	<b>46</b>
<b>ADDENDUM NO. 2.....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>

## I. POLICY STATEMENT

Mid-Atlantic Christian University is committed to providing a safe, healthy, and God-honoring environment in all aspects of its Education Programs and Activities, free from unlawful sex discrimination. To demonstrate our love for God (Deut. 6:4-5), our love for people as unique image-bearers of God (Genesis 1:26-27; Luke 10:27-28), and our commitment to the Holy Scriptures (2 Timothy 3:16-17), as well as to fulfill federal, state, and local civil rights laws and regulations, Mid-Atlantic Christian University has developed policies and procedures that ensure a prompt, fair, and impartial process for those involved in an allegation of Prohibited Conduct as defined in this Policy. This Sex Discrimination Response & Title IX Policy and Procedures (the “Policy”) prohibits all forms of Sex Discrimination, Sex-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Retaliation, and Sexual Exploitation. It explains the various resolution options available when an allegation is made.

## II. RELIGIOUS LIBERTY

Mid-Atlantic Christian University is a private Christian University that qualifies as a religious educational institution entitled to protection for religious liberty under the U.S. Constitution, Title IX, Title VII, and relevant state law. Nothing in this Policy will undermine the integrity of Mid-Atlantic Christian University’s status as a religious educational institution. Therefore, conduct by a member of the Mid-Atlantic Christian University Community that is in conformity with Mid-Atlantic Christian University’s Christian beliefs (as Mid-Atlantic Christian University determines those beliefs) will not be deemed to violate this Policy, notwithstanding the definitions set forth in the Title IX regulations. Furthermore, nothing in this Policy shall require Mid-Atlantic Christian University to take any action, or fail to take any action, inconsistent with its religious beliefs.

## III. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT

This Policy is only applicable to alleged conduct that occurred after August 1, 2024. All policies are available at <https://www.macuniversity.edu/student-life/safety-and-security/title-ix-sexual-violence/> and by emailing the Title IX Coordinator at [bane.angles@macuniversity.edu](mailto:bane.angles@macuniversity.edu).

This Policy applies to all students;<sup>1</sup> student organizations; Mid-Atlantic Christian University employees and contractors, including staff, faculty, and administrators; and all other persons who participate or attempt to participate in Mid-Atlantic Christian University’s Education Programs and Activities, including third-party visitors on campus (“Mid-Atlantic Christian University’s Community”). This Policy prohibits the conduct set forth in Section VIII regardless

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<sup>1</sup> For the purpose of this Policy, Mid-Atlantic Christian University defines “student” as any individual who has gained admission at Mid-Atlantic Christian University of Elizabeth City, North Carolina and presently has an active program status with Mid-Atlantic Christian University of Elizabeth City, North Carolina.

of the Complainant and Respondent's relationship status and whether the Complainant and Respondent are members of the same or opposite sex.

Mid-Atlantic Christian University may investigate any alleged violation of this Policy that occurs in the context of Mid-Atlantic Christian University's Education Programs and Activities (including academic, educational, extracurricular, and other MACU'S programs) or for which Mid-Atlantic Christian University otherwise has a substantial interest, regardless of whether that conduct occurred on or off campus. A substantial interest includes:

1. Any action that constitutes a criminal offense as defined by applicable law (this includes, but is not limited to, single or repeat violations of any local, state, or federal law);
2. Any situation in which it is determined that the Respondent poses an immediate threat to the health or safety of any student or other member of Mid-Atlantic Christian University's Community;
3. Any situation that significantly impinges upon the rights, property, or achievements of a member of the Mid-Atlantic Christian University Community or significantly breaches the peace or causes social disorder within the Mid-Atlantic Christian University Community;
4. Any situation where the alleged misconduct may have continuing effects on campus or in an off-campus Education Program or Activity; or
5. Any situation that is detrimental to the educational interests or mission of Mid-Atlantic Christian University.

All actions by a student that involve the use of Mid-Atlantic Christian University's computing and network resources from a remote location, including but not limited to accessing email accounts, using learning management systems, and participating in online classes, will be deemed to have occurred in the context of Mid-Atlantic Christian University's Education Programs and Activities.

If the Respondent is unknown or is not otherwise subject to sanctions imposed by Mid-Atlantic Christian University, the Title IX Coordinator will offer the Complainant Supportive Measures, remedies, and resources, such as identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, assisting to contact local or campus law enforcement if the individual would like to file a police report. Although Mid-Atlantic Christian University may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and, where appropriate, the broader Mid-Atlantic Christian University Community.

If any terms of this Policy conflict with terms of another Mid-Atlantic Christian University policy, the terms of this Policy will control.<sup>2</sup>

## IV. DEFINITIONS

**Confidential Resources:** Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties to which privilege or confidentiality applies. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual or if a federal, state, or local law mandates disclosure, such as in the case of child abuse and neglect.

**Confidential Advisors:** Mid-Atlantic Christian University provides students who have experienced sexual violence with access to Confidential Advisors to provide emergency or ongoing support to such students. To speak to a Confidential Advisor, please contact School Counselors (Cindy Thomas and Dr. David King). Contact a counselor via e-mail: [cindy.thomas@macuniversity.edu](mailto:cindy.thomas@macuniversity.edu) or [David.king@macuniversity.edu](mailto:David.king@macuniversity.edu).

**Complainant:** When used in this Policy, the Complainant is a person who is alleged to have experienced Prohibited Conduct while participating or attempting to participate in Mid-Atlantic Christian University's education program or activity at the time of the alleged discrimination.

**Complaint:** A Complaint is an oral or written request alleging a violation of this Policy against a Respondent and requesting that Mid-Atlantic Christian University initiate an investigation and make a determination regarding responsibility pursuant to this Policy and its Complaint Resolution Procedures. Oral Complaints can be made to the Title IX Office in person, over the phone, or via Zoom. A written Complaint may be filed with the Title IX Coordinator or Designee in person, by mail, or by electronic mail by using the contact information in Section VI of this Policy. Complaints may only be made by a Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant; or, in limited circumstances, the Title IX Coordinator.

**Designated Reporter:** Designated Reporters are required to report any information regarding conduct that may reasonably constitute Prohibited Conduct by this Policy to the Title IX Coordinator. All Mid-Atlantic Christian University all employees are Designated Reporters unless they have been designated by Mid-Atlantic Christian University as a Confidential Resource or Confidential Advisor. All Resident Assistants and Housing Advisors are also Designated Reporters for the purpose of this Policy.

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<sup>2</sup> Mid-Atlantic Christian University's obligation to comply with Title IX is not alleviated by any State law, local law, FERPA (20 U.S.C. 1232g), FERPA regulations (34 CFR part 99), or any other requirement that conflicts with Title IX.

**Good Faith Report:** A report by a person who has reasonable cause to believe the report is true and who is making it without malice or consideration of personal benefit.

**Mid-Atlantic Christian University's Education Programs and Activities:** Mid-Atlantic Christian University's Education Programs and Activities include all of the operations of Mid-Atlantic Christian University (onsite or remote), including both admissions and employment. Conduct occurs within the scope of Mid-Atlantic Christian University's Education Programs and Activities when:

- It occurs on any Mid-Atlantic Christian University's campus – onsite or through remote means;
- It occurs on a property or in any facility owned and controlled by Mid-Atlantic Christian University;
- It occurs as part of Mid-Atlantic Christian University operations, whether in-person or remote;
- It occurs in a building owned or controlled by a student organization that is officially recognized by Mid-Atlantic Christian University or
- It is conduct that is subject to Mid-Atlantic Christian University's disciplinary authority.

**Party or Parties:** Refers to the Complainant and the Respondent, or both collectively.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, or medical conditions related thereto, or recovery therefrom.

**Preponderance of the Evidence:** A type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard as applied in this Policy, the burden of proof is met when the Decision Maker reviews the relevant evidence and concludes that there is a greater than 50% chance that the claim is true.

**Prohibited Conduct:** Conduct prohibited by this Policy, as defined in Section VIII.

**Relevance:** Questions and evidence are relevant if they seek evidence that may aid in determining whether the alleged sex discrimination occurred.

**Respondent:** When used in this Policy, the Respondent is the person who is alleged to have engaged in Prohibited Conduct.

**Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not to be used for punitive or disciplinary reasons, and without fees or charges to the Complainant or Respondent to:

- Restore or preserve that party's access to Mid-Atlantic Christian University's Education Programs or Activities, including measures that are designed to protect the safety of the

parties or Mid-Atlantic Christian University's community and educational environment or

- Provide support during Mid-Atlantic Christian University's grievance procedures or during Informal Resolution.

