The Moody Bible Institute of Chicago
Title IX Policy and Complaint Procedure
(as of February 11, 2019)

Overview
This Title IX Policy (this “Policy”) and Complaint Procedure (“Complaint Procedure”) provides an avenue for those who have been the 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).

I. Policy Statement
As a Christian institution of higher learning, The Moody Bible Institute of Chicago (“Moody”) seeks to foster interactions that encourage an atmosphere of respect for all members of the Moody community and an educational and work environment free from Sex-Based Misconduct. To this end, Moody expects members of the Moody community to comply with legal requirements as well as higher standards of conduct consistent with our belief in Jesus Christ which elevates our view of human worth, dignity and interpersonal communication. Moody prohibits Sex-Based Misconduct as well as Retaliation against any individual who reports a Title IX Complaint (see “Definition” section below).

II. Scope of Policy
This Policy covers Sex Discrimination, Sexual Harassment (including Sexual Violence), Domestic Violence, Dating Violence, Stalking and Retaliation (see “Definitions” section below) that occurs on Moody's campus, or otherwise within the context of Moody-sponsored educational programs and activities (collectively, “Moody programs and activities”), whether those are on the Moody campus or off campus, including Moody programs and activities outside the United States. It applies to persons who are on campus or who otherwise participate in Moody-sponsored programs and activities, such as employees, students, applicants for employment or admission, contractors, vendors, visitors, and guests.

Conduct that occurs off campus and outside the context of Moody programs and activities is covered by this Policy only if such conduct relates to Sex Discrimination, Sexual Harassment (including Sexual Violence), Domestic Violence, Dating Violence, Stalking, or Retaliation that is alleged to have occurred on the Moody campus or in the context of a Moody program or activity. Conduct that is beyond the scope of this Policy may, however, be subject to other Moody policies including, but not limited to, student conduct policies.

All forms of Sex-Based Misconduct covered by this Policy share the fundamental characteristic that they are unwelcome or done without a person’s consent. While this Policy does not address consensual sexual conduct, other Moody policies, such student conduct policies, regulate consensual sexual conduct. Moody reserves the right to investigate reports of consensual sexual conduct under those other policies.
III. Amnesty for Student Misconduct

Moody recognizes that an individual may be hesitant to report Sex-Based Misconduct arising from the same setting where he or she engaged in conduct violating Moody’s student conduct policies, such as policies related to drug and alcohol consumption or consensual sexual conduct. To encourage reporting, Moody will not take disciplinary action under student conduct policies against a student who makes a good faith report of Sex-Based Misconduct, or against a student who is an alleged victim of the Sex-Based Misconduct reported, provided that the conduct violations occurred at the same time and in connection with the reported incident, were not egregious, and did not place the health or safety of any other person at risk. Moody may, however, require such students to participate in non-punitive measures intended to prevent the recurrence of such conduct in the future, such as counseling, training, or a behavior plan. Moody’s commitment to amnesty does not prevent action by local police or other legal authorities for violations of the law. Regardless of whether amnesty applies, a student’s participation and cooperation in an investigation of Sex-Based Misconduct will be considered a mitigating factor in determining appropriate disciplinary measures for violations of student conduct policies.

IV. Reporting Title IX Complaints

Moody students or employees who experience Sex-Based Misconduct of any kind are likely to have concerns and questions, including what options are available for reporting and responding to Sex-Based Misconduct. 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. Title IX Complaints by or against Moody students, Moody employees, or third parties, can be filed with Moody’s Title IX Coordinator. To discuss the various reporting options that are available to you, please contact Moody’s Title IX Coordinator or any member of the Title IX team. Contact information for the Title IX Coordinator and the entire Title IX team is available at http://www.moody.edu/titleIX/.

Victims or witnesses of Sex-Based Misconduct or Retaliation should immediately report the misconduct. They should not wait to report the Sex-Based Misconduct until it becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a Hostile Environment (see “Definitions” section below). The Title IX Coordinator and Title IX Investigators (see “Definitions” section below) can take proactive steps to prevent Sex-Based Misconduct or Retaliation from continuing and/or escalating, and protect or otherwise assist the persons involved. The Title IX Coordinator and/or Title IX Investigators will also provide Complainants with concise information, written in plain language, concerning the Complainant’s rights and resources when dealing with Sex-Based Misconduct.

