

MCC's Title IX Policy and Complaint Procedure

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 or Discrimination (refer to "Definitions" document) to report such Sex Based Misconduct or Discrimination without fear of retaliation (refer to "Definitions" document).

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 and Discrimination as well as retaliation against any individual who files 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, or anyone currently engaged in the academic processes-- 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 and Discrimination
- Receive reports of Sexual Misconduct or Discrimination 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
Title IX Coordinator
1415 Anderson Avenue
Manhattan KS 66502
titleix@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/DISCRIMINATION:

Any person who has been the victim of Sex Based Misconduct or Discrimination 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.

The following is a list of mandatory reporters. A report may be made directly to any or all of the following:

- Title IX Coordinator or Deputy coordinators
- Any Non-student MCC employee
All MCC employees must refer reports of Sex Based Misconduct or Discrimination to the Office of Title IX. No staff or faculty member can provide a person with confidentiality when a report is made known to them about Sex Based Misconduct or Discrimination. Any staff or faculty member can help a person report Sex Based Misconduct or Discrimination to the Office of Title IX.
- Any Resident Assistant
- Any Athletic Coach
- Any Student Government Executive

Mandatory reporters must report all sex based misconduct and discrimination to the office of Title IX.

A person who wishes to speak confidentially about an incident of Sex Based Misconduct or Discrimination 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
Gregory A. Delort, Ph.D., M.A. Counseling, 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
Andrews and Associates Counseling (Discounted services for MCC students. Referrals can be obtained through the office of Student Development).

Other reporting options:

- 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

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 Office of Title IX. If the individual believes any part of the Office of Title IX is part of the retaliatory behavior, the complaint should be made to the President of MCC. If the individual believes the President is part of the retaliatory behavior a complaint should be made to the chair of the board of trustees of MCC, contact information can be obtained through the Student Development Office.

Basic reporting and formal complaint procedures for Title IX proceedings are listed here in this document. Detailed information regarding how a formal complaint will proceed will be given in written notice to both parties involved in the process. Definitions for the Title IX process can be found on the Title IX page with a link to a document labeled "definitions."

REPORTING AND PROCEDURES:

- A. Online Sexual Misconduct and Discrimination Report Form submitted
 - a. Report electronically delivered to the Office of Title IX.
 - b. The Office of Title IX reviews and makes a determination to proceed as Title IX or as a Student Conduct issue.
 - c. If determined to be a Title IX issue the Office of Title IX will contact the complainant, review the initial report and explain the Title IX process.
 - d. Refer resources & protective measures as needed.
- B. Complainant/Title IX Coordinator file a written signed Title IX complaint. (At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. 34 C.F.R. §106.30)
 - a. Written notice is communicated to the complainant and respondent including a description of the process.
 - b. Appropriate protective measures will be assessed by the Office of Title IX.
 - c. Investigation will begin, the investigator will communicate with the complainant and respondent.
- C. Investigation
 - a. There will be objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
 - b. The investigation will result in an investigation report that fairly summarizes the investigation and will be completed at least 10 days prior to the hearing and sent to the complainant and respondent and their advisors.
- D. Hearing Process
 - a. The investigation process will be followed by a live hearing during which a Decision-Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those bearing on credibility.

- b. After the hearing, the decision-maker will issue a written determination of responsibility applying preponderance of evidence.
- c. The Office of Title IX will provide the written determination to the complainant and respondent simultaneously. The written determination becomes final upon the earlier of when: (1) the parties are notified of the determination on appeal; or (2) the time to file an appeal has passed with neither party appealing.

E. Appeal

- a. An Appeal will be granted on the following grounds:
 - i. Procedural irregularity that affected the outcome;
 - ii. New evidence not reasonably available that could affect the outcome;
 - iii. Conflict of interest or bias by the institutional participants that affected the outcome.
- b. The non-appealing party will be notified of the appeal and allowed to submit a written statement in response.
- c. The appeal will conclude with a written decision describing the appeal and the rationale for the result that is provided to the parties simultaneously.

F. Informal Resolution

- a. Used only after a formal complaint is filed. Parties must provide their voluntary consent in writing to participate in such a process.
- b. Prior to commencing an informal resolution process, MCC will provide both parties with written notice of the allegations, also describing the parameters of the informal resolution process. This notice will include a statement that a party is permitted to withdraw from the informal resolution process and resume the formal process at any time prior to a resolution being reached.