## V. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY

Mid-Atlantic Christian University is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. To the fullest extent practicable, consistent with fair and full investigation procedures, information related to a report of Prohibited Conduct will be shared by Mid-Atlantic Christian University only with those who need to know<sup>3</sup> (i) to assist in the investigation or resolution of the report, or (ii) to allow Mid-Atlantic Christian University to comply with other requirements under this Policy or federal, state, or local law. Individuals who are involved in the review, investigation, or resolution of reports or Complaints are trained to safeguard private information.

Mid-Atlantic Christian University prohibits Parties, and their advisors, and witnesses from distributing documents as well as other information and evidence obtained solely through their participation in the Complaint Resolution Procedures, including, but not limited to, the Complaint, interview summaries, the evidence file, and investigative report, other than for the purpose of a Party consulting with their advisor. Nothing in this section should be interpreted to be a restriction upon a Party to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Complaint Resolution Procedures or any other civil, criminal, or administrative legal proceeding.

As appropriate, a Mid-Atlantic Christian University official, such as the Title IX Coordinator, may issue an order restricting the Parties from disclosing specific information. Additionally, sharing information obtained through the Complaint Resolution Procedures may also constitute Retaliation prohibited under this Policy if other elements of the definition of Retaliation are satisfied. Mid-Atlantic Christian University will provide other participants, such as witnesses and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with Mid-Atlantic Christian University's rules regarding privacy.

Mid-Atlantic Christian University will take reasonable measures to protect the privacy of proceedings and records; however, Mid-Atlantic Christian University cannot and does not guarantee that privacy will be maintained. Privacy does not mean that Mid-Atlantic Christian

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<sup>3</sup> For example, if Mid-Atlantic Christian University has reasonable suspicion that a student or employee may be a risk of harm or direct threat to the safety of others, Mid Atlantic Christian University may use discretion to disclose necessary information for the protection of the Mid-Atlantic Christian University Community and its operations.



University is constrained from divulging facts of proceedings in appropriate circumstances and where permitted by law.

Students and employees who wish to obtain confidential assistance without making a report to Mid-Atlantic Christian University may do so by contacting the Confidential Resources listed in Appendix B. These resources will not share any personally identifiable information with other Mid-Atlantic Christian University employees without express permission unless doing so is necessary to address a serious and ongoing threat to the Mid-Atlantic Christian University Community or where required by federal, state or local law.

When Mid-Atlantic Christian University receives a report or Complaint of Prohibited Conduct, but the Complainant requests that their identity remain confidential or that Mid-Atlantic Christian University not take action to address the conduct reported, Mid-Atlantic Christian University must balance this request against its responsibility to provide a safe and non-discriminatory environment for all members of the Mid-Atlantic Christian University Community. Mid-Atlantic Christian University will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request, but its ability to do so may be limited. If Mid-Atlantic Christian University determines that it cannot maintain a Complainant's request for confidentiality, Mid-Atlantic Christian University will inform the Complainant as soon as practicable and will take steps to protect and assist the Complainant. The Complainant will not be required to participate in any proceedings initiated by Mid-Atlantic Christian University. However, if the Complainant declines to participate in an investigation or adjudication under this Policy and its Complaint Resolution Procedures, Mid-Atlantic Christian University's ability to meaningfully respond to a report of Prohibited Conduct may be limited.

## VI. TITLE IX COORDINATOR

Mid-Atlantic Christian University has designated the Title IX Coordinator, with the assistance of designated staff, to coordinate Mid-Atlantic Christian University's compliance with Title IX and related provisions of the Clery Act<sup>4</sup> (as amended by the Violence Against Women Act or VAWA<sup>5</sup>) and North Carolina state law. The Title IX Coordinator oversees compliance with all aspects of this Policy. When used in this Policy, the term Title IX Coordinator may include an appropriate Designee. If you have any questions about this Policy, you may contact Mid-Atlantic Christian University's Title IX Coordinator:

Dr. Bane Angles (Director/Title IX Coordinator)  
Office of Title IX  
Lewis Hall, 2nd Floor

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<sup>4</sup> [2014-24284.pdf \(govinfo.gov\)](#)

<sup>5</sup> <https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>

709 N. Poindexter Street, Elizabeth City, NC 27909  
252-334-2000 Ext 2021 – bane.angles@macuniversity.edu

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and related Complaint Resolution Procedures. The Title IX Coordinator may delegate responsibilities under this Policy to qualified Mid-Atlantic Christian University staff or external professionals. Individuals tasked with aspects of the implementation of this Policy and its Complaint Resolution Procedures receive appropriate training as required by relevant federal, state, and local laws.

The Title IX Coordinator will monitor Mid-Atlantic Christian University's Education Programs and Activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

## VII. CAMPUS AND COMMUNITY RESOURCES

### 1. Overview of Resources and Disclosures

Mid-Atlantic Christian University is committed to the safety and care of all individuals and to treating each person with value, honor, and compassion according to our calling as followers of Christ. Both Complainants and Respondents have equal access to support and counseling through Mid-Atlantic Christian University's Counseling Services. All Parties are encouraged to utilize on-campus or off-campus resources for assistance. For a comprehensive list of resources, see Appendix B of this Policy.

Any individual who has been the victim of a crime is encouraged to get to a safe place and to call 911 or to contact local law enforcement immediately.

Mid-Atlantic Christian University recognizes that not every individual will choose to report conduct prohibited by this Policy to Mid-Atlantic Christian University or to law enforcement. Accordingly, Confidential Resources are available to all students and employees. Confidential Resources can provide critical support and information and can assist individuals in evaluating whether to make a report to Mid-Atlantic Christian University or to law enforcement. Confidential Resources are listed in Appendix B.

As set forth in Appendix B, Mid-Atlantic Christian University's Counseling Services are Mid-Atlantic Christian University's designated Confidential Resources. Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An

exception may be made if there is an imminent risk of harm to the reporting party or another individual or where required by federal, state, or local law.

All other employees of Mid-Atlantic Christian University are Designated Reporters and have an obligation to share any information about conduct that may reasonably constitute Prohibited Conduct with the Title IX Coordinator.

To speak to a Confidential Advisor, please contact School Counselors (Cindy Thomas and Dr. David King). Contact a counselor via e-mail: [cindy.thomas@macuniversity.edu](mailto:cindy.thomas@macuniversity.edu) or [David.king@macuniversity.edu](mailto:David.king@macuniversity.edu).

## 2. Medical Care After a Sexual Assault

Any person who experiences criminal conduct of a sexual nature is encouraged to immediately seek medical assistance. Seeking medical care does not result in a report to law enforcement or to Mid-Atlantic Christian University. Medical providers can facilitate or provide the following:

- Treatment of any injury or physical trauma
- HIV and STI testing
- Pregnancy testing
- Advice on health care concerns related to the incident
- Collection and preservation of evidence as a part of a sexual assault forensic exam for potential use in criminal prosecution

### Support Services

The needs of someone who has been sexually assaulted vary from person to person and may vary over time. The University offers a diverse array of services and external resources, many of which may be accessed 24 hours a day so that a person may choose what she or he would find most helpful and healing.

### Sentara Albemarle Medical Center

(252) 335-0531, 1144 N. Road Street Elizabeth City, NC (24 Hours)

The Sentara Albemarle Medical Center Emergency Room follows specific policies and procedures, approved by the State in treating an individual who has been sexually assaulted.

The State may pay for emergency room care for victims who have been sexually assaulted and do not have health insurance; if a victim provides health insurance information to the emergency room, the emergency room will bill the insurance company, and the policyholder will be notified as usual.

- The victim is placed in a private room.
- Medical care is given as soon as possible.
- By law, city police are notified, and the victim may choose to file a report.

#### Elizabeth City Police Department

(252) 335-4321, 305 East Main Street. Elizabeth City, NC (24 Hours)

The Elizabeth City Police Department urges anyone who has been sexually assaulted to call immediately in order to strengthen the likelihood of successful prosecution. ECPD can be contacted by dialing 9-1-1.

Responsibilities of the ECPD include:

- Attending to the victim's immediate needs, including personal safety and prompt medical care.
- When appropriate, broadcasting a description of the offender.

#### Albemarle Hopeline

(252) 338-5338

Albemarle Hopeline is a private, non-profit organization that provides comprehensive direct and preventative services to victims of family violence, sexual assault, and teen dating violence in the counties of Pasquotank, Camden, Chowan, Currituck, Perquimans, and Gates.