Victims or witnesses of Sex-Based Misconduct or Retaliation who wish to file a Title IX Complaint should do so as soon as possible after an incident. The Title IX Coordinator coordinates and tracks all Title IX Complaints. There are several avenues available for submitting a Title IX Complaint:

- Send a private email to the Title IX Coordinator (TitleIX@moody.edu)
- Mail a letter to the Title IX Coordinator (for mailing address please visit www.moody.edu/titleIX)
- Visit the Title IX Coordinator (for location information please visit www.moody.edu/titleIX)
• Report to another trusted Moody official, including any Title IX team member, Resident Supervisor, Public Safety officer, coach, Faculty Advisor, or Human Resources employee, who will provide information as required under the policy to the Title IX Coordinator.

If there is a Title IX Complaint about the Title IX Coordinator, or if a direct report of the Title IX Coordinator would like to submit a Title IX Complaint, that Title IX Complaint should be filed with the President of Moody by either delivering or mailing a letter to the President of Moody. The President will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the Title IX Complaint.

A. Students. A student who has experienced and/or witnessed what he or she believes is a form of Sex-Based Misconduct is encouraged to: (1) File a formal Title IX Complaint; and/or (2) file a police report; and/or (3) seek confidential counseling and/or assistance as described in Section XIII below.

B. Employees. All Moody employees are required to report to the Title IX Coordinator all relevant details about any alleged Sex-Based Misconduct that a student or another person has shared with such employee, unless such employee is statutorily prohibited from reporting such information, such as counseling and health care professionals. Relevant information includes the name of the alleged perpetrator (the “Respondent”; see “Definitions” section below) (if known), the student or other person who experienced the alleged Sex-Based Misconduct, any others involved in the Sex-Based Misconduct, as well as relevant facts, including the date, time, and location of the Sex-Based Misconduct.

Employees who hear about an incident of Sex-Based Misconduct should not promise confidentiality to the person who shares this information with the employee. Employees should tell the person sharing the information that: (1) the employee has an obligation to report the name of the Respondent and persons involved in the alleged Sex-Based Misconduct, as well as any relevant facts regarding the incident (including date, time, and location), to the Title IX Coordinator; (2) that the person has an option to request that Moody maintain his or her confidentiality, which the Title IX Coordinator will consider; (3) that the person may share the information confidentially with the confidential resources described later in this policy; (4) that the person has a right to file a Title IX Complaint with Moody; and (5) that the person has a right to report a crime to local law enforcement.

Important: Please note that all Moody employees must report suspected or known child abuse* (including any suspected Sex-Based Misconduct perpetrated against those under the age of 18) to the applicable state children and family services department.
Illinois
Illinois Department of Children and Family Services (DCFS).
Hotline: 800-252-2873
*All employees are mandated reporters under the Illinois Abused and Neglected Child Reporting Act and are thus required to report suspected or known child abuse to DCFS.

Michigan
Michigan Department of Human Services (DHS).
For report of child abuse or neglect, call 855-444-3911.

Washington
Washington State Department of Social and Health Services.
For reports of child abuse or neglect, call 866-363-4276.

V. Reporting to Law Enforcement Authorities
Please 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 Sex-Based Misconduct, you may file a police report directly with your local police department, you may seek assistance from Moody’s Public Safety Department or Title IX Coordinator to make a police report, or you may decline to notify authorities. Moody’s Public Safety Department may be reached by calling 312-329-4357 (HELP), by emailing public.safety@moody.edu, or in person in the Crowell Lower Level. A police report may be filed utilizing the contact information listed below:

**Chicago, Illinois Campus**
Chicago Police Department
18th District
1160 N. Larrabee St.
Chicago, IL 60610
312-742-5870
Call 911 for Emergencies
Call 311 for Non-Emergencies

**Plymouth, Michigan Campus**
Plymouth Police Department
City Hall
201 S Main
Plymouth, MI 48170
734-453-1234 ext 219
Call 911 for Emergencies
Call 734-453-8600 for Non-Emergencies
Some forms of Sex-Based Misconduct may also be crimes. For example, Sexual Assault (see “Definitions” section below) and Stalking (see “Definitions” section below) are crimes. Please contact local law enforcement if you would like to pursue criminal charges. Local law enforcement can help a victim obtain emergency and non-emergency medical care; get immediate law enforcement response for the victim’s protection; understand how to provide assistance in a situation that may escalate to more serious criminal behavior; arrange a meeting with victim advocate services; find counseling support; initiate a criminal investigation; and answer questions about the criminal process.

VI. Anonymous Reporting
The Title IX Coordinator accepts anonymous reports of Sex-Based Misconduct and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to the Title IX Coordinator. The Title IX Coordinator may be limited in the ability to investigate and respond to an anonymous report unless sufficient information is furnished to enable the conduct of a meaningful and fair investigation.

