

INTRODUCTORY STATEMENT:

This Title IX policy and procedure statement is intended to provide direction for those who have been a target of or who witness Sex Based Misconduct (see “Definition” section below) to report such Sex Based Misconduct without fear of retaliation (see Definition section below).

POLICY STATEMENT

Manhattan Christian College (MCC) strives to provide an environment where positive interpersonal relationships flourish. Foundational to positive outcomes is the expectation that all members of the MCC community follow biblical standards of conduct and Christian ideals in the treatment of others. Manhattan Christian College prohibits Sex Based Misconduct as well as retaliation against any individual who reports a Title IX Complaint.

This Policy applies to all members of the MCC community—students (regardless of national origin, immigration status, or citizenship status), employees, guests, vendors, contractors, and third parties who visit MCC’s campus -- with respect to all conduct in admissions, employment, academic, educational, extra-curricular, or other program or activity (collectively, “MCC’s programs and activities”) on campus and off-campus, including MCC programs and activities outside the United States. Accordingly, MCC may investigate all Title IX Complaints regardless of where the alleged conduct occurs.

IDENTIFICATION OF TITLE IX COORDINATOR

In accordance with Title IX, MCC has identified a Title IX Coordinator. The Coordinator is responsible for implementing and monitoring Title IX compliance on behalf of the College. This includes:

- Coordination of training for responsible reporting parties
- Development and implementation of educational programs on sexual misconduct
- Receive reports of Sexual Misconduct from all responsible parties and implement any immediate or interim measures which may be appropriate.
- Administrate complaint and grievance procedures for the handling of suspected or alleged violations of Title IX.

Questions or additional information regarding Title IX Compliance at Manhattan Christian College may be directed to MCC’s Title IX Coordinator:

Dr. Rick Wright
Vice President for Student Life
1415 Anderson Avenue
Manhattan KS 66502
rwright@mccks.edu
(785) 539-3571 ext. 330

Questions regarding Title IX may also be directed to the assistant secretary for Civil Rights (OCR) at the Department of Education.

Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106

Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

REPORTING AN INCIDENT OF SEX BASED MISCONDUCT

Any person who has been the victim of Sex-Based Misconduct has the right to report or not report the alleged incident. There are a number of reporting options available. It is important to understand that choosing one option does not preclude you from pursuing another option now or in the future.

A person who wishes to report Sex-Based Misconduct may report directly to any or all of the following:

- Title IX Coordinator
- Any Non-student MCC employee
All MCC employees must refer reports of Sex-Based Misconduct to the Title IX Coordinator. No staff or faculty member can provide a person with confidentiality when a report is made known to them about Sex-Based Misconduct. Any staff or faculty member can help a person report Sex-Based Misconduct to the Title IX Coordinator.
- Any Resident Assistant
- Any volunteer providing oversight to an MCC program or activity (i.e. athletic coach)
- Local law enforcement
MCC's process is completely separate from the police and courts. MCC's Title IX process and the criminal process may be pursued simultaneously.
- Office of Civil Rights of the U.S. Department of Education

A person who wishes to speak confidentially about an incident of Sex-Based Misconduct may take advantage of any or all of the following resources. Information provided to these resources will not, except in limited circumstances, be forwarded to the Title IX Coordinator without the express written permission of the reporter.

- On campus resources
Greg Delort has been designated as the only confidential resource. Reports made to this individual will not be forwarded to the Title IX Coordinator without the express written permission of the reporter.
- Off campus resources
This includes healthcare professionals and crisis centers

REPORTING RETALIATION: Any form of retaliation under this policy is prohibited. An individual who believes they are the focus of Retaliation, should make a complaint with the president of MCC. If the individual believes the president is part of the retaliatory behavior, the complaint should be made to the chair of the board of trustees.

For detailed information regarding the investigative process once a complaint has been filed, see MCC's current Crime and Safety Report. **(Note: Hyperlink to the proper section of the Crime and Safety Report. The alternative would be to copy and paste the appropriate section each fall so that the two documents have the same information. The following information is from the Crime & Safety Report currently posted on the website if you want to take the second option.)**

COMPLAINT REVIEW PROCEDURES: Campus disciplinary actions in the case of an alleged sex offense involving MCC students ensure that both the accuser and the accused have equal opportunity to have others present during the disciplinary proceedings. Throughout the review process, the Vice President of Student Life or designee will keep both the complainant and respondent as fully informed as is reasonable regarding the process.