Albemarle Hopeline offers:

- Emergency Shelter
- Counseling
- Court Advocacy
- Crisis Response Team
- Prevention Education
- Information and Referrals

### 3. Pregnancy and Related Conditions

Mid-Atlantic Christian University is committed to creating an educational environment that is free from discrimination based on pregnancy or related conditions. Students may request reasonable modifications for pregnancy or related conditions by contacting the Title IX

Coordinator at [bane.angles@macuniversity.edu](mailto:bane.angles@macuniversity.edu). Reasonable modifications vary based on the student's circumstances and may include academic accommodations and flexibility (such as breaks during classes, excused absences, rescheduling of tests, extensions of deadlines, and alternatives to make up missed work); leaves of absences or changes in work schedules; changes to housing; or other types of modifications. The Title IX Coordinator will meet with the student and review the request for reasonable modifications.

Additionally, Mid-Atlantic Christian University provides a lactation room on the Elizabeth City campus. This space is exclusively designated and reserved for female students and employees who are lactating. Students may obtain a key from the game room for access to the lactation room. The lactation room is operated on a first-come, first-serve basis. It is located on the 1<sup>st</sup> floor of Faith Hall. For information or help reserving the lactation room, contact the Title IX Coordinator at [bane.angles@macuniversity.edu](mailto:bane.angles@macuniversity.edu).

## VIII. PROHIBITED CONDUCT

Prohibited Conduct is defined below. Mid-Atlantic Christian University will respond to all reports of Prohibited Conduct pursuant to this Policy. Conduct that does not meet the definitions below or that is not otherwise prohibited by this Policy may violate other Mid-Atlantic Christian University policies or may be considered inappropriate or unacceptable within the Mid-Atlantic Christian University Community. In appropriate cases, the Title IX Coordinator may refer reports of such conduct elsewhere within Mid-Atlantic Christian University for resolution.

1. **Sex Discrimination:** Sex Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's sex. Sex Discrimination includes any intentional differential treatment of a person or persons based on sex or when policies or practices that appear to be neutral unintentionally result in a disparate impact on a group or person based on sex and the differential treatment or disparate impact excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in Mid-Atlantic Christian University's Education Programs or Activities.<sup>6</sup>

2. **Sex-Based Harassment (Applicable under Title IX and Title VII):** A form of sex discrimination that includes sexual harassment and other harassment on the basis of sex.

a. **Quid Pro Quo:** An employee, agent, or other person authorized by Mid-Atlantic Christian University to provide aid, benefit, or service under Mid-Atlantic Christian University's Education

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<sup>6</sup> A person or persons will not be found to have committed sex discrimination based solely on adhering to the religious and biblical beliefs of Mid-Atlantic Christian University as stated and explained in Mid-Atlantic Christian University's doctrinal and positional statements.

Program or Activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

b. **Hostile Environment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive or persistent that it limits or denies a person's ability to participate in or benefit from Mid-Atlantic Christian University's Education Programs or Activities. Whether a hostile environment has been created requires a fact-specific inquiry that includes analysis of the following considerations:

- I. Degree to which the unwelcome conduct affected the Complainant's access to Mid-Atlantic Christian University's Education Programs or Activities;
- II. Type, frequency, and duration of the unwelcome conduct;
- III. Parties' ages, roles, within Mid-Atlantic Christian University's Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the unwelcome conduct;
- IV. Location and context of the unwelcome conduct; and
- V. Other sex-based harassment in Mid-Atlantic Christian University's Education Programs or Activities.

c. **Sexual Assault/Sexual Violence<sup>7</sup>:** Any one or more of the following sexual acts directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent.

- I. **Non-Consensual Sexual Penetration (Rape, Sodomy)**
  - a) Non-Consensual Sexual Penetration includes penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another individual, either:
    1. without the consent of the individual, or
    2. in instances in which the individual is incapable of giving consent because of age, or because of temporary or permanent mental or physical incapacity.
- II. **Non-Consensual Sexual Contact (Fondling)**
  - a) The touching, either directly or through clothing, of the private body parts of another individual (buttocks, groin, breasts) for the purpose of sexual gratification, either:
    1. without the consent of the individual, or

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<sup>7</sup> Sexual Assault constitutes "sexual violence" as defined under relevant Illinois law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

2. in instances in which the individual is incapable of giving consent because of age, or because of temporary or permanent mental or physical incapacity.
- III. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- IV. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent in the state where the sexual intercourse occurs.<sup>8</sup>

d. **Dating Violence:** Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

e. **Domestic Violence:** Violence, including but not limited to, sexual or physical violence committed by a current or former spouse or intimate partner of an individual, by a person with whom the individual shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner, or by a person similarly situated to a spouse of the individual under the domestic or family violence laws of the state where the alleged misconduct occurred, or by any other person against an adult or youth individual who is protected from that person's acts under the applicable domestic or family violence laws of the state where the alleged misconduct occurred.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates.

f. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

- I. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- II. Reasonable person means a reasonable person under similar circumstances and with similar characteristics to the Complainant.
- III. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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<sup>8</sup> North Carolina state law, the age of consent is sixteen (16).

An employee will not be found to have engaged in stalking based solely on the employee's performing certain tasks or duties required by their employment with Mid-Atlantic Christian University.

3. **Sexual Exploitation:** Sexual Exploitation is engaging in any of the following:

- I. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;
- II. Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
- III. Exposing one's genitals to another person without the consent of that person;
- IV. Exposing another person to a sexually transmitted disease or infection without the knowledge and consent of the person exposed; and
- V. Causing another person to become incapacitated with the intent of making that person vulnerable to Sexual Assault or Sexual Exploitation.

In addition to the above definition, examples of sexual exploitation include, but are not limited to:

- I. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- II. Knowingly creating, possessing, or disseminating child sexual abuse images or recordings; and
- III. Creating or disseminating synthetic media (through the use of artificial intelligence or other means), including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes).

4. **Aiding or Facilitating:** Knowingly and intentionally aiding or facilitating any act of Prohibited Conduct, before or after the fact, is a violation of this Policy.

5. **Retaliation:** Retaliation, or peer retaliation, is adverse action taken against an individual with the purpose of interfering with an individual's rights under this Policy and the Complaint Resolution Procedures, including for making a report or for participating or refusing to participate in an investigation, proceeding, or hearing. Retaliation may include intimidation,



threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct. Complaints of retaliation that are made during the course of the investigation or resolution of a Complaint of Prohibited Conduct will be investigated and resolved along with the allegations in the Complaint pursuant to the Complaint Resolution Procedures. Complaints of retaliation that are made after a Complaint is resolved will be investigated and resolved pursuant to the Employee Information Guide or Student Life Guide, depending on the identity of the respondent.

**6. False or Bad Faith Allegations:** An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from Mid-Atlantic Christian University's academic programs.

## 7. Consent, Coercion, and Incapacitation

a. **Consent:** Sexual contact must be consensual at all times, and sexual contact is considered consensual only after Consent has been given. Consent is a knowing, voluntary, and mutual decision among all participants to engage in the particular sexual activity at issue. Consent can be given by words or actions, but those words or actions must create clear permission regarding willingness to engage in the sexual activity at issue. Silence or lack of resistance, by itself, does not demonstrate consent. The definition of Consent does not vary based upon a participant's sex.

The following principles apply to the above definition of Consent:

- Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be withdrawn at any time.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- A person is incapable of consent when they are below the minimum age of consent in the state where the sexual act is occurring or because of a temporary or permanent mental or physical incapacity.
- Consent cannot be given when it is the result of any coercion.

b. **Coercion:** Coercion is intimidation or other conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement, (2) expressed or

implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person to fear such harm. Coercion can include unreasonable and sustained pressure for sexual activity when a person expresses their decision to not participate in a particular form of sexual activity, a decision to stop a sexual activity, or a decision not to go beyond a certain sexual interaction. Coercive behavior differs from seductive behavior based on the type of pressure used to get consent from another. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

c. **Incapacitation:** Incapacitation is a state where one cannot make a rational decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or are physically helpless. Incapacitation negates consent. An individual cannot give consent when mentally or physically incapacitated, when the incapacity is known or, based on the circumstances, should reasonably have been known. An individual who engages in sexual activity when that individual knows or should have known that the other person is physically or mentally incapacitated has violated this Policy. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. Some examples of Incapacitation may include:

- I. The person is incapacitated due to the use or influence of alcohol or drugs. Because the impact of alcohol and other drug use varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence to prove they were incapacitated under this Policy. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to give consent.
- II. The person is asleep or unconscious.
- III. The person is involuntarily restrained.
- IV. The person is incapacitated due to a mental or physical disability.

## IX. MAKING A REPORT UNDER THIS POLICY

### 1. Reporting Guidelines

All members of the Mid-Atlantic Christian University's Community are encouraged to report information about any form of conduct potentially prohibited by this Policy involving a student or an employee. Mid-Atlantic Christian University will respond to all reports of Prohibited Conduct, including contacting the Complainant to discuss the availability of Supportive Measures, resources for support, and options for resolution.