VII. Confidentiality
To the extent permitted under applicable laws, the Title IX Coordinator will keep confidential the Title IX Complaint, written reports, witness statements, and any other information provided by the Complainant (see “Definitions” section below), the Respondent, or the witnesses, and will disclose this information only to the Complainant, Respondent, witnesses, or to Moody personnel and counsel as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to Moody officials as necessary for coordinating interim measures; for health, welfare, and safety reasons; and to government agencies who review Moody’s compliance with federal law. The factual findings (“Findings”) and recommendation for Sanctions (“Recommendations”) from the Title IX Coordinator may be disclosed only to the Complainant, Respondent, and Moody officials as necessary to determine whether Sanctions are necessary, and to prepare for any subsequent proceedings (e.g., committee handling appeals). These Moody officials have the same strict obligations to keep all information they learn confidential, subject to the limited exceptions that they may reveal such information when necessary to protect health, welfare, or safety. Information about Title IX Complaints and reports, absent personally identifiable information, may be reported to Moody officials and external entities for statistical and analysis purposes pursuant to federal and state law and Moody policy.
VIII. Preservation of Evidence
It is important for victims or witnesses of Sex-Based Misconduct to preserve evidence as may be necessary to the proof of the Sex-Based Misconduct. Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), victims of Sexual Violence who wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or forensic evidence collection. The closest hospital to each Moody campus is as follows:

**Chicago, Illinois Campus**
Northwestern Memorial Hospital
251 E. Huron Street
Chicago, Illinois 60611
312-926-2000

(Note: Illinois law provides that any cost for an emergency medical or forensic examination for a victim of sexual violence that is not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services, and should not be billed to the patient. Northwestern Memorial Hospital has a plan to provide hospital emergency services to sexual assault survivors approved by the Illinois Department of Public Health in compliance with the Sexual Assault Survivors Emergency Treatment Act.)

**Plymouth, Michigan Campus**
St. Marry Mercy Hospital
36475 5 Mile Road
Livonia, MI 48154
734-655-4800

**Spokane, Washington Campus**
Deaconess Hospital
800 W 5th Avenue
Spokane, WA 99204
509-473-5800

IX. Immediate Action and Interim Measures
Moody, as it may determine necessary in Moody’s sole discretion, may take interim measures to assist or protect the safety of the Moody community or ensure the integrity of the Investigation during the Formal Process (described in Section XII below). Such measures for a student Complainant may include arranging for changes in class schedules, living, dining, or transportation arrangements, issuing and enforcing a no-contact order, obtaining counseling, modifying test schedules or other class requirements temporarily, and honoring an order of protection or no-contact order entered by a State civil or criminal court, if such measures are applicable and reasonably available. For complaints involving an employee, Moody may temporarily reassign or place on administrative leave an employee alleged to have violated this Policy.
X. Resolution of Complaints of Official Policy or Practice Discrimination
Complaints alleging that Moody has adopted an official policy or practice that is discriminatory will be reviewed and investigated, as appropriate, by the Title IX Coordinator, in coordination with the General Counsel’s Office. The resolution procedures in Section XI (governing resolution of employee and third party complaints) and Section XII (governing complaints involving students) do not apply to allegations of such policy or practice discrimination.

XI. Resolution of Employee and Third Party Complaints
Complaints brought by employees or third-parties alleging Sex-Based Misconduct committed by an employee or third-party will be investigated and resolved pursuant to policies and procedures applicable to employees and third parties, provided that any complaint made by or alleging Sex-Based Misconduct committed by a student-employee will be resolved under the process governing complaints involving students set forth in Section XII.

XII. Resolution of Complaints involving Students
Complaints made by or alleging Sex-Based Misconduct committed by a student will be resolved using either the Formal Process or informal means of resolution as set forth below. These processes shall apply even if the student also holds an employment position, such as a work study position, with Moody.

A. Formal Process
The Formal Process is designed to provide a prompt, fair, and impartial investigation and resolution and protect the safety of victims and promote accountability. Complainants have the right to request that the Formal Process begin promptly and proceed in a timely manner. The Formal Process will be conducted by Moody employees (“Title IX Investigators” or “Investigators”) who receive a minimum of eight (8) to ten (10) hours annual training on issues related to Sex-Based Misconduct and how to conduct this Formal Process, in addition to annual survivor-centered and trauma-informed response training.

