

Policy on Title IX Sexual Harassment and Misconduct

2025-2026

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Purpose and Scope

Sexual misconduct, harassment, and discrimination are inconsistent with Christianity and the Gospel of Christ. Messenger College (referred to as "MC") is committed to maintaining an environment free from sexual misconduct, harassment, and discrimination in our community. Messenger strives to ensure the safety of the College and a positive learning environment for all students and staff members. As part of that effort, Messenger College has established procedures and processes to promote and ensure safe living and learning environments for our students, staff, and faculty.

As a religious institution, Messenger College is exempt from many provisions of Title IX. However, Messenger College's policies and procedures prohibit sexual misconduct, including sexual assault, sexual violence, sexual harassment, sexual discrimination, domestic or dating violence, stalking, sexual exploitation, retaliation, and sexual misconduct of any kind. Messenger College will investigate and take appropriate disciplinary actions consistent with our religious tenets, mission, and policies and procedures where such misconduct is determined to have occurred. Any evidence obtained in the Title IX investigation can be used for disciplinary actions under Messenger College's policies and procedures even if such evidence does not support a Title IX violation.

As a religious institution, Messenger will only comply with the provisions of Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities that are not covered by the law's religious institution exemption provisions, and thus legally apply to Messenger College. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. It is the policy of Messenger College to only comply with this provision of Title IX to the extent that this portion of the law is not covered under the law's religious exemption provisions. Consequently, Messenger College will comply with all Title IX procedures and policies not covered by Title IX's religious exemptions provisions.

The Title IX Sexual Misconduct and Harassment Policy applies to the Messenger College campus community in a program or activity. Title IX also requires that Messenger College respond to such cases in the following manner: "A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances."

All members of the Messenger College community are encouraged to report any sexual misconduct whether such conduct occurs on or off campus. An individual who experiences any form of sexual assault is *strongly encouraged* to seek immediate medical care at a hospital or other medical facility that provides services for victims of sexual assault. Individuals can undergo a medical exam to properly collect and preserve physical evidence of the sexual assault

with or without the police's involvement. It is important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation.

Messenger College implements internal policies and procedures that provide fairness and equality in all aspects of our educational program to ensure compliance with federal and state laws as well as Messenger College's policies and procedures and code of conduct. The College implements and provides a fair and impartial process for those involved in an allegation of sexual misconduct or retaliation.

Messenger College does not discriminate on the basis of color, biological gender, ethnicity, nationality, race, disability, age, martial, or veteran status in any of its policies, procedures, or practices. The College prohibits any form of sexual harassment on the part of its students and employees. However, as a religious institution and in certain instances or situations, Messenger College may make certain distinctions and decisions concerning students, faculty, and staff that are consistent with its religious tenets and mission.

Title IX Coordinator

The Student Development Director of Compliance serves as the Title IX Coordinator and ensures Messenger College is compliant with Title IX. The Title IX Coordinator will be informed of all complaints, reports, and alleged violations of the College's Title IX Sexual Misconduct and Harassment Policy, and pursuant to and taking into account Messenger College's religious exemptions under Title IX, will follow all applicable Title IX policies as well as all applicable local, state, and federal laws. The Title IX Coordinator activities include, but are not limited to, the following:

- Communicating with Messenger College's community regarding the revised Title IX Sexual Misconduct and Harassment Policy, Title IX policies and updates, and providing additional information regarding personal rights under Title IX.
- Overseeing the training and revision of Title IX policies, including record keeping, and other procedural requirements related to this policy.
- Responding in accordance with the procedures set forth in this policy to any complaint or report received regarding conduct that may be in violation of this policy.

The Title IX Coordinator is supervised directly by the President of the College and advised by the President's Cabinet concerning policies and procedures. The Title IX Coordinator's contact information is:

Alan Greagrey, Chief Financial Officer
Title IX Coordinator
Email: info@messengercollege.edu
Phone: 817-554-5950
Office address: 2705 Brown Trail, Suite 408, Bedford, TX 76021

Title IX Sexual Misconduct Offenses

According to the Title IX statute, Sex Discrimination is discrimination that involves "sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity." This includes any provisions or actions, "that prevent a student from participating in a recipient's education program or activity consistent with their gender identity…"

This policy addresses Title IX Sexual Misconduct and Harassment, which encompasses all of the prohibited conduct described below that, occurs on the basis of sex and meets all of the following requirements:

• Occurs within Messenger College's education program or activity within the United States. Education program or activity is defined in the following manner: "education program or activity includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution."

• At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity of Messenger College.

The following forms of harassment are considered "sex discrimination:"

Quid Pro Quo Sexual Harassment: Unwelcome conduct of an employee of the College, who conditions the provision of an aid, benefit, or service of the College (implicitly or explicitly), on an individual's participation in unwelcome sexual activity.

Sexual Harassment: Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any college activity or benefit.
- Submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.
- Harassment includes sexual conduct that is "unwelcomed," and when examined as a whole "is subjectively and objectively offensive," "severe and pervasive," and "limits or denies" an individual's educational experience, working conditions or experience, or living conditions.

Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Title IX regulations have adopted the following types of sexual assault (consistent with Clery Act reporting):

- Rape: penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

- Fondling: intentionally touching of the private body part, such as genitalia of another person without consent. Fondling may be over or under clothing, and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.
- Incest: occurs between persons who are related to each other within the degrees wherein marriage is prohibited by law. It includes penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person.
- Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: This may include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person who is a common law spouse or who is represented to be a spouse ; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional, or economic in nature.

Dating Violence: Violence or abusive behavior used by one partner to gain or maintain control over another partner. It can be violence committed by a person who is or has been in a social, romantic, or intimate relationship with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the involved persons.

Stalking: Unwanted or obsessive attention by an individual or group toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or for either party to suffer substantial emotional distress. Stalking may include the monitoring of an individual online or involve the use of social media, email or other technology. It may also include unwanted observation or surveillance.

Hostile Environment Harassment: "Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity."

Sexual Violence: Non-consensual sexual penetration or forceful non-consensual sexual contact involving extreme coercion, force, or incapacitation.

Retaliation

Retaliation is an adverse action taken against another person because they have filed a Title IX complaint or participated in a Title IX investigation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. All appropriate and available steps will be taken to protect complainants, respondents, witnesses, and other involved parties from retaliation. Retaliation of this nature also includes "peer retaliation."

Online Sexual Harassment and/or Retaliation: Messenger College's policies are written and interpreted to include online behaviors prohibited in this policy when those behaviors occur in or have an effect on the College's education program and activities or use College networks, technology, or equipment. Although MC may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, MC will engage in a variety of means to address and mitigate the effects as feasible. Members of the MC Community are to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Messenger College Community.

Any "conduct that may reasonably constitute retaliation" will follow the same investigation, grievance, and disciplinary policies and procedures that other sex discrimination cases follow as outlined in this policy.

Reporting a Sexual Misconduct Offense

Messenger College encourages individuals to report sexual harassment offenses to the Title IX Coordinator and, when appropriate, law enforcement officials. Messenger College will respond appropriately including providing supportive measures when "actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States" is received by the Title IX Coordinator. At that time, he/she will apply the procedures outlined in the section. However, Messenger College must have a signed written formal complaint that "alleges sexual harassment and requests the initiation of the grievance process." Additionally, "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."

If the alleged sexual harassment falls outside of Messenger College program, property, or a College function, other disciplinary procedures can be implemented. Any harassment of this nature should be reported to the Title IX Coordinator.

To file a formal complaint please fill out this form:

https://messengercollege.populiweb.com/router/forms/respond/g02843a95402f74060f476ab50047e05441890a58d284ae34760d2090bbbe3f3959b29c909cb00c6cd1f83329aea8a5ea77cd43b73891e004d8502b288ae5802864fbf8ccec3a2ff1ed7554205700ee494cf0be32f0fdb3582ae067fc698a9f841fc3bfff8f4e1234b7043c034ac4

There are three ways that reports of sexual misconduct and sexual harassment can be made: 1) reporting to a Confidential Source(s); 2) reporting to Mandatory Reporters; and 3) reporting directly to the Title IX Coordinator or another official listed below as having authority to institute corrective measures.

Messenger College has designated certain individuals as "confidential employees" related to Title IX. If a reporting party desires to confidentially report an incident, he/she may report it to the following individual:

- Carolyn Dowd-Registrar and Financial Aid Director-cdowd@messengercollege.edu

The confidential employee must report the type of sexual harassment or sexual misconduct to the Title IX Coordinator but may not reveal any kind of confidential information that would lead to discovery of the complainant's identity or expectation of confidentiality.

Complainants may also be able to report confidentially to non-Messenger College professionals such as:

- Licensed professional counselors;
- Local rape crisis counselors;
- Local or state assistance agencies; and/or
- Clergy/Chaplains.

Messenger College confidential employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Complainants should verify confidentiality rules with non-Messenger College professionals.

Employee Reporting

Title IX also designates certain requirements that all employees must follow to ensure that Messenger College is aware of and properly handles Title IX issues.

Any school official or employee with the authority to institute corrective measures must immediately report any sexual misconduct or harassment to the Title IX Coordinator. These "mandatory reporters" include all faculty, adjunct faculty, full-time staff members, non-student worker, part-time staff members, student workers employed by Messenger College, resident assistants, and resident directors.

However, Messenger College has adopted a more comprehensive and straightforward policy related to sexual misconduct and harassment reporting. Consequently, all non-confidential

Messenger College employees, regardless of status and including student employees, who become aware of possible sex discrimination in MC's educational program or activities are required, without exception, to immediately report this information to the Title IX Coordinator so that the institution can respond appropriately.

Failure to follow this procedure is a violation of Messenger College's reporting policy and will subject the employee to disciplinary action including termination. Additionally, failing to follow this procedure and properly report possible sex discrimination could subject the employee to civil and criminal sanctions.