At the time a report of Prohibited Conduct is made, a Complainant does not have to decide whether to pursue resolution of the report through any particular resolution process. Although

Mid-Atlantic Christian University may need to take action as a result of a particular report, Mid-Atlantic Christian University will endeavor to respect a Complainant's wishes in making the decision that is best for them and will provide support to assist in making that decision. Because Prohibited Conduct often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be substantiated by additional direct evidence. Lack of corroborating direct evidence should not discourage a person from reporting an experience of Prohibited Conduct.

Individuals may make a report of Prohibited Conduct by reporting online at <https://www.macuniversity.edu/student-life/safety-and-security/title-ix-sexual-violence/> or by emailing the Title IX Coordinator, Dr. Bane Angles, at [bane.angles@macuniversity.edu](mailto:bane.angles@macuniversity.edu).

<sup>9</sup>

#### a. Designated Reporters

Subject to the exceptions in Section VII(1) above, all Mid-Atlantic Christian University employees, including Resident Assistants and Housing Advisors and student employees when engaged in their employment duties, are Designated Reporters. When Designated Reporters become aware of an alleged incident of Prohibited Conduct that involves a student or employee as either the Complainant or Respondent, they are always obligated to report the information they have to the Title IX Coordinator. Designated Reporters should be prepared to report the name, date, time, location, and description of the incident (if known). They are otherwise required to maintain an individual's privacy to the greatest extent possible.

When the Title IX Coordinator receives a report of Prohibited Conduct, they will contact the Complainant, if known, or other individual reporting the Prohibited Conduct, to offer resources and Supportive Measures to the Complainant. The Complainant will also be advised of the option to make a complaint, if such an option is available, and any other available reporting options and resources.

A Designated Reporter who receives a report should not, under any circumstances, promise or guarantee confidentiality or attempt to resolve the report without first reporting it to the Title IX Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

**Important:** Please note that all Mid-Atlantic Christian University employees must also report suspected or known child abuse (including any suspected Prohibited Conduct perpetrated

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<sup>9</sup> If any person wishes to report or make a complaint that the Title IX Coordinator or any other individual hired within the Title IX office engaged in Prohibited Conduct, such report should be made directly to Mid-Atlantic Christian University's President, either by letter or email. The President will appoint another trained individual to take the place of the Title IX Coordinator or other official Title IX personnel for purposes of processing such report or complaint.

against those under the age of 18) to the applicable state children and family services department. To contact the North Carolina Department of Health and Human Services go to: <https://www.ncdhhs.gov/assistance/childrens-services>  
Or call 1-800-662-7030.

#### b. Time Frame for Reporting

There is no time limitation on reporting or filing a complaint of Prohibited Conduct. However, if the Respondent is no longer subject to Mid-Atlantic Christian University's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on reports and complaints significantly impacted by the passage of time (including, but not limited to, acts that have been impacted by the rescission or revision of this Policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures or remedies, or engage in informal or formal action, as appropriate.

#### c. Anonymous Reporting

Individuals other than Designated Reporters who receive a report of Prohibited Conduct may submit reports of Prohibited Conduct anonymously. An anonymous reporter may make a report without disclosing their name, identifying the Respondent, or requesting action. Depending on the level of information included about the conduct or the individuals involved, anonymous reporting may reduce Mid-Atlantic Christian University's ability to respond or take appropriate action. Moreover, Mid-Atlantic Christian University will generally not be able to take disciplinary action against an individual based solely on an anonymous report.

#### d. Public Awareness and Advocacy Events

Public awareness or advocacy events at which students disclose incidents of Prohibited Conduct do not initiate Mid-Atlantic Christian University's Title IX obligations, including its obligation to investigate reports of Prohibited Conduct. Such events may, however, inform the need for campus-wide educational and prevention efforts, and Mid-Atlantic Christian University may implement broad community initiatives in response to such events where appropriate.

## 2. Response to Reports of Prohibited Conduct

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will provide the Complainant with an explanation of their rights under this Policy, the process for filing a Complaint, an overview of their options for resolution of the complaint, and the Complaint Resolution Procedures. The Complainant will also be informed of the range of possible outcomes of the resolution process, including potential remedial actions and possible disciplinary actions that may be taken against the Respondent upon a finding of a violation of

this Policy. The Complainant will also be advised of their right to request that Mid-Atlantic Christian University refrain from initiating a resolution process and their right to file a report with Mid-Atlantic Christian University Public Safety and state and local law enforcement.

The Complainant will be informed of the availability of Supportive Measures regardless of whether the Complainant files a complaint. The Title IX Coordinator will consider the Complainant's requests for Supportive Measures in accordance with Section X of this Policy.

### 3. Advisors

The Complainant and Respondent each have the right to have an Advisor of their choosing present with them at all stages under this Policy and its Complaint Resolution Procedures. If a Party does not have an Advisor but wishes to have one, Mid-Atlantic Christian University can, at its discretion, provide an Advisor at the request of the Party at any point in the Formal Process. The Advisor may be any person, including an attorney. The Parties may be accompanied by their respective Advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the Advisor may provide support and advice to the Parties at any meeting or proceeding, Mid-Atlantic Christian University may establish restrictions regarding the extent to which the Advisor may participate in the proceedings. Advisors may not speak on behalf of the Parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings or proceedings.

An Advisor should plan to make themselves reasonably available, and Mid-Atlantic Christian University will not unduly delay the scheduling of meetings or proceedings based on the Advisor's availability. If an Advisor fails to comply with the Complaint Resolution Procedures or established rules of decorum, Mid-Atlantic Christian University reserves the right to exclude the Advisor from further participation in the process. The Title IX Coordinator, Decision Maker (if the occurrence is during the live hearing), or Investigator(s) (if the occurrence is during the interviews) is responsible for interpreting and applying this provision.

### 4. Amnesty for Drug and Alcohol Use and Consensual Sexual Activity

The health and safety of every individual at Mid-Atlantic Christian University is important. Mid-Atlantic Christian University recognizes that individuals who have been drinking or using drugs (whether such use is voluntary or involuntary) or have engaged in consensual sexual relationships that are otherwise prohibited by Mid-Atlantic Christian University's policies may be hesitant to report incidents of Prohibited Conduct due to fear of potential consequences for their own conduct. Mid-Atlantic Christian University strongly encourages individuals to report such Prohibited Conduct.

Moreover, a Complainant, witness, Respondent, or other individual who reports in good faith, shall not be subject to discipline under other Mid-Atlantic Christian University policies for potential conduct violations that arise out of the same facts and circumstances as a report of Prohibited Conduct (such as those that prohibit drug and alcohol use or consensual sexual activity between students) unless Mid-Atlantic Christian University determines that the conduct at issue was egregious, including, but not limited to, actions that placed the health or safety of any other person at risk.

During an investigation under this Policy, conduct violations of other Mid-Atlantic Christian University policies that are unrelated to the incident of Prohibited Conduct may be discovered. As such instances arise, Mid-Atlantic Christian University may exercise discretion in determining appropriate sanctions, which may include lesser sanctions than those stated in the relevant policy or no sanctions at all. Any discretionary determination will be considered on a case-by-case basis.

Mid-Atlantic Christian University may offer and encourage support, counseling, or education efforts to help students or employees who are granted amnesty to benefit the individual and the campus community.

## 5. Coordination with Law Enforcement

Mid-Atlantic Christian University strongly encourages Complainants to pursue criminal action for Prohibited Conduct that may also constitute a crime.<sup>10</sup> Mid-Atlantic Christian University is available to assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue criminal action to the extent permitted by law. Neither law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are solely determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Mid-Atlantic Christian University may not delay conducting its own investigation unless specifically requested by law enforcement to do so. In the event of such a specific request, Mid-Atlantic Christian University will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. Mid-Atlantic Christian University will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of Supportive Measures to assure the safety and well-being of

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<sup>10</sup> Mid-Atlantic Christian University specifically encourages Complainants to report all forms of "sexual violence" as defined under relevant North Carolina law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (<https://www.doa.nc.gov/documents/files/presentation-titleixcampussave/open>)

all Parties and the Mid-Atlantic Christian University Community. Mid-Atlantic Christian University will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

## X. SUPPORTIVE & OTHER INTERIM MEASURES

Mid-Atlantic Christian University will offer and implement appropriate and reasonable Supportive Measures to the Parties upon notice of alleged Prohibited Conduct. At the time that Supportive Measures are offered, Mid-Atlantic Christian University will inform the Complainant, in writing, that they may file a Complaint with Mid-Atlantic Christian University either at that time or in the future, if they have not done so already. The Title IX Coordinator will work with the Complainant and Respondent to ensure that their wishes are considered with respect to the Supportive Measures that are offered. Mid-Atlantic Christian University will act to ensure as minimal an academic or employment (if applicable) impact on the Parties as possible. Mid-Atlantic Christian University will implement measures in a way that does not unreasonably burden the other Party.