Resolution of sexual violence complaints will be adjudicated in the following manner: The student making the complaint, or complainant, must file a written notice of complaint with the Office of Student Life as soon as possible after the incident occurred. A designee from the Office of Student Life will be assigned to assist the complainant in developing a fully detailed report of the incident. A copy of the written complaint will be provided to the person accused of the assault, or respondent, who will be provided an opportunity to respond in writing. If the respondent provides a written response, a copy will be given to the complainant. A designee from the Office of Student Life will assist the respondent in preparing a written response, answering questions and concerns, and making appropriate referrals.

The Vice President of Student Life, or his designee, will review the reports and convene a two member panel to determine whether college policy has been violated. The complainant and the respondent shall each have the right to provide to the panel a list of witnesses that the panel may interview, and to have a support person present when the complainant or respondent is before the review panel. This person may advise the complainant or respondent, but may not speak to the panel. If this person is an attorney, the Office of Student Life must be notified 24 hours in advance of the hearing. The panel will interview the complainant, the respondent, and relevant witnesses. Both the complainant and respondent have the right to respond in person before the panel to the other party's description of the alleged event and to witness' statements prior to the panel making its final determination. All hearings will be audio taped. If both parties agree, both parties will be present at the hearing at the same time. If both parties do not agree to be present at the same time, each party may view the other party's statement via audio tape and may be present at the hearing during other times. Questions from each party to be posed to the other party and/or to witnesses may be submitted to the review panel for consideration.

The hearing panel will determine, after the gathering and reviewing of all the evidence, and based on the preponderance of evidence, whether a violation of College policy has occurred. If the panel does not determine that a violation of the Policy has occurred, the following measures will be taken: A written letter of findings will be made from the panel to the Vice President of Student Life or designee. Both the complainant and the respondent will receive letters from the Vice President of Student Life or designee outlining the steps that have been taken in the review process and an explanation of the outcome of the review.

If the panel determines that a violation of College policy has occurred, the following measures will be taken: A written letter of findings will be made from the panel to the Vice President of Student Life or designee; sanctions will be devised in accord with the seriousness of the behavior. Sanctions may range from warning to expulsion from the College. Previous findings of a violation of the Policy establishing a pattern of behavior may be considered in determining sanctions. Both the complainant and the respondent will receive letters from the Vice President of Student Life or designee outlining the steps taken in the review process, an explanation of the determination made and the sanctions imposed. (If the alleged victim is deceased as a result of the crime or offense, the college will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.)

Appeal Process. Complainants and respondents who believe that a satisfactory resolution of the alleged incident has not been reached by the review process may appeal the panel's decision on the record directly to the College president. The written appeal must be received by the president by 5:00 p.m. on the seventh calendar day after receiving the notification letter from the Vice President of Student Life or designee.

Confidentiality. The Office of Student Life will make every reasonable effort to protect the confidentiality of a victim of violence. However, there are situations where the College has a legal and ethical obligation to disclose information regarding certain alleged events to protect the safety of the campus.

Individuals involved in the review of a complaint under this policy will maintain confidentiality to the greatest extent possible consistent with preventing future actions of sexual violence, providing a remedy to persons injured by sexual violence, and allowing the respondent to reply to a complaint if any action is anticipated.

DEFINITION OF KEY TERMS:

For a complete description of various forms of sexual offenses under Kansas State law, the reader is directed to K.S.A. Chapter 21 Article 35.

Complainant: The student, employee, or third party who suffers Sex-Based Misconduct by the conduct of another.