To file a formal complaint please fill out this form:

https://messengercollege.populiweb.com/router/forms/respond/g02843a95402f74060f476ab50047e05441890a58d284ae34760d2090bbbe3f3959b29c909cb00c6cd1f83329aea8a5ea77cd43b73891e004d8502b288ae5802864fbf8ccec3a2ff1ed7554205700ee494cf0be32f0fdb3582ae067fc698a9f841fc3bfff8f4e1234b7043c034ac4

Emergency Reporting: In emergency situations or situations where a crime is in progress or there is a threat involving imminent or serious harm to safety or security of students, faculty, staff, or the Messenger College Community, employees must immediately contact the police department by dialing 911.

Supportive Measures: The Title IX Coordinator will offer and implement reasonable supportive measures to the parties once he/she has "actual knowledge of sexual harassment against a person" in Messenger College's "education program or activity in the United States." Supportive measures are non-disciplinary, non-punitive services that are appropriately offered to the parties to ensure a proper response, preserve access to Messenger College's education program and activity, and/or deter sexual harassment. These measures may include, but are not limited to:

- Additional education for the campus community,
- Referral to counseling,
- Altering work arrangements for students or employees (on campus),
- Increasing security measures,
- Providing campus escorts,
- Implementing contact limitations between the parties,
- Offering adjustments to academic deadlines and schedules, chapel attendances, etc., and
- Timely warnings, if required.

When a Complainant Does not Wish to Proceed: If a Complainant wishes to remain anonymous, does not want an investigation to be conducted, or does not want a complaint pursued by Messenger College, he/she may make such a request to the Title IX Coordinator. The Title IX Coordinator will evaluate the request while considering the nature of the facts and circumstances surrounding the incident. The Title IX Coordinator has a duty to ensure the safety of the campus and to comply with state or federal law. If a complainant does not wish to proceed or if he/she withdraws a complaint, Messenger College and the Title IX Coordinator will do their best to honor the complainant's request. However, the Title IX Coordinator must ensure the safety and security of the educational environment and campus. If the Title IX Coordinator and the

President's Cabinet determine that failing to move forward with an investigation and the initiation of the grievance process poses an imminent threat to the safety, health, or security of educational environment, the Messenger College campus, members of the Messenger College community, or prevents Messenger College from ensuring equal access based on sex to its education program or activity, or would constitute a failure to comply with state or federal law, the Title IX Coordinator may initiate a complaint and the grievance process (see related section below).

In such situations, and in accordance with its Title IX religious exemptions, Messenger College will follow the policy and standards outlined in this policy. However, this standard applies to Title IX complaints and does not prevent Messenger College from pursuing other appropriate code of conduct and institutional policy and procedural remedies against involved parties.

Supplemental/Alternative Avenues for Complaints: In addition to, or in lieu of, the Messenger College procedures, individuals may pursue remedies, as appropriate, through the Office for Civil Rights of the U.S. Department of Education. We encourage victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Title IX Coordinator office if the crime occurs on Messenger College property, regardless of the status of the complainant. For crimes occurring away from Messenger College's property, victims may contact the local law enforcement in the appropriate jurisdiction.

Procedures of Title IX Cases

As a religious institution, Messenger College is exempt from many provisions of Title IX. However, sexual misconduct and harassment is inconsistent with Christianity and the policies, procedures, and mission of Messenger College. Consequently, While Messenger College prohibits all forms of sexual misconduct, MC prohibits most Title IX Sexual Misconduct and Harassment as defined by the federal regulations of the United States Department of Education. Accordingly, Messenger College has implemented a grievance procedure for the resolution of formal complaints that includes notice to all parties, prompt and impartial investigations, and live hearings that include an opportunity for cross-examination by advisors. The College also requires that all non-confidential, Messenger College employees, regardless of status and including student employees, who become aware of possible sexual harassment or misconduct to immediately report this information or any other violation or alleged violation of this policy to the Title IX Coordinator so that the institution can respond appropriately.

This policy applies to all levels and areas of Messenger College operations and programs, to undergraduate students, administrators, faculty, staff, authorized volunteers, and contractors. Complainants who are participating in, or attempting to participate in, Messenger College's programs and activities may file a formal complaint alleging conduct prohibited under this policy by undergraduate students, administrators, faculty, staff, authorized volunteers, and contractors. The procedures for investigating and resolving formal complaints depend on the

Claimant/Respondent's relationship to the College, and specifically whether the Claimant/Respondent is a student or an employee. Both sets of procedures follow the same general guiding principles.

Once MC has "actual knowledge" of alleged sexual harassment, discrimination, or misconduct, the Title IX Coordinator will contact the alleged victim to explain the Title IX process, the formal complaint process, offer support services to the victim, and discuss the victim's wishes related to the complaint.

Title IX Procedures in Cases Where the Complainant Does Not File a Formal Complaint or Wishes to Remain Anonymous:

Messenger College will generally attempt to honor the wishes and requests of the complainant.