Supportive Measures may include, but are not limited to:

- Referral to counseling, medical, or other healthcare services
- Referral to community-based service providers
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related support
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

### 1. Review of Supportive Measures

Upon request, a Complainant or Respondent will be afforded a reasonable and prompt opportunity to seek modification or reversal of any Supportive Measure that directly affects them and will be permitted to submit evidence in support of any changes requested. A request to do so should be made in writing to the Title IX Coordinator. The request for modification or reversal of a decision to provide, deny, modify or terminate supportive measures shall be reviewed by an impartial employee at Mid-Atlantic Christian University. The impartial employee must be someone other than the person who implemented the supportive measures, have

authority to modify or reverse the decision, and determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures.

A request for modification or reversal of a Supportive Measure will be responded to with a written determination within seven (7) business days of receiving the request.

## 2. Emergency Removal

If after undertaking an individualized safety and risk analysis, the Title IX Coordinator, in consultation with the Vice President of Student Life or designee (if the matter involves a student), Vice President of Human Resources or designee (if the matter involves an employee), and any other necessary personnel, determines that the Respondent poses an imminent and serious threat to the health or safety of any student or other individual in the Mid-Atlantic Christian University community, Mid-Atlantic Christian University may remove the Respondent on an emergency basis from the entirety of Mid-Atlantic Christian University's Education Programs and Activities or, as may be appropriate, from selected programs and activities. The length and nature of the removal will depend on the facts of the particular case. Mid-Atlantic Christian University will notify the Respondent of the Emergency Removal, and the Respondent will have an opportunity to challenge the decision and its terms, including by submitting evidence, within 48 hours of the notice.

## 3. Administrative Leave

Mid-Atlantic Christian University may place employee Respondents, including student employees, on administrative leave from their employment responsibilities, consistent with the Employee Information Guide, during the pendency of the Informal or Formal Resolution process conducted pursuant to this Policy and its procedures.

## 4. Requirement of Non-Disclosure

It is prohibited to disclose any information about any Supportive Measures to persons other than the person to whom they apply. Supportive Measures may only be disclosed if necessary to provide the supportive measure or restore or preserve a party's access to the education program or as permitted by law.

## 5. Violations

Violations of no-contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.



## XI. RESOLUTION PROCESS

### 1. Options for Resolution of Reports

Reports of Prohibited Conduct are generally resolved either through a Support-Based Resolution, an Informal Resolution, or a Formal Resolution.

### 2. Initial Review

When the Title IX Coordinator receives any report of Prohibited Conduct, the Title IX Coordinator will initiate a review of the allegations. Information learned during the initial inquiry will inform the Title IX Coordinator's determination regarding the provision of Supportive Measures to the Parties and appropriate resolution processes.

### 3. Support-Based Resolution

A Support-Based Resolution of a report of Prohibited Conduct occurs when the report does not result in the filing of a Complaint. Support-Based Resolutions will include the offering and provision of supportive measures intended to restore equal access to Mid-Atlantic Christian University's Education Programs and Activities and to preserve a safe and non-discriminatory environment for living, working, and learning for students and employees. A Support-Based Resolution will not include a determination as to whether the Respondent engaged in Prohibited Conduct.

### 4. Complaints

A Complaint is an oral or written request alleging a violation of this Policy against a Respondent and requesting that Mid-Atlantic Christian University initiate Resolution of the Complaint pursuant to this Policy and its Complaint Resolution Procedure. Oral Complaints can be made to the Title IX Office in person, over the phone, or via Zoom. A written Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. For matters involving Prohibited Conduct as defined in this Policy, the Complainant must have been participating or attempting to participate in Mid-Atlantic Christian University's Education Programs and Activities at the time the alleged Prohibited Conduct occurred.

If the Complainant chooses not to move forward with a Complaint, the Title IX Coordinator has discretion to file a Complaint. Where the Title IX Coordinator determines that Mid-Atlantic Christian University cannot honor the Complainant's request that no Complaint be pursued under this Policy, the Title IX Coordinator will promptly initiate the resolution process by filing a Complaint on behalf of Mid-Atlantic Christian University. In determining whether to file a Complaint, the Title IX Coordinator will consider the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in Prohibited Conduct by the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the Complainant is a minor;
- Whether Mid-Atlantic Christian University possesses other means to obtain evidence, such as security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator decides to file a Complaint, The Title IX Coordinator will notify the Complainant of Mid-Atlantic Christian University's intention to proceed with a Complaint and offer Supportive Measures. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, the Complainant's identity will be disclosed as necessary to effectuate the resolution process. The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in an investigation or the adjudicative process under these Complaint Resolution Procedures, Mid-Atlantic Christian University's ability to investigate meaningfully and respond to a report of Prohibited Conduct may be limited.

#### a. Consolidation of Complaints

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation where the Prohibited Conduct arises out of the same facts or circumstances. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents and a single Complainant, or multiple Complainants and multiple Respondents.

If the allegations under this Policy involve violations of a separate Mid-Atlantic Christian University policy, Mid-Atlantic Christian University will have the right, within its sole discretion, to consolidate those other allegations within one investigation or hearing under this Policy and its accompanying Complaint Resolution Procedures.

#### b. Dismissal of Complaints

After the Complaint has been submitted (orally or in written), or during the initial inquiry, investigation, or resolution process, a Complaint may be dismissed under the following situations:

- Mid-Atlantic Christian University is unable to identify the Respondent after taking reasonable steps to do so;
- the Complainant voluntarily withdraws some or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate the Complaint, and Mid-Atlantic Christian University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or other Prohibited Conduct under this Policy;
- the Respondent is no longer enrolled or employed by Mid-Atlantic Christian University or
- Mid-Atlantic Christian University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or other Prohibited Conduct under this Policy. Before dismissing the Complaint, Mid-Atlantic Christian University will make reasonable efforts to clarify the allegations with the Complainant.

Upon any dismissal, the Title IX Coordinator will promptly, and simultaneously, send written notice of the dismissal and the rationale for doing so to the Complainant (if no Notice of Allegations has been issued) or simultaneously to the Parties (if the Respondent has received a Notice of Allegations). The Title IX Coordinator shall notify the Parties, as applicable, that the dismissal may be appealed pursuant to the appeal bases and procedures set forth in Section XIII Appeals, below.

When a Complaint is dismissed, the Title IX Coordinator shall continue to offer Supportive Measures as set forth in Section X to both Parties as appropriate.

After dismissal under this Policy, if the conduct, as alleged, could violate another Mid-Atlantic Christian University policy, the Title IX Coordinator may transfer the matter, and all information related to it, to the appropriate Mid-Atlantic Christian University office for assessment and potential further action.

## 5. Notice of Allegations

Upon receipt of a Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the Complaint and commencement of the resolution process pursuant to this Policy and its Complaint Resolution Procedures. Such notice will:

- identify the Complainant and the Respondent;
- specify the alleged Prohibited Conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Complaint;
- identify the Investigator or the facilitator of Informal Resolution;

- inform the Parties that they will each have the opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker as part of the resolution process;
- inform the Parties that they will each have equal opportunity to access the relevant and not otherwise impermissible evidence and a final investigative report as part of the resolution process;
- inform the Parties of their right to have an Advisor of choice, who may be, but is not required to be, an attorney, at all stages of the resolution process who may accompany the respective Party to meetings and proceedings;
- inform the Parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation;
- explain that Mid-Atlantic Christian University prohibits knowingly making false statements or submitting false information during the resolution process;
- specify that the Respondent is presumed not to have violated the Policy unless and until a determination is made at the end of the Complaint Resolution Process; and
- include any other information required by federal, state, or local law.

If, at any point prior to the resolution of the Complaint, the Title IX Coordinator determines that there are additional allegations of Prohibited Conduct not included in the original notice that should be investigated, the Title IX Coordinator must provide the Parties with an amended notice of additional allegations.

## 6. Informal Resolutions

At any time prior to a determination of whether alleged conduct violated this Policy, the Parties may seek to resolve a report of Prohibited Conduct through Informal Resolution. Participation in Informal Resolution is voluntary; the Title IX Coordinator will neither pressure nor compel either Party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms. Informal resolution is not allowed in cases where a student Complainant accuses an employee Respondent of Prohibited Conduct.

Before the Title IX Coordinator approves the Informal Resolution process or the terms of any Informal Resolution, the Title IX Coordinator will determine that the Title IX Office has sufficient information about the matter to make these decisions. The Parties are strongly encouraged, although not required, to consult with their Advisors during the Informal Resolution process.