Fairness to all individuals involved with a Title IX Complaint is a priority. Both the Complainant and Respondent will be given a copy of this Policy and Complaint Procedure and have the opportunity to respond to all allegations. The Complainant and Respondent will also receive notice of the Investigators, Discipline Authority (defined below) and Appeals Committee members (defined below) before being contacted by such persons (or, in the case of the Discipline Authority and Appeals Committee members, before the Discipline Authority determines appropriate Sanctions or the Appeals Committee renders a written decision on appeal), and will have the opportunity to request substitution of Investigator(s), the Discipline Authority or Appeals Committee member(s) if any such person’s participation in the Formal Process poses a conflict of interest. Such request for substitution must be accompanied by a detailed explanation of the basis for the purported conflict of interest. The Title IX Coordinator will consider any substitution request in good faith, and if the Title IX Coordinator determines a conflict of interest exists, will make such substitutions of Investigators, Discipline Authorities or Appeals Committee members as the Title IX Coordinator determines is necessary. Moody shall maintain a sufficient number of Investigators, Discipline Authorities and Appeals Committee members so that a substitution can occur in
the event of a conflict of interest or recusal, and so that no Appeals Committee member will be involved in the Formal Process for a Title IX Complaint prior to the appeal of such Title IX Complaint.

Both the Complainant and Respondent will have the option to be accompanied to any meeting or proceeding related to the Formal Process by an advisor of their choice. The role of the advisor is to provide support and counsel to the advisee in the Investigation, determination, and appeals processes; the advisor does not act as a representative of his or her advisee, does not have a voice in the processes, and may not actively participate in those processes. If the advisor violates the foregoing rules or engages in behavior or advocacy that harasses, abuses, or intimidates the other party, a witness, or an individual resolving the Title IX Complaint, that advisor may be prohibited from further participation in the Formal Process.

Maintaining the privacy of all individuals involved with a Title IX Complaint, including participating parties and witnesses, is also a priority, and any proceeding or meeting held to resolve a Title IX Complaint shall protect the privacy of such individuals. Specifically, Moody will not disclose the identity of the Complainant or Respondent, except as necessary to resolve the Title IX Complaint, to implement interim measures in accordance with Section XII(A)(i) below, or to comply with State or federal law.

i. Step 1-Implementation of Interim Measures and Preliminary Investigation:
After a Title IX Complaint is filed, a Title IX Investigator will consider whether immediate or interim measures or involvement of other Moody offices is appropriate. The Title IX Coordinator or an Investigator then will conduct a preliminary investigation in order to determine whether the Title IX office has jurisdiction over the matter. The Title IX office only has jurisdiction to investigate Title IX Complaints alleging Sex-Based Misconduct and Retaliation in accordance with this Policy. The findings of the preliminary investigation are then reviewed by the Title IX Coordinator.

No Title IX Jurisdiction: If the Title IX Coordinator determines that there is no jurisdiction based on the preliminary investigation findings, the Formal Process concludes. The Title IX Coordinator or a Title IX Investigator may offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing any issues of concern. To the extent the conduct alleged would constitute a violation of some other Moody policy (such as policies governing student conduct), the Title IX Coordinator may refer the matter to another Moody office or department for further investigation and determination under applicable policies.

Title IX Jurisdiction: If, based on the preliminary investigation findings, the Title IX Coordinator determines that there is jurisdiction based on the preliminary investigation findings, the parties will proceed to Step 2 below.

ii. Step 2-Formal Investigation:
As described above, if there is a finding of Title IX jurisdiction, the Title IX Coordinator will appoint one or more of the Title IX Investigators to conduct a fair and impartial Investigation (“Formal
Investigation”) of the alleged Sex-Based Misconduct or Retaliation. Only Investigators who receive annual training on issues related to Sex-Based Misconduct will conduct a Formal Investigation. The Title IX Coordinator is responsible for the oversight and coordination of a prompt and equitable investigation.

The Complainant and Respondent may each have one adviser of their own choosing present for support and consultation during the investigation at any time the respective party is meeting with the Title IX Coordinator or the Investigators.

At the start of the Formal Investigation, the Complainant and Respondent may each have a meeting with the Title IX Coordinator and/or Investigator(s) during which the Formal Process and a tentative timeline for the Formal Investigation will be explained and any preliminary questions answered.

As part of the Formal Investigation, Investigators will make reasonable efforts to interview the Complainant and the Respondent, and to identify, locate, and interview any witnesses of the alleged Sex-Based Misconduct or Retaliation identified to Moody by the Complainant or Respondent.

The Formal Investigation will be completed within a reasonable time after the Title IX Coordinator’s receipt of the Title IX Complaint. Extenuating circumstances (i.e., uncooperative witness, break periods and periods when Moody is closed) may delay completion of a Formal Investigation.