Subject to Messenger College's religious exemptions under Title IX, if a Complainant wishes to remain anonymous, does not want an investigation to be conducted, does not file a formal complaint, or does not want a complaint pursued by Messenger College, he/she may make such a request to the Title IX Coordinator. The Title IX Coordinator will evaluate the request while considering the nature of the facts and circumstances surrounding the incident. The Title IX Coordinator has a duty to ensure the safety of the campus and to comply with state or federal law. If a complainant does not wish to proceed, does not provide a formal complaint, or if he/she withdraws a complaint, Messenger College and the Title IX Coordinator will do their best to honor the complainant's request. However, if the Title IX Coordinator makes a determination that failing to move forward with an investigation and initiating the grievance process poses an imminent threat to the safety, health, or security of educational environment, the Messenger College campus, members of the Messenger College community, prevents Messenger College from ensuring equal access based on sex to its education program or activity, or would constitute a failure or comply with state or federal law, the Title IX Coordinator will follow the policy outlined below.

In situations where the complainant does not wish to proceed, wishes to remain anonymous, does not file a formal complaint, or does not want a complaint pursued by Messenger College, the Title IX Coordinator will review the request and the alleged incident. After reviewing the alleged incident(s), the Title IX Coordinator and the President's Cabinet will meet to determine if the allegations present an active and serious threat to the health, safety, and security of the Messenger College community. If the Title IX Coordinator and the President's Cabinet make a determination that the alleged incident(s) and the allegations present an active and serious threat to the health, safety, and security of the Messenger College community, the complainant, other person(s), or interfere(s) with Messenger College's responsibility to ensure equal access based on sex to its education program or activity, the Title IX Coordinator will be authorized to initiate a formal complaint.

The Title IX Coordinator and President's Cabinet may consider the seriousness of alleged incident(s), the likelihood of harm to others, cases involving a pattern of behavior, cases involving predation, threats or involving the use of or threat of the use of weapons, and that includes violence will be deemed to present an active and serious threat to the health, safety, and security of the Messenger College Community.

Title IX Coordinator initiated complaints under this provision of the policy will follow the formal complaint procedures outlined below. If it is determined that the allegation/incident does not present an active and serious threat to the health, safety, and security of the Messenger College community, the complainant, other person(s), or interfere(s) with Messenger College's responsibility to ensure equal access based on sex to its education program or activity, the Title IX Coordinator will close the case, and will document the Title IX case file outlining the reasons for the decision and incorporating an analysis of how such complies with Title IX standards.

However, nothing in this policy precludes Messenger College from investigating issues and taking enforcement or corrective action under other institutional policies and procedures which include, but are not limited to, its code of conduct, employment handbooks, and faculty handbooks.

A complainant who formally withdraws a complaint may not refile the same complaint at a later date.

Informal Title IX Resolution Process:

Please note that the IRP procedure cannot be used when a complaint involves an employee and student.

Messenger College has adopted an Informal Resolution Process (IRP) option for certain Title IX cases. Informal Resolution allows certain Title IX cases to be resolved without proceeding under the formal Title IX processes outlined in this policy. Participation in the IRP cannot occur until the Title IX Coordinator receives a signed formal complaint from the complainant, the parties agree, and participation is approved by the Title IX Coordinator's signature on this form.

The IRP process is an informal process similar to mediation where the involved parties, their advisors, and a neutral facilitator (appointed by the Title IX Coordinator) work together through a collaborative process to develop a mutually agreed upon settlement agreement. The goal of Informal Resolution is "restorative" and designed to "address the harm" caused in the situation, allowing the parties to have a chance to express their positions, feelings, provide suggestions, and to produce a signed agreement where the parties agree to the terms for resolving the issues raised by the complainant in his/her formal Title IX complaint. This IRP process avoids the formal Title IX process outlined in this policy.

Once a formal Title IX complaint is received from the complainant, the Title IX Coordinator will review the complaint to determine if the informal resolution process is an appropriate resolution option. The Coordinator will take into consideration the nature of the facts and circumstances contained in the complaint and the seriousness of the allegations when evaluating a complaint for the IRP. Because of the facts, circumstances, and allegations contained within some complaints, the IRP is not an appropriate remedy for all Title IX complaints/cases. The Title IX Coordinator has the sole discretion and authority to determine which cases are appropriate for the IRP.

Any party in a Title IX case where a formal complaint has been filed may request use of the IRP to resolve the case. The IRP is a completely voluntary process. All parties must agree to participate in the IRP, and the Title IX Coordinator must also agree that IRP is an appropriate remedy for resolving the case. However, such a request does not guarantee that the IRP will be used to resolve the case. The IRP must be agreed to by all the parties and the Title IX Coordinator must also agree that the case is an appropriate case for the IRP. If a party or the Title IX Coordinator does not agree to such a request, the IRP cannot be used to resolve the pending Title IX case, and the case will proceed under the formal Title IX processes outlined in this policy.

IRP Procedure:

The Title IX Coordinator receives a formal complaint from the complainant. After providing appropriate written notice of the complaint to all parties, the Coordinator will review the complaint and the nature of the complaint and the allegations therein to determine if the IRP is appropriate. A complainant and/or respondent can request the IRP, or the Title IX Coordinator can suggest the IRP process is used to both the complainant and respondent.

If the Title IX Coordinator determines that IRP is appropriate, he/she will schedule separate meetings with all parties to discuss the possibility of disposition by IRP. If all parties agree to the process, the Title IX Coordinator will secure a signed IRP participation agreement from all the parties.