If the Informal Resolution process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to this Policy. For this reason, the Investigator will not participate in Informal Resolution. The Title IX Coordinator or designated informal resolution facilitator will

oversee the Informal Resolution process and have access to all Institute records in the matter, including any records or reports prepared during an investigation. While the Parties are exploring Informal Resolution, any pending investigation will pause, and the time spent pursuing Informal Resolution will not count toward the presumptive time frame for completing the investigation.

The Title IX Coordinator or Designee will consult separately with both Parties as part of the informal Resolution process. The Parties will have an opportunity to recommend what they believe the appropriate terms and conditions of an Informal Resolution agreement should be. In support of their position, Parties are encouraged to submit impact/mitigation information they believe the Title IX Coordinator should consider in evaluating any term or condition.

Informal Resolution agreement terms may include, but are not limited to, any sanctions or remedies that could be imposed as a result of a finding following a hearing under these proceedings.<sup>11</sup> Additional terms may include:

- Impact Letter
- Apology Letter
- Counseling
- Mentoring
- Discipleship
- Directed Study<sup>12</sup>
- Reflection Paper
- Other forms of restorative action

Both Parties must agree to the terms in writing before an Informal Resolution agreement becomes effective. At any time before a written agreement is effective, the Complainant or the Respondent may withdraw from the Informal Resolution process, and the Title IX Coordinator may also, at their discretion, terminate the process. As a necessary precondition of an Informal Resolution agreement, the Respondent must accept responsibility for all or part of the alleged Prohibited Conduct.

If both Parties are satisfied with the recommendation of the Title IX Coordinator or Designee, the matter will be resolved with a written agreement. The Title IX Coordinator or Designee will provide each Party, separately, with a copy of the proposed agreement for the Party to review,

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<sup>11</sup> If the Respondent agrees to an Informal Resolution agreement that provides for a suspension, withdrawal, dismissal, or expulsion from Mid-Atlantic Christian University, there will be a notation on the student's record consistent with Mid-Atlantic Christian University's policy.

<sup>12</sup> Directed study may be conducted by the Title IX Coordinator or Faculty member, ranging from educational opportunities revolving around Policy Definitions to deeper educational opportunities that may require curriculum-based learning through discussion, papers, and accountability, etc.

sign, and return. If both Parties return the signed written agreement to the Title IX Coordinator or Designee the terms of the agreement will become effective, and the Title IX Coordinator or Designee will promptly notify both Parties in writing that the agreement is final. Once the agreement is effective, the Parties may not appeal the agreement and the Complainant may not seek to refile the Complaint absent new allegations of Prohibited Conduct. The Parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to proceedings under the Student Life Guide or the Employee Information Guide.

If the process is terminated and the matter is resolved pursuant to the formal resolution process, neither the Title IX Coordinator/informal resolution facilitator nor the Parties will disclose to the Investigator, Decision Maker, or appellate reviewers either the fact that the Parties had participated in the Informal Resolution process or any information learned during the process.

## 7. Formal Resolutions

The Formal Resolution process is guided by provisions of this section of this Policy and by the Complaint Resolution Procedures. The Formal Resolution process is overseen by the Title IX Coordinator and will be conducted in a prompt and equitable manner, pursuant to the time frames set forth in Section XIV. Throughout the Formal Resolution process, all responsible personnel will maintain a commitment to impartiality.

### a. Evidentiary Standard and Burden of Proof

Until a finding is made under this Policy, the Respondent is presumed not responsible for allegations of Prohibited Conduct. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence (as defined above). Mid-Atlantic Christian University, not the Parties, has the burden of proof and the burden of gathering evidence sufficient to reach a finding of responsibility.

### b. Investigation and Adjudication Procedures

Appendix A outlines the procedures for the resolution of reports of Prohibited Conduct in violation of this Policy.

## 8. Witness Role and Participation in the Investigation

Employees (including, but not limited to, Full-Time employees, Part-Time Professionals, and Adjunct Faculty, but not including the Complainant and Respondent) are required to cooperate with and participate in Mid-Atlantic Christian University's response to reports of Prohibited Conduct and the Complaint Resolution Procedures. If an employee has a conflict of interest or

other reason why he or she cannot participate, the employee must notify the Title IX Coordinator in writing and provide the basis for the inability to cooperate.

Student witnesses and witnesses from outside the Mid-Atlantic Christian University community cannot be required to participate but are encouraged to cooperate with Mid-Atlantic Christian University's investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. The Title IX Coordinator will take appropriate steps to ensure the security/privacy of remote interviews.

## XII. SANCTIONS & REMEDIES

### 1. Sanctions

Sanctions for students who are found to have violated this Policy include eviction from campus housing, dismissal, expulsion, disciplinary probation(s), warning(s), community service, fines, formal reprimand, warning status, withdrawal, loss of privilege, restitution/reconciliation, developmental/educational assignments, referral for counseling and/or assessment, or an agreement governing the student's behavior.

Sanctions for employees (including faculty) who are found to have violated this Policy include a letter of warning, official reprimand, probation, referral to a required counseling program, suspension from employment with pay, suspension from employment without pay, termination from employment, or training on Prohibited Conduct.

All Respondents are expected to comply with the assigned sanctions within the timeframe specified by the final Decision-Maker(s), including the Appeal Panel. Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, including suspension, expulsion, and/or termination from Mid-Atlantic Christian University. Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

### 2. Remedies

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Decision Maker may implement additional remedies for the Complainant and/or the Mid-Atlantic Christian University community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

### 3. Disclosure of Final Results

Pursuant to 34 CFR § 99.31(a)(14), if the Decision Maker finds that the Respondent violated this Policy by committing acts of sexual assault or sexual violence or other crimes of violence under Section VIII, Mid-Atlantic Christian University has discretion to disclose to a third party, without the consent of the student, the final results of a hearing under this Policy and Complaint Resolution Procedures if 1) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and 2) with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. Mid-Atlantic Christian University will not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

## XIII. APPEALS

Both Parties may appeal the Title IX Coordinator's dismissal of a Complaint or any allegations therein or the determination of responsibility following a hearing on the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonable available when the determination whether sex-based harassment occurred or dismissal was made;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome; or



- The Sanctions or Remedies imposed are disproportionate with the violation(s).

A Party may commence an appeal by notifying the Title IX Coordinator of their desire to appeal and by submitting a written statement to the Title IX Coordinator within five (5) business days of the issuance of the final determination of responsibility or the dismissal of the Complaint.

The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

The appeal statement is limited to 2,500 words. Failure to submit an appeal and statement within the five (5) business days or any approved extension constitutes waiver of the right to appeal.

A copy of the appeal statement will be provided to the other Party, who, within five (5) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing Party's statement and the specific facts asserted by the appealing Party. The response is limited to 2,500 words.

The Title IX Coordinator will submit the appeal and response, if any, to the appellate panel, ("Appeal Panel") which will be comprised of individuals appointed by the Title IX Coordinator. The panel members will not be the Title IX Coordinator, the Investigator, Decision Maker, or any Title IX team members assigned to the case that is being appealed. The Appeal Panel will establish a reasonable schedule for issuing a written decision, typically no later than ten (10) business days after receipt of the non-appealing Party's submission or the time for submission has expired.

The Appeal Panel may affirm the decision or sustain any of the above-specified grounds for appeal, in which case the Appeal Panel may:

- reverse a decision or finding;
- change a sanction or remedy;
- remand a decision of dismissal to the Title IX Coordinator;
- remand a case to the original Decision Maker for clarification or reconsideration consistent with the Appeal Panel's decision, if doing so would assist with a timely, practicable, and efficient resolution of the case;
- remand a case for a new hearing to either the original Decision Maker or a newly assigned Decision Maker; or

- remand a case for a new or additional investigation, followed by an adjudication consistent with these procedures, to either the original Investigator or to a new Investigator.

If the Appeal Panel reverses a finding of not responsible and finds the Respondent responsible for Prohibited Conduct, the Appeal Panel must also determine appropriate sanctions and remedies in their written decision. If the Appeal Panel calls for the admission of new evidence, if possible, it will remand the case to the Decision Maker from which it originated for a new hearing or review. Upon remand from the Appeal Panel, as necessary and possible, a Decision Maker may remand a case to the Investigator from which it originated for further investigation.

The decision of the Appeal Panel will be final and binding on all Parties.

## XIV. TIME FRAMES

Mid-Atlantic Christian University seeks to resolve all reports of Prohibited Conduct pursuant to the following time frames

- Informal Resolution: typically completed within 30-60 calendar days.
- Formal Resolution: typically completed within 90-120 calendar days.