During the Formal Investigation, the Complainant and Respondent will have the opportunity to review and respond to the evidence presented and to present evidence and witnesses on their behalf. The Complainant and Respondent may not cross-examine one another, but may, at the discretion and direction of the Investigator(s), suggest questions to be posed to each other by the Investigator(s). The rules of evidence used in civil or criminal trials are not applicable to these Complaint Procedures.

To the extent permitted by applicable law, the Title IX Coordinator will comply with law enforcement requests for cooperation and such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of the Investigation while law enforcement is in the process of gathering evidence. Moody promptly will resume its Formal Investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process.

iii. Step 3-Determination:
The Investigator will determine whether there is a preponderance of the evidence to believe that the Respondent engaged in Sex-Based Misconduct or Retaliation. This means that a Respondent is presumed not to have engaged in the alleged Sex-Based Misconduct or Retaliation unless a “preponderance of the evidence” supports a finding that such misconduct has occurred. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it. The Investigator(s) will prepare a report.
(“Final Report”) to the Title IX Coordinator documenting their Findings and Recommendations, if applicable.

**No Finding of Sex-Based Misconduct or Retaliation:** If following completion of the Investigation the Title IX Coordinator or the Investigator finds (the “Findings”) that Sex-Based Misconduct or Retaliation did not occur, the Formal Process concludes. The Findings and notice of the termination of the Formal Process are communicated simultaneously and in writing to the Complainant, Respondent, and Moody administrators as determined necessary by the Title IX Coordinator within a reasonable time after the Findings are reached. Email is an acceptable form of delivery. In this case the Complainant may appeal the Findings in accordance with Section X II(A)(v) below.

**Finding of Sex-Based Misconduct or Retaliation:** If the Title IX Coordinator makes a Finding that Sex-Based Misconduct or Retaliation did occur, the Final Report will include suggested steps to take to prevent recurrence of any such violation, and as appropriate, Remedies (described in Section X II(A)(iv) below) for the Complainant. The Findings are communicated to the Complainant and Respondent simultaneously and in writing, as is any information concerning when the Findings become Final. The Final Report will be provided to the Discipline Authority (described below) for a determination of appropriate Sanctions (defined below). Once the Discipline Authority, in consultation with the Title IX Coordinator, decides upon an appropriate Sanction, the Title IX Coordinator will notify the Complainant and Respondent simultaneously and in writing of the final outcome of the Investigation within a reasonable time after such final outcome is decided. The notification shall include a summary of the Findings, the Sanction(s) to be imposed, and each party’s right to appeal and the procedures for appeal (discussed below in Section X II(A)(v)). Except as provided herein, the form of notice and manner of delivery shall be at the sole discretion of the Title IX Coordinator and shall be that which is determined by the Title IX Coordinator to be the most expedient and reliable method of informing the parties, which may include, without limitation, email notification.

1. Sanctions

The following will guide the Discipline Authority in determining sanctions (collectively, “Sanctions”) and provide notice to the Moody community of the possible Sanctions for an individual found responsible for a violation of this Policy. The discussion below only provides guidance and is not meant to be exclusive as to the other Sanctions that can be imposed.

Except in the event of a substitution, the Vice President and Dean of Student Life or his or her designated campus representative is the Discipline Authority charged with imposing sanctions on students who are found to have violated this Policy. Sanctions 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, or referral for counseling and/or assessment.

Except in the event of a substitution, the Vice President of Human Resources is the Discipline Authority charged with imposing sanctions on employees who are found to have violated this Policy. Sanctions 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 Sex-Based Misconduct.

Except in the event of a substitution, the Chief Operating Officer is the Discipline Authority charged with imposing sanctions on any third party (visitor, guest, contractor, subcontractor, vendor, partner, or business affiliate) found responsible for violating this Policy. Sanctions may range from a written warning to being banned from any Moody property, activities, and/or programs, including the termination of any business contract with Moody.

Implementation of any sanction(s) imposed shall not be effective until after expiration of the time for appeal and completion of the appeal process described in Section XII(A)(v) below. Any interim measures implemented in accordance with Section IX shall continue in effect during the time for appeal and appeal process described in Section XII(A)(v) below.