Once the parties agree and after they have signed the IRP agreement, the Title IX Coordinator will appoint an IRP facilitator to act as a neutral third party who will help mediate and facilitate the IRP process.

Once appointed, the facilitator will meet separately with all parties and their advisors in a preliminary IRP meeting to discuss the process, the issues in the case, and possible solutions and desired outcomes from the IRP. Once those meetings are complete, the facilitator will schedule the formal IRP meeting. This may or may not occur on the same day.

During the formal IRP meeting, the facilitator will decide based upon input from the parties and their agreement whether the parties will be present in the same room, different rooms, or attending via Zoom and using breakout rooms during the negotiation process. Based upon the process, the parties, with the help of the facilitator, will write a final settlement agreement.

The Title IX Coordinator will not generally be present during most of the negotiation process, but he/she may, at his/her discretion, be present while the parties are formulating the final settlement agreement.

All IRP settlement agreements and the terms of such agreements must be reviewed and approved by the Title IX Coordinator prior to those agreements being adopted as a final IRP resolution agreement and signed by the parties. An agreement without the Title IX Coordinator's or his designee's approval and signature is not a binding agreement under the IRP.

Prior to signing the final IRP resolution agreement, a party participating in the process may withdraw from the process. If such a withdrawal occurs, the case will proceed under the formal Title IX process outlined in MC's Title IX policy. However, once the final IRP resolution agreement is signed by all the parties, the parties are bound by the agreement and must comply with the terms of that agreement. The complaint will be considered resolved, and the Title IX office will ensure proper compliance with the terms of the agreement.

Messenger College Informal Resolution Participation Sample Agreement

Complainant:

Respondent:

Date of Event:

Summary of Allegations:

Messenger College (hereafter "MC") is providing this agreement pursuant to your request to participate in the Informal Resolution Process (hereafter "IRP") under its Title IX Policies and Procedures.

Messenger College has also adopted an Informal Resolution Process (IRP) option for certain Title IX cases. Informal Resolution allows certain Title IX cases to be resolved without proceeding under the formal Title IX processes outlined in MC's Title IX policy. Participation in the IRP cannot occur until the Title IX Coordinator receives a signed formal complaint from the complainant, the parties agree, and participation is approved by the Title IX Coordinator. The Title IX Coordinator has the sole discretion to determine whether a case will proceed under MC's IRP.

The IRP is an informal process similar to mediation where the involved parties, their advisors, and a neutral facilitator appointed by the Title IX Coordinator work together through a collaborative process to develop a mutually agreed upon settlement agreement. The goal of Informal Resolution is "restorative" and designed to "address the harm" caused in the situation, allowing the parties to have a chance to express their positions, feelings, provide suggestions, and to produce a signed agreement where the parties agree to the terms for resolving the issues raised by the complainant in his/her formal Title IX complaint. The IRP process avoids the formal Title IX process outlined in MC's Title IX policy.

Participation in the IRP is voluntary, and all parties must sign this written agreement to participate in the IRP. Prior to reaching and signing a final IRP resolution agreement, any party may withdraw from the IRP. Should a withdrawal occur, the case will proceed under the formal Title IX processes outlined in MC's Title IX policy.

The Title IX Coordinator will appoint a neutral IRP facilitator to oversee and work with the parties throughout the process. The parties must work with the facilitator and attend all meetings and conferences that may be scheduled prior to the formal IRP settlement meeting. The facilitator may also decide to conduct all meetings within a single day, and will decide based upon input from the parties and their agreement whether the parties will be present in the same room, different rooms, or attending via Zoom and using breakout rooms during the negotiation process in an effort to reach a final IRP resolution agreement.

Engaging in the IRP stops the investigation and formal process outlined in MC's Title IX policy.

All final IRP resolution agreements must be approved by the Title IX Coordinator or his/her designee. The Title IX Coordinator will not generally be present during most of the negotiation process, but he/she may, at his/her discretion, be present while the parties are formulating the final settlement agreement.

All final IRP resolution agreements and terms must be written and signed by all parties, the facilitator, and the Title IX Coordinator. The Title IX Coordinator has final authority to approve or disapprove the final IRP resolution agreement. The final IRP resolution agreement is effective once it has been signed by the parties, facilitator, and the Title IX Coordinator. There is no appeal process, and the parties may not return to the formal process outlined in MC's Title IX policy once a final IRP resolution agreement is effective. The original complaint and subject matter will be considered resolved by the IRP process and binding resolution agreement.

To the extent legally possible and in accordance with MC's Title IX Policy Provisions concerning the right of the President's Cabinet and its Board of Governors' access to and oversight of Title IX case information, IRP proceedings will otherwise remain confidential. The parties, their advisors, the facilitator(s), and the Title IX Coordinator may not disclose information received during the IRP to any unauthorized entities, parties, or persons. Messenger College's General Counsel is an authorized party under this agreement and may receive information disclosed during the IRP.