Consent: The freely given agreement evidenced by actual words or conduct to the act of the sexual conduct in question. Lack of verbal or physical resistance or submission by the Complainant shall not constitute Consent. There is no Consent if force or coercion is used to accomplish the sexual conduct. The manner of dress of the Complainant at the time of the offense shall not constitute Consent. Consent may be withdrawn at any time, and a person who initially Consents to sexual conduct is not deemed to have Consented to any sexual penetration or sexual conduct that occurs after he or she withdraws Consent during the course of that sexual penetration or sexual conduct. A person's Consent to sexual penetration or sexual conduct with one person does not constitute Consent to engage in such activity with another person. A person cannot Consent to sexual penetration or sexual conduct if that person is unable to understand the nature of the activity or give knowing Consent due to the circumstances, including without limitation the following: the person is incapacitated due to the use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental disability. A determination regarding the presence or absence of consent shall be based on the totality of the circumstances present in a particular case, including the context in which the alleged incidents occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Includes threats to use physical, mental, or emotional abuse to control another person and the behavior by which a person uses or threatens to use sexual violence against another person.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Hostile Environment: A Hostile Environment is created if the Sex Based Misconduct is sufficiently serious that it denies or limits a student or employee's ability to participate in or benefit from MCC's programs, services, or activities; or has the purpose or effect of unreasonably interfering with an individual's employment.

Quid Pro Quo Sexual Harassment: A type of Sexual Harassment that conditions the terms or conditions of employment, educational benefits, academic grades, living environment, or participation in MCC's activities, either explicitly or implicitly, on submission to or rejection of unwelcome sexual advances or requests for sexual favors.

Respondent: The person alleged to have engaged in Sex-Based Misconduct.

Retaliation: Any attempted or completed adverse action taken without a legitimate reason against an individual because he or she has filed a complaint under this Policy, opposed a policy or practice the individual believed was discrimination under this Policy, engaged in other protected activity such as making a request for a reasonable accommodation, or participated in the investigation or resolution of a complaint under this Policy.

Sexual Assault: (1) An act of sexual penetration by the use of force or threat of force; or (2) an act of sexual penetration where the Respondent knew that the Complainant was unable to understand the nature of the act or was unable to give knowing Consent; or (3) an act of sexual penetration with a Complainant who was under 16 years of age.

Sexual harassment: As most commonly defined, sexual harassment covers any form of unwelcome conduct of a sexual nature. It may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment may occur between persons of the same or opposite sex, and either as single or repeated incidents. Sexual Harassment includes Quid Pro Quo Sexual Harassment. Examples of Sexual Harassment include: unwanted sexual advances, requests for sexual favors or propositions of a sexual nature; direct or implied threats that submission to sexual advances is a condition of employment, promotion, good grades, recommendations, etc.; any unwelcome verbal or physical conduct of a sexual nature which an individual regards as undesirable or offensive. Whether conduct is sufficient to constitute "sexual harassment" is evaluated under the totality of the circumstances, including the frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely an offensive utterance. These factors are evaluated from both subjective and objective viewpoints, considering not only effect that conduct actually had on the person, but also the impact it would likely have had on a reasonable person in the same situation. The conduct must subjectively and objectively meet this

definition to be “sexual harassment” under this Policy. Sexual harassment is considered a form of sex discrimination.

Sexual Misconduct: One or more acts of Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, Sexual Violence, and Stalking.

Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving Consent (*e.g.*, due to the Complainant's age, use of drugs or alcohol, or a disability that prevents the Complainant from having the capacity to give Consent). Conduct will be deemed Sexual Violence whether obtained by force or threat of force and whether completed or attempted. Sexual exploitation (taking non-consensual or abusive sexual advantage of another for your own benefit) may also be considered a form of Sexual Violence, depending on the circumstances. A number of different acts fall into the category of sexual violence, including but not limited to, fondling, rape, statutory rape, incest, sexual assault, sexual battery, domestic violence, and dating violence. Use of alcohol or other drugs by a perpetrator or victim does not excuse acts of sexual violence. Acts of sexual violence are considered forms of sex discrimination.

Stalking: defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Stalking may be accomplished by physical acts or electronic means, such as through computer or cell phone.

Title IX Complaint: Complaints of Sex-Based Misconduct by or against MCC students, employees, or third parties in any MCC programs and activities both on and off MCC's campus.