Referral To Another Moody Office or Department: Regardless of whether the Investigator concludes that a preponderance of the evidence establishes that the Respondent engaged in Sex-Based Misconduct or Retaliation, except as provided in Section III above, if the investigation uncovered conduct that would constitute a violation of some other Moody policy (such as policies governing student conduct), the Title IX Coordinator may refer the matter to another Moody office or department for further investigation and determination under applicable policies. If such a referral is made, it will be referenced in the Title IX Coordinator’s notification to the parties.

iv. Remedies
One or more of the following remedies may be provided, if reasonably available and requested by the Complainant, at the conclusion of the Formal Process whether or not a Respondent is found to be responsible, and whether or not the Complainant chooses to report the alleged Sex-Based Misconduct to local law enforcement:

- Providing an effective escort to ensure that the Complainant can move safely between classes and activities
- Ensuring that the Complainant and Respondent do not share classes, extracurricular activities or work space
- Moving the Respondent or the Complainant (if the Complainant requests to be moved) to a different residence hall
- Referring the Complainant to medical, counseling and academic support services, such as tutoring
- Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty
- Training or retraining Moody employees on responsibilities concerning allegations of Sex-Based Misconduct, and
- Any other remedy that the Title IX Coordinator may consider appropriate

v. Appeals
A party aggrieved by a decision of the Title IX Coordinator or by the Sanctions imposed may file a Petition for Appeal within three (3) business days of notification of the final outcome of the Investigation. The appeal must be in writing and state clearly the grounds that justify
reconsideration. An appeal meeting the requirements of this Section XII(A)(v) must be received by the Title IX Coordinator within three (3) business days of notification of the final outcome of the Investigation. General dissatisfaction with the outcome of the Investigation or related proceedings is not a basis for appeal. The written appeal may be made only on one or more of the following grounds:

- There was a significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.
- There is significant new evidence that was previously unknown to the appellant, which the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome and substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the notice of appeal.
- The Sanctions imposed are grossly disproportionate to the violations found to have occurred and would result in substantial injustice.

An appeal which is not based on one of these criteria will be dismissed without further consideration.

If no appeal meeting the requirements of this Section XII(A)(v)E is received by the Title IX Coordinator within the three (3) business day period, the findings, conclusions of the Title IX Coordinator and/or any sanctions imposed by the Discipline Authority will be final.

If the appeal is received within the three (3) business day period, the Title IX Coordinator will select and notify an appeals committee (the "Appeals Committee"). The Appeals Committee will then review the Investigator’s Findings, the conclusions of the Title IX Coordinator, and/or any Sanctions imposed, and obtain any additional information deemed necessary by the Appeals Committee for resolution of the appeal. No member of the Appeals Committee will have participated previously in the Formal Process or have a conflict of interest with either the Complainant or Respondent.

Within a reasonable time after the date of the filing of the appeal and after concluding its review of the applicable Findings and/or Sanctions, the Appeals Committee will render a written decision on appeal, which will be communicated to the Complainant and Respondent simultaneously and in writing. Extenuating circumstances (i.e., unavailability of Appeals Committee member(s), uncooperative witness, school break periods and periods when Moody is closed) may delay completion of the written decision on appeal. The Appeals Committee’s decision on all appeal requests is final.

B. Informal Means

Informal means of resolution, such as facilitated mediation, may be used in lieu of the Formal Process. However, informal resolution may only be used if all parties consent and the Title IX Coordinator approves of informal resolution. Either party or the Title IX Coordinator may terminate the informal resolution process and require that the Formal Process be followed, at any time.
XIII. Confidential Resources and Confidential Advisors

If you have suffered or witnessed Sex-Based Misconduct, you may wish to speak with someone confidentially about what happened to you. The resources listed below can provide confidential counseling and support, and, except in limited circumstances, will not share information with either law enforcement or Moody without an individual’s consent. These resources are permitted by the nature of their profession to maintain your confidentiality. A Title IX Complaint or police report is not necessary to utilize these resources.

A. Confidential Resources

**Chicago, Illinois Campus**

On-campus resources for students:
- Health Services
  - Smith 2nd Floor
  - 312-329-4417
  - healthservice@moody.edu

Off-campus resources for everyone include:
- Domestic Violence Legal Clinic
  - 555 W Harrison Street
  - Suite 1900
  - Chicago, IL 60607
  - 312-325-9155
  - [http://www.dvlcchicago.org/](http://www.dvlcchicago.org/)

Cook County Domestic Violence Resources
- Richard Dales Center, Room 1001
  - 50 West Washington Street
  - Chicago, IL 60602
  - 312-603-5031
  - [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)

**Plymouth, Michigan Campus**

On-campus resources include:
- Intersessions Counseling Clinic
  - Jamie McNally, Assistant Clinic Manager
  - 41550 E Ann Arbor Trail
  - Plymouth, MI 48170
  - 734-207-5207
  - 434-207-9581 x328

**Spokane, Washington Campus**

Off-campus resources include:
- Genesis Institute
  - 1220 N. Howard St.
In addition to the resources above, community services are available, even if a Title IX Complaint is not made. Moody strongly encourages anyone who feels he or she is, or has been, the victim of Sex-Based Misconduct to seek assistance to care for himself or herself emotionally and physically through confidential crisis intervention, healthcare, and/or counseling.