However, MC, its Title IX Coordinator, the President's Cabinet, and the Board of Governors will comply with lawfully issued subpoenas issued by law enforcement, regulators, or a court of competent jurisdiction. If the IRP does not result in a final IRP resolution agreement, statements made during the IRP meeting may not be used in MC's formal Title IX process and proceedings, but all other evidence gathered in the case will be included and can be used in MC's formal Title process and proceedings.

Once the final IRP resolution agreement is signed by all parties, MC may not use information obtained in the IRP and IRP resolution agreement to institute separate disciplinary actions under other MC policies and procedures for the same offenses and allegations disposed of in the IRP. MC may use such information for subsequent disciplinary actions for the failure of any party to comply with the terms and conditions of the final IRP resolution agreement. However, parties should keep in mind that IRP facilitators are still required to comply with mandatory reporter requirements under federal and state law.

The Title IX Office will not record IRP proceedings and no formal, real-time record of the discussions and negotiations that occurred during the proceedings will be made. However, the Title IX Coordinator will maintain records of the IRP Participation Agreement, the Final IRP resolution agreement, and any subsequent disciplinary records for a failure of any party to comply with the final IRP resolution agreement.

Any party who fails to comply with the terms of the final IRP resolution agreement will be subject to any breach remedies outlined in the final IRP agreement and sanctions under MC's student code of conduct including but not limited to fines, additional sanctions, suspension, and expulsion from the institution.

The Title IX Coordinator or his/her designee will be responsible for enforcing the final IRP resolution agreement and ensuring all parties are following the letter and spirit of the agreement. The Title IX Coordinator has wide discretion to issue fines and additional sanctions to the parties for any breach of the agreement. Should the Title IX Coordinator deem suspension or expulsion from the institution to be an appropriate remedy for a breach of the final IRP resolution agreement, he/she will refer the matter to the President's Cabinet with his/her findings that support such a remedy. The President's Cabinet will review the final IRP resolution agreement and the Title IX Coordinator's findings and recommendations and make a final decision on suspension or expulsion. The Cabinet has wide latitude in such cases, and its decision is final and non-appealable.

If the parties fail to reach an agreement in the IRP, the matter will return to the formal Title IX process outlined in MC's Title IX policy.

I agree to voluntarily participate in the Informal Resolution Process. I understand and agree to the Information Resolution Process terms and conditions outlined above and agree to comply with the following terms and conditions.

Terms and Conditions:

[To be agreed on by the parties.]

_____

Student Signature Date

_____

Student Printed Name

_____

Title IX Coordinator Signature Date

_____

Title IX Coordinator Printed Name

Formal Title IX Process:

Investigation

Upon receiving a formal, written, signed complaint alleging sexual harassment, discrimination, or misconduct, Messenger College will appropriately notify all parties in writing and commence an investigation. Generally, the Title IX Coordinator will serve as the primary investigator for all Title IX cases. However, should the investigator have a bias or a conflict of interest concerning any case, he/she will immediately disclose that bias or conflict to Messenger College's General Counsel and the President's Cabinet and recuse himself/herself from the case. At that time, the Coordinator should request that the Cabinet appoint a new investigator. In such cases, the Title IX Coordinator will not participate in any aspect of the investigation or disposition of the case and should have no access to or any information about an active case from which he/she has been recused.

During the investigation phase, Messenger College's investigator will attempt to interview the complainant, respondent, and any witnesses who may have information about the incident(s). All parties will be provided with a reasonable time period to prepare for their interview with Messenger College's investigator. Generally, parties will be given two days to prepare for their interview with the investigator. Absent an emergency, parties may request a reasonable amount of additional time once via email to the investigator to prepare. Messenger College's investigator will consider all requests for extra time, but granting such requests is at the discretion of Messenger College's investigator.

Additionally, each party may select an advisor and have that advisor accompany him/her to all investigative meetings and interviews, but the advisor will not be an active participant in those investigative meetings and interviews. If the advisor causes a major disruption and/or drastically impairs the investigation and/or interview, the investigator can dismiss the advisor and/or postpone the meeting/interview until a new advisor can be selected. Furthermore, the investigator will attempt to gather all relevant evidence, including but not limited to the involved parties, witnesses, and other people or entities with potential knowledge or evidence of the situation involving the complaint.

After the investigation is concluded, all parties shall have access to all evidence "directly related to the allegations." Such evidence must be provided to all parties and their advisors "in physical copy or electronically." The evidence must not be disclosed to third parties. All parties will have 10 days to review the evidence and provide a response to the investigator. Either party may provide a written response to the evidence by contacting the investigator and providing that

written response. After the expiration of the 10-day period, the investigator will either conduct relevant additional investigation based upon the parties' responses to the evidence or issue a written report of investigative findings which will include appropriate references to all evidence presented, gathered, and considered during the investigation.

The written investigative report shall address any written evidence responses received from the parties. The report should fairly outline and summarize all evidence collected during the investigation but should not make any final determinations or draw any conclusions about actual Title IX violations. Final Title IX determinations and conclusions fall under the jurisdiction of the hearing panel. At least 10 days before any hearing, copies of the investigative findings report will be provided to the complainant, respondent, their respective advisors, and the hearing panel. Furthermore, the investigator will provide the parties and witnesses with a hearing notice which includes the time, date, and location of the hearing for the complaint.