The Title IX Coordinator may extend the time frames for good cause. Good cause for extension may include the unavailability of the Parties or their Advisors, concurrent law enforcement investigation, the complexity of the allegations, or other extenuating circumstances. Any extension, and the reason(s) therefore, will be shared with the Parties, in writing.

## XV. TRAINING

The Title IX Coordinator, Investigators, Decision Makers, Appeal Panel members, Informal Resolution facilitators, employees, and students shall, at a minimum, receive all training and education required pursuant to Title IX, the Violence Against Women Act, and North Carolina State Law.

## XVI. RECORD KEEPING

Mid-Atlantic Christian University will maintain the following records:

- Records of reports of Prohibited Conduct under this Policy and any actions taken in response to the reports, including the issuance of supportive measures and educational efforts;
- Records related to each Formal Resolution process;
- Records related to each Informal Resolution process;

- Materials used to train and educate the Title IX Coordinator, Investigator, Decision Makers, Appeal Panel members, and Facilitators of Informal Resolution as well as materials used to train and educate the Mid-Atlantic Christian University community.

This information will be used by the Title IX Coordinator to monitor patterns and areas of concern. In general, records will be kept for seven (7) years after the date the reported incident is resolved. Certain records may be retained longer in Mid-Atlantic Christian University's sole discretion, including for active employees.

## XVII. CONFLICTS OF INTEREST

Mid-Atlantic Christian University personnel who administer this Policy and the related Complaint Resolution Procedures must be free of conflicts of interest and bias that could affect the outcome of a particular report or Complaint. All Mid-Atlantic Christian University personnel involved in a particular matter are required to determine whether they have a conflict of interest or bias and, if so, report the issue to the Title IX Coordinator so that a different person may be assigned to the matter. If any Party believes that Mid-Atlantic Christian University personnel have a conflict of interest or bias with respect to a particular report or Complaint, the Party should report the concern to the Title IX Coordinator within three (3) business days.

## XVIII. POLICY REVISIONS

This Policy succeeds any previous procedures addressing sex discrimination, sex-based harassment, and related retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. Mid-Atlantic Christian University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this Policy, this Policy will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create any legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

# Appendix A: Procedures for the Resolution of Complaints of Prohibited Conduct

## **I. SCOPE OF THESE PROCEDURES**

The procedures set forth below will guide the investigation and adjudication of Complaints of Prohibited Conduct, as defined in Section VIII.

## **II. INITIATION OF THE INVESTIGATION**

An investigation under these procedures will be initiated at the Title IX Coordinator's direction after receipt of a Complaint and the issuance of a Notice of Allegations to the Parties.

## **III. THE INVESTIGATION**

### **1. Overview of the Investigation**

The investigation is a neutral evidence-gathering process. During the investigation, the Parties will have an equal opportunity to be heard, to submit relevant evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either Party. Mid-Atlantic Christian University may continue an investigation without the participation of any Party.

### **2. The Investigator**

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator may be a Mid-Atlantic Christian University employee or an external party.

### **3. Evidence Collection**

#### **a. Testimonial Evidence Collection: Investigative Interviews**

Testimony is evidence. Thus, throughout the investigation, the Investigator will endeavor to interview the Parties and other individuals (witnesses) who have information that is relevant or related to the allegations of the Complaint, including fact and expert witnesses identified by the Parties. The Investigator will provide written notice of the date, time, and location of the interview, with sufficient time for the participants to prepare. Investigative interviews may be conducted in person, or via telephone or video conference. Following the investigative

interview, the Investigator will prepare a full written summary of the interview (“Interview Summary”).

If a Party or witness declines to participate in investigative interviews deemed necessary by the Investigator, the Party or witness will be unable to provide testimony at the hearing absent a showing of good cause.

b. Non-Testimonial Evidence Collection

During the investigation, the Investigator will gather other available evidence and information that is related to the allegations of the Complaint, including, without limitation, electronic and other records of communications between the Parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Records

The Investigator will maintain records of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator will also maintain a record of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These records will be made a part of the evidence file.

#### **4. Evidence File and Investigative Report**

At the conclusion of the fact-gathering process, the Investigator will prepare an Evidence File and Investigative Report.

a. The Evidence File

The Investigative File will include all the evidence that is relevant and permissible to the allegations in the Complaint, including the interview summaries, evidence that is both inculpatory and exculpatory, and evidence upon which Mid-Atlantic Christian University does not intend to rely.

b. Final Investigative Report

The Final Investigative Report will be prepared by the Investigator and will fairly summarize all the relevant evidence obtained during the investigation. Relevance Determinations are generally guided by the principles set forth below in Section V of this Procedure. The Final Investigative Report will also contain a timeline of all procedural steps taken by Mid-Atlantic

Christian University from the time of the filing of the Complaint to the conclusion of the investigation.

c. Submission of the Final Investigative Report and Evidence File to the Parties

The Investigative Report and Evidence File will be simultaneously provided to the Parties and their Advisors in electronic format. The Parties will have five (5) business days to submit a written response to the Final Investigative Report and Evidence File. The Parties' written response may include responses to the evidence and requests that the Investigator accepts, seeks, or obtains additional evidence or conduct follow up inquiries of the other Party or witnesses. The Parties' responses may also include challenges to the Investigators' assessment of relevance.

d. Additional Evidence Collection

The Investigator will consider the written responses of the Parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in the collection of additional evidence, such additional evidence will be included in the Evidence File. The new evidence will be shared with the Parties and their Advisors electronically. The Parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period.

e. Prohibition of Evidence Not Offered During the Investigation

In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation or during this designated review and response period will not be considered in the determination of responsibility for a violation of the Policy and will not be considered during the hearing process.

## **IV. THE HEARING**

### **1. Overview**

Upon conclusion of the Investigation, a hearing will be held to determine whether the Respondent is responsible for the alleged Prohibited Conduct in the Complaint. As set forth in Section XI of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the preponderance of the evidence. The hearing is a private proceeding. The only people present will be the Parties, their Advisors, the Decision Maker, witnesses (when invited to participate), and any staff necessary for conducting the hearing.

### **2. Hearing Participants**

a. Decision Maker

Mid-Atlantic Christian University will designate the Decision Maker for the moderation of the hearing and determination of finding and sanction. This may take the form of a single Decision Maker or a three-member panel at the Title IX Coordinator's discretion. With a panel, one of the three members will be appointed as Chair (the "Hearing Chair") by the Title IX Coordinator and will be responsible to make discretionary decisions as the primary Decision Maker in the following subsections. The Decision Maker may not be a facilitator of Informal Resolution or the Investigator.

Upon receipt of the notice of the Decision Maker, the Parties will have three (3) business days to object to the appointment of a Decision Maker in accordance with Section XVII of this Policy, on the basis of demonstrated bias or conflict of interest.

b. The Parties

The Parties are permitted to participate in the entirety of the hearing, portions thereof, or they can decline to participate in the hearing entirely, and the Decision Maker will not draw an adverse inference against a Party based solely on their decision not to participate in all or some of the hearing proceedings.

In accordance with Section III(3)(a) of these Complaint Resolution Procedures, if a Party declined to participate in investigative interviews deemed necessary by the Investigator, the Party will not be permitted the opportunity to provide testimony at the hearing absent a showing of good cause.

If a Party who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was good cause for the non-participation, the Decision Maker, in their discretion, may permit the Party to participate. If the Decision Maker permits the Party to participate in the hearing, the Decision Maker will first reschedule or adjourn the hearing for the Investigator to interview the Party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

c. Advisors

The Parties have the right to have an Advisor of their choice present at the hearing in accordance with Section IX(3) of this Policy. Advisors may not speak on behalf of the Parties or otherwise participate in, or in any manner delay or disrupt the hearing. If an Advisor fails to comply with the Complaint Resolution Procedures or the established Rules of Decorum, Mid-Atlantic Christian University reserves the right to exclude the Advisor from further participation

in the process. The Title IX Coordinator and/or appointed Decision Maker(s) is responsible for interpreting and applying this provision.

d. Witnesses

The Decision Maker will determine, in their sole discretion, which witnesses will be invited to participate at the hearing. Witnesses who are invited to participate in the hearing will be permitted to attend the hearing only when providing testimony. In accordance with Section III(3)(a) of these Complaint Resolution Procedures a witness who declined to participate in an investigative interview will not be permitted to provide testimony at the hearing absent a showing of good cause.