**Chicago, Illinois Campus**
Off campus resources include:
Clerk of the Circuit Court-Cook County
555 West Harrison
Chicago, IL 60607
312-325-9500 or 312-325-9467
Additional/Specific Resources found online:
[www.cookcountyclerkofcourt.org/?section=SERVRESPage&SERVRESPage](http://www.cookcountyclerkofcourt.org/?section=SERVRESPage&SERVRESPage)

Cook County Domestic Violence Resources
Richard Daley Center, Room 1001
50 West Washington Street
Chicago, IL 60602
312-603-5031
[www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)

Domestic Violence Legal Clinic
555 W. Harrison Street
Suite 1900
Chicago, IL 60607
312-325-9155
[www.dvlcchicago.org](http://www.dvlcchicago.org)

US National Domestic Violence Hotline
800-799-7233

**Plymouth, Michigan Campus**
Off-campus resources that may be helpful include:
WC SAFE (Wayne County Sexual assault Forensic Examiners Program)
2727 Second Avenue, Suite 120
Detroit, Michigan 48201
Office: 313-964-9701
Crisis Pager: 313-430-8000

US National Domestic Violence Hotline
800-799-7233
First Step (Sexual Assault Services, Domestic Violence Services)
44567 Pinetree Drive
Plymouth, MI 48170
http://www.firststep-mi.org
Primary Crisis Line: 888-453-5900

Plymouth Police Department
201 S. Main
Plymouth, MI 48170
734-453-1234

St. Mary Mercy Hospital
36475 Five Mile Road
Livonia, MI 48154
734-655-4800

**Spokane, Washington Campus**
Off-campus resources that may be helpful include:
Sexual Assault & Family Trauma (SAFeT) Response Center
24hr Hotline: (509) 624-7273
Office: (509) 747-8224
http://www.lcsnw.org/spokane/SAFeT.html

US National Domestic Violence Hotline
800-799-7233

**B. Confidential Advisors**
As provided by the Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155 et seq. (the “Illinois Preventing Sexual Violence Act”), Moody also provides students in Illinois who are survivors of Sexual Violence with access to confidential advisors meeting the statutory requirements of the Illinois Preventing Sexual Violence Act to provide emergency or ongoing support to such students. To speak to a confidential advisor, please contact Counseling Services at 312-329-4194 or by email at counselingservices@moody.edu. You can also consult the Counseling Services website by clicking the following link for additional information: http://www.moody.edu/counseling-services/

**XIV. External Agencies**
At any time during the pendency of the above-described Investigation and/or appeal, students and employees with questions about Title IX or those who believe they have been subject to Sex-Based Misconduct or Retaliation may file a Title IX Complaint with the Office for Civil Rights (OCR):

**Chicago, Illinois Campus:**
Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
Likewise, at any time during the pendency of the above-described Investigation and/or appeal, employees who believe they have been subject to Sex-Based Misconduct or Retaliation in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., may file a complaint with the applicable state agency listed below or the appropriate Equal Employment Opportunity Commission ("EEOC") office:

**Chicago, Illinois Campus:**
Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2000
Chicago, Illinois 60661
312-353-2713
TTY: 312-353-2421
www.eeoc.gov

Illinois Department of Human Rights
James R. Thompson Center
100 W. Randolph Street, Suite 10-100
Chicago, Illinois 60601
Phone Number: 312-814-6200
TDD: 312-263-1579
www.state.il.us/dhr

**Plymouth, Michigan Campus:**
Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226
Phone Number: 800-669-4000
Fax: 313-226-4610

Michigan Department of Civil Rights
Detroit Executive Office
Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
Phone: 313-456-3700
Fax: 313-456-3791

**Spokane, Washington Campus:**
Equal Employment Opportunity Commission
Seattle Field Office
810 3rd Ave., Ste. 750
Seattle, WA 98104-1627
Phone Number: 206-684-4500
Fax: 206-684-0332

Washington State Human Rights Commission (FEPA)
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
Phone Number: 360-753-6770
Fax: 360-586-2282

**XV. Definitions**

**B. Appellant:** A Complainant or Respondent who is aggrieved by a decision of the Title IX Coordinator or by the sanctions imposed during the Formal Process and files an Appeal.