Right to an Advisor

Complainants and respondents may choose an advisor to accompany each party to all meetings, interviews, and hearings. Parties are free to choose any eligible and available person to serve as their advisor. The complainant and respondent may have only one advisor.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to have advise, support, and/or consult with them throughout the investigation and disposition process. Additionally, parties have the option to forgo having an advisor in the initial stages of the case, but they must have an advisor during the hearing process, and that advisor must be present at the hearing.

The advisor's role during the investigation phase is "passive.". Please note that if the advisor causes a major disruption and or drastically impairs the investigation, the investigator can dismiss the advisor. If the party wishes to select a new advisor, they may do so as long as it is in a reasonable time frame (as determined by the investigator) during the investigative phase. Failure to choose a new advisor will not stop the investigator from proceeding with the investigation.

Hearing

Ten (10) days after all parties, their advisors, and the hearing panel have received the final investigative report a formal hearing will be scheduled as soon as possible. Since the Title IX Coordinator generally serves as primary investigator in Title IX cases, he/she may not serve as an adjudicator on hearing panels.

All formal Title IX hearings will be conducted by a hearing officer/hearing panel recommended by the Title IX Coordinator and approved by the President's Cabinet.

After hearing notices have been sent to all parties and their advisors, the hearing panel/officer may schedule a pre-hearing conference with all parties and their advisors. Such conferences are valuable and provide an opportunity for all parties, advisors, and the hearing panel/officer to discuss any pending issues, how the hearing will be conducted, establish hearing "decorum," take up and dispose of any objections, and address any other issues preliminary issues. At the discretion of the hearing officer/panel, the pre-hearing conference may be scheduled on the same day as the hearing.

Other than formally scheduled conference meetings and at the hearing, the hearing officer/panel should not have direct communication with any of the parties. Any contact with parties outside such conferences and meetings should be handled by the Title IX Coordinator.

All hearings will be in-person, and the hearing must be recorded. A party may request a virtual hearing, but such a request will not be granted unless the requesting party can demonstrate that extremely extenuating circumstances and compelling reasons to grant a virtual hearing. Parties or their advisors will be given the opportunity to make an opening statement, and advisors will be given the opportunity to present witnesses, cross-examine all opposing witnesses, and present relevant and permissible evidence presented, gathered, and considered during the investigation process as permitted at the discretion of the hearing officer/panel.

For example, a party may not present new or previously undisclosed evidence at the hearing unless the requesting party can demonstrate a compelling reason why such evidence was not turned over to the investigator and other parties involved. A party who wishes to introduce new evidence of this nature must request an evidentiary ruling from the hearing panel and provide sufficient and compelling reasons to the hearing panel explaining why such new and non-disclosed evidence should be admitted and considered. Admitting and considering such evidence is at the discretion of the hearing officer/panel, and there is no guarantee that the officer/panel will admit or consider such evidence.

At the conclusion of the hearing, the hearing officer/panel will deliberate and determine whether there is clear and convincing evidence that the respondent violated this policy. Within 30 days, the hearing officer/panel will issue a written decision and determination outlining its decision to the Title IX Coordinator. The written decision and determination should include: a description of the procedural steps taken throughout the case; a list of the allegations at issue in the case; appropriate references to all evidence presented, gathered, and considered during the hearing; a summary of the findings of fact supporting the officer/panel's final determination which address each misconduct allegation in the complaint with a discussion and conclusions regarding application of the MC Sexual Misconduct and Harassment policy; a statement of any and all disciplinary sanctions that will be enforced against the parties; an explanation of any remedies that will be provided to the parties (if applicable); and a description of the procedures and grounds for appeal. The hearing officer/panel should use the Title IX template form to ensure all the required elements are included in the written decision.

After receiving the hearing officer's/panel's written decision, the Title IX Coordinator will retain the original copy of the hearing officer's/panel's decision in the investigation file and within ten (10) business days of receipt of the hearing officer's/panel's final written decision, the Coordinator will issue a final disposition and determination letter, along with a copy of the hearing officer's/panel's written decision, to all parties and their advisors. The letter will outline the hearing officer's/panel's findings, and if sanctions will be applied, a description of all disciplinary sanctions that will be enforced against the parties, any remedies and support that will be provided to the parties, and/or any remedies or actions taken by the College to stop repeated or further issues of this nature from happening (if applicable), and a description of the procedures and grounds for appeal. This final disposition and determination letter and a copy of the hearing officer's/panel's written decision will be mailed to all parties, their advisors, and emailed to the President of Messenger College. The President will either notify the Title IX Coordinator that the final disposition and determination is affirmed and sustained or that he/she will be initiating an appeal.

The recording of the hearing will be made available within a reasonable time to the parties and their advisors.

Appeal

Within ten (10 days) of issuance of the final disposition and determination letter, either party may file a formal written appeal request with the Title IX Coordinator. Grounds for an appeal must be based on at least one of the following areas: a) procedural irregularities in the investigation and/or hearing processes that affected the outcome of the matter in question; b) the discovery of new evidence which was not available at the hearing that could have affected the outcome of the final disposition; or c) the presence of a conflict of interest/bias on behalf of the investigator or hearing officer/panel member. Any party requesting an appeal must outline the grounds for such in their written request.