If a witness who declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was good cause for the nonparticipation, the Decision Maker, in their discretion, may permit the witness to participate. If the Decision Maker permits the witness to participate in the hearing, the Decision Maker will first reschedule or adjourn the hearing for the Investigator to interview the Party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

e. Hearing Facilitators

The orderly administration of hearings will be supported by Hearing Facilitators, who are individuals either internal or external to Mid-Atlantic Christian University and appointed by the Title IX Coordinator. The Title IX Coordinator may or may not serve as a Decision Maker in the matter but may serve as a Hearing Facilitator if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a Designee may fulfill this role.

### **3. Notice of Hearing**

The Title IX Coordinator will notify the Parties in writing of the date, time, and location/format of the hearing. The notice will include the charges at issue and a brief summary of the alleged Prohibited Conduct. All efforts will be made to provide the Notice of Hearing no later than five (5) business days prior to the hearing and to schedule the hearing as soon as practicable.

Either Party may request to have a hearing rescheduled. The request may be granted at the discretion of the Title IX Coordinator. Absent extenuating circumstances, requests to reschedule must be submitted at least three (3) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason. Given the number of individuals involved in a hearing, and the attendant difficulty of scheduling and rescheduling them in a timely manner, it may not be possible to accommodate all scheduling requests. The Title IX



Coordinator may also reschedule a hearing, without a request by the Parties, when there is reasonable cause to do so.

#### **4. Hearing Format**

The hearing will be live and will provide the Parties an opportunity to address the decision-maker in person. Participants may be physically present in the same geographic location, or at Mid-Atlantic Christian University's discretion, some or all of the hearing may be conducted remotely, using virtual platforms (i.e., video conferencing). Upon request to the Title IX Coordinator, a Party may participate in the hearing remotely. Such requests for remote participation should be made at least two (2) business days in advance of the scheduled hearing.

#### **5. Pre-Hearing Conferences**

Prior to the hearing, the Hearing Facilitator and the Decision Maker will meet with the Parties and their Advisors, separately, for the purposes of conducting a pre-hearing conference. At the pre-hearing conference, the Decision Maker will review these Complaint Resolution Procedures, the rules of decorum, and the proposed hearing schedule. The Parties will be permitted to ask questions. The Decision Maker will not discuss matters of evidence with the Parties during the pre-hearing conference.

#### **6. Impact/Mitigation Statements**

The Parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The Parties may submit the statement to the Title IX Coordinator up until the start of a hearing. The statements are distributed to the Decision Maker and the Parties only if the Decision Maker finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the Parties with a copy of the Decision Maker's written decision.

#### **7. Hearing Procedures**

Opening statements and closing arguments by the Parties or Advisors are not permitted during the hearing. Typically, the format of the hearing will be as follows:

- a. Opening Prayer
- b. Opening Instructions

The hearing will begin with opening instructions by the Decision Maker or the Hearing Chair (if by Panel). The Parties will be afforded the opportunity to ask questions about the format of the hearing and these procedures at the conclusion of the opening instructions.

### c. Questioning

The Decision Maker will determine the order of questioning. The Decision Maker will question the Party or witness first with the Decision Maker's own questions. Then the Decision Maker will ask the relevant and permissible questions posed by the Parties, including questions challenging credibility and any follow-up questions submitted by the Parties as permitted by the Decision Maker. Prior to posing a question submitted by a Party, the Decision Maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision Maker will allow a Party to modify or rephrase any question that is not permitted.

Neither Party nor their Advisors are permitted to ask questions of the opposing Party or any witness during the hearing.

### d. Closing Remarks

At the conclusion of testimony, the Decision Maker/Chair will conclude the proceedings with brief closing remarks.

## **8. Determination Regarding Responsibility and Notice of Outcome**

The Decision Maker will determine whether the Respondent is responsible for the alleged Prohibited Conduct (by a majority vote if by Panel) based on a preponderance of the evidence standard. The Decision Maker retains discretion regarding the weight or credibility to assign the evidence. If the Decision Maker makes a finding of responsibility, the Decision Maker will determine the appropriate sanctions and remedies, in accordance with Section XII of this Policy by a majority vote. The Decision Maker may consult with other Mid-Atlantic Christian University officials, in their discretion, when determining the appropriate sanctions and remedies to issue. In matters where a finding of responsibility is made, the Decision Maker will consider the Impact/Mitigation statements of the Parties prior to determining sanctions.

The Decision Maker will issue a written determination that will include the procedural steps taken during the investigation, the specific Prohibited Conduct for which the Respondent was found responsible and not responsible, the findings of fact and the rationale for the Decision Maker's determinations regarding both responsibility and sanctions, what sanctions will be imposed if the Respondent is found responsible, whether remedies designed to restore or preserve equal access to Mid-Atlantic Christian University's Education Programs and Activities will be provided to the Complainant, and instructions and time limits for appeals.

The written determination may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision Maker deems appropriate.

Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision Maker's Written Determination.

## **9. Hearing Record**

Mid-Atlantic Christian University will make an audio/video recording of all hearings, but not of deliberations. The Parties may view and listen to the recording of the hearing. Access will be facilitated in a manner deemed appropriate by the Title IX Coordinator. Individuals appearing before the Decision Maker, whether as a Party or witness, as well as the Decision Maker are prohibited from recording any portion of the hearing.

The Decision Maker has access to the hearing record. The hearing record will include: the recording and any written transcript of the hearing, the Decision Maker's final determination, the final evidence file and investigative report, the Parties' Impact/Mitigation Statements, if there is a determination of responsibility, and information concerning any prior misconduct by the Respondent.

## **V. EVIDENTIARY CONSIDERATIONS**

### **1. Relevance**

Evidence is relevant when it is related to the allegations of sex discrimination or other Prohibited Conduct under investigation and may aid a Decision Maker in determining whether the alleged sex discrimination occurred. Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

#### **a. Prior Sexual History of Complainant**

Evidence and questions about the Complainant's sexual interests or prior sexual conduct are impermissible unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual conduct with the Respondent and are offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### **b. Prior or Subsequent Conduct**

Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of

conduct prohibited by this Policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

c. Medical and Mental Health Condition, Treatment, or Diagnosis

Generally, during both the investigation and any hearing to determine responsibility, evidence of a party's or witness's medical or mental health diagnosis or treatment is not permissible unless the party or witness provides voluntary, written consent for the use of such evidence in Mid-Atlantic Christian University's Complaint Solution Procedures.

d. Privilege and Confidentiality

The Investigator and Decision Maker will not allow, rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege or confidentiality, unless the person holding such privilege or right to confidentiality has waived the privilege or confidentiality.

## **2. Newly Offered Evidence**

If, after the issuance of the Final Evidence File and Final Investigative Report and prior to the issuance of the Decision Maker's decision, including at the hearing, a Party or the Investigator seeks to present a witness or introduce evidence not offered prior to the hearing and not disclosed to the Investigator, the Decision Maker may grant admission of the evidence only upon a showing of good cause, which may include that the evidence could not have reasonably been discovered with due diligence.

Where the Decision Maker permits a Party to introduce a newly discovered witness or evidence, the Decision Maker will reschedule or adjourn the hearing for the Investigator to investigate the newly discovered witness or evidence and, if appropriate, to amend the Final Evidence File and Final Investigative Report.

## Appendix B: Resources for Support

### Confidential Resources

To speak to a Confidential Advisor, please contact School Counselors (Cindy Thomas and Dr. David King). Contact a counselor via e-mail: [cindy.thomas@macuniversity.edu](mailto:cindy.thomas@macuniversity.edu) or [David.king@macuniversity.edu](mailto:David.king@macuniversity.edu). Or call (252) 334-2000.

### **National Resource**

RAINN (Rape, Abuse & Incest National Network)  
24-hour National Sexual Assault Hotline:  
(800) 656-HOPE - Chat online at [hotline.rainn.org](http://hotline.rainn.org).

### Community Resources

### **Albemarle Hopeline**

(252) 338-5338

### External Agencies

### **National Suicide Prevention Hotline**

800-273-8255  
<https://suicidepreventionlifeline.org/>

### **US National Domestic Violence Hotline**

800-799-7233

## Resources for Employees

### **Equal Employment Opportunity Commission**

129 West Trade Street

Suite 400

Charlotte, NC 28202

1-800-669-4000

[www.eeoc.gov](http://www.eeoc.gov)

North Carolina Office of Civil Rights Division

<https://www.oah.nc.gov/civil-rights-division>

## Reporting to Law Enforcement Authorities

Call 911 as soon as possible if someone is in immediate danger or needs immediate medical attention. If you believe that you have experienced or witnessed Sexual Harassment and Sexual Violence, you may file a police report directly with your local police department, you may seek assistance from Mid-Atlantic Christian University's Title IX Coordinator to make a police report, or you may decline to notify authorities.

*Elizabeth City Police Department (252) 335-432,*

*305 East Main Street. Elizabeth City, NC (24 Hours)*