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

**D. Consent:** The freely given agreement evidenced by actual words or conduct to the act of sexual
penetration or the sexual conduct in question. There is no Consent if force or coercion is used to accomplish the sexual penetration or sexual conduct or if the Respondent knows or has reason to know that the Complainant is mentally incapable, mentally incapacitated, or physically helpless. Lack of verbal or physical resistance or submission by the Complainant resulting from the use of force or threat of force by the Respondent shall not constitute Consent. The manner of dress of the Complainant at the time of the offense shall not constitute Consent. Consent to sexual penetration or sexual conduct may be withdrawn at any time, and a person who initially Consents to sexual penetration or 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.

E. Dating Violence: (1) Threats to use physical, mental, or emotional abuse to control another person who is in a Dating Relationship with the person; or (2) Behavior by which a person uses or threatens to use Sexual Violence against another person who is in a Dating Relationship with the person; or (3) Behavior by which a person uses physical violence against another person who is in a Dating Relationship with the person. Dating Violence does not include acts of Domestic Violence.

F. Dating or Dating Relationship: An ongoing social relationship of a romantic or intimate nature between 2 persons. The existence of such a relationship shall be determined based upon the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating or Dating Relationship does not include a casual relationship or ordinary fraternization between 2 persons in a business or social context.

G. Domestic Violence: The occurrence of any of the following acts against a family or household member (“Family or Household Member”), which includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, and persons who share or allegedly share a blood relationship through a child by a person that is not an act of self-defense: (1) causing or attempting to cause physical or mental harm to a Family or Household Member; (2) interference with personal liberty or willful deprivation of a Family or Household Member; (3) placing a Family or Household Member in fear of physical or mental harm; (4) causing or attempting to cause a Family or Household Member to engage in involuntary sexual activity by force, threat of force, or duress; or (5) engaging in activity toward a Family or Household Member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

H. 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 Moody’s programs, services, or activities; or has the purpose or effect of unreasonably interfering with an individual’s employment.

I. Hostile Environment Sexual Harassment: A type of Sexual Harassment that is (A) sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from Moody’s programs, services, or activities; or (B) has the purpose or effect of unreasonably interfering with an individual’s employment.

J. 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 Moody’s activities, either explicitly or implicitly, on submission to or rejection of unwelcome sexual advances or requests for sexual favors.

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

L. Retaliation: Taking any adverse or hostile act, engaging in harassment, or making an adverse employment or academic decision against a Moody employee or student or a third party because that employee, student, or third party has opposed a violation of this Policy, filed a Title IX Complaint, assisted or participated in a Title IX Investigation, proceeding, or hearing.

M. Sex-Based Misconduct: One or more acts of Sex Discrimination, Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, Sexual Violence, and Stalking.

N. 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 18 years of age when the act was committed and the Respondent was a family member; or (4) an act of sexual penetration with a Complainant who was at least 13 years of age but less than 18 years of age when the act was committed and the Respondent was 17 years of age or over and held a position of trust, authority, or supervision in relation to the Complainant.

O. Sex Discrimination: Sex discrimination is material, adverse treatment based on or because of a person’s sex, where such treatment is not otherwise permitted by law.

P. Sexual Harassment: Unwelcome conduct of a sexual nature that can include unwelcome sexual advance, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as Sexual Assault or acts of Sexual Violence. Sexual Harassment includes, but is not limited to: Quid Pro Quo Sexual Harassment and Hostile Environment Sexual Harassment.

Q. 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.

R. Stalking: (1) Knowingly engaging in a course of conduct directed at a specific person where this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer other emotional distress; or (2) Knowingly and without lawful justification, on at least 2 separate occasions, following another person or placing the person under surveillance or any combination thereof and (a) at any time transmitting a threat of immediate or future bodily harm, Sexual Assault, confinement, or restraint to that person or a family member of that person; or (b) placing that person in reasonable apprehension of immediate or future bodily harm, Sexual Assault, confinement, or restraint to or of that person or a family member of that person; or (3) when, having been previously convicted of stalking another person, knowingly and without lawful justification on one occasion (a) following that same person or placing that same person under surveillance; and (b) transmitting a threat of immediate or future bodily harm, Sexual Assault, confinement, or restraint to that person or a family member of that person. Stalking may be accomplished by acts in which the stalker 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.

S. Title IX Complaint: Complaints of Sex-Based Misconduct by or against Moody students, Moody employees, or third parties in any Moody program or activity as set forth in Section II.

T. Title IX Investigators: Title IX Investigators consist of Moody administration and staff employees that receive a minimum of eight (8) to ten (10) hours annual training related to their responsibilities investigating complaints or reports of Sex-Based Misconduct and on issues related to Sex-Based Misconduct. The Title IX Investigators may also advise students, who wish to make a Title IX Complaint under this Policy and those who have been accused, of their rights and resources when dealing with Sex-Based Misconduct.