Additionally, the President of the College may independently choose to initiate an appeal after a review of the investigation and hearing proceedings, or should additional findings be discovered by MC after the issuance of the hearing panel's final written decision and determination letter. Should the President initiate an appeal, he/she must outline the grounds for such an appeal in his/her written notice to the Title IX Coordinator.

For standard appeals, an appeal officer/panel will be recommended by the Title IX Coordinator and approved by the President's Cabinet. If the appeal contains allegations of misconduct or bias on behalf of the Title IX Coordinator, then the appeal officer/panel will be selected and approved by the President's Cabinet. Additionally, cases alleging misconduct or bias on behalf of the Title IX Coordinator in the initial Title IX case will result in the Title IX Coordinator's recusal during the appeal process. In cases of recusal, the President's Cabinet should appoint an acting Title IX Coordinator who will fulfill the Title IX Coordinator duties outlined in the appeal section. In such a case, all references in this section to the Title IX Coordinator applies to the acting Title IX

Coordinator. If the President of MC initiates the appeal, he/she must recuse himself/herself from the Cabinet's selection/or approval of the appeal officer/panel.

If an appeal is requested by a party or initiated by the President of the College, the Title IX Coordinator will send all parties written notification of the appeal request and the alleged grounds for the appeal. All parties will be given the opportunity to respond in writing and must do so within ten (10) days of receiving notice of the appeal from the Title IX Coordinator.

After those ten (10) days have expired, all parties will be given at least ten (10) days written notice of the date, time, and location of the appeal hearing. Party advisors must be present at the hearing and will be responsible for making all arguments and presenting evidence at the appeal hearing.

Appeal Hearings:

Please note that other than formally scheduled conference meetings and at the appeal hearing, the appellate hearing officer/panel should not have direct communication with any of the parties. Any contact with parties other than at such conferences and hearing should be handled by the Title IX Coordinator.

At the appeal hearing, the appeal process should involve a two-step process.

A. Step 1: Grounds for an Appeal

First, the appeal hearing officer/panel should determine if there are appropriate grounds for appeal. The hearing officer/panel should determine:

i. if there is clear and convincing evidence of procedural irregularities in the initial investigation and/or hearing processes that affected the outcome of the matter in question;
ii. if there has been the discovery of new evidence which was not available at the initial hearing that could have affected the outcome of the final disposition; or
iii. if there was a conflict of interest/bias on behalf of the investigator or hearing panel in the initial investigation and hearing process.
    a. In cases, involving claims of conflict of interest/bias on behalf of the investigator or initial hearing officer/panel, the appeal hearing officer/panel will secure written responses from the investigator, hearing officer, or respective panel member concerning such allegations.
    b. Any findings of bias or inappropriate process found by the appellate panel concerning the original investigation or the actions of the original hearing panel should also be referred to the President or his designee for additional investigation and appropriate disposition.

If the appellate hearing officer/panel determines that there is not clear and convincing evidence to support any of the grounds listed above, the hearing officer/panel shall dismiss the appeal, and

explain the decision to all parties before adjourning. Once the hearing is adjourned, the hearing officer/panel should issue a written decision within 30 days outlining the rationale to explain the dismissal for lack of grounds to the Title IX Coordinator.

If dismissed, the Title IX Coordinator will issue a final finding letter and a copy of the appellate hearing officer's/panel's decision to all parties and the College President within 10 days. The appellate officer's/panel's decision is final and cannot be appealed.

If the appeal officer/panel determines by clear and convincing evidence that there are proper grounds for appeal, the appeal hearing will proceed as scheduled.

Step 2: Appeal Hearing

Should the appellate hearing officer/panel decide by clear and convincing evidence that there are **NOT** sufficient grounds or evidence to overturn the original hearing panel decision, and the final determination issued in the case, it will, within 30 days, issue a written decision to the Title IX Coordinator affirming the original hearing panel's ruling and the disposition and determination letter. The appeal hearing officer/panel should use the appeal decision template when issuing this decision.

Within 10 days of receiving the appellate hearing officer's/panel's decision that there are not sufficient grounds or evidence to overturn the original hearing officer's/panel's decision and the final determination and disposition letter, the Title IX Coordinator must send a letter along with a copy of the appellate officer's/panel's written decision to all parties informing them of the appellate officer's/panel's final decision.

If the appellate hearing officer/panel decides by clear and convincing evidence that there **ARE** sufficient grounds or evidence to overturn the original hearing officer's/panel's decision and the final determination issued in the case, the appellate hearing officer/panel will immediately overturn that ruling and within 30 days issue a written decision outlining its decision to the Title IX Coordinator along with a new hearing date where the appellate hearing officer/panel will rehear the entire case and make the final decision concerning the case. The appellate officer/panel's decision after the second hearing of the complaint is final. The appeal hearing officer/panel should use the appeal decision template when issuing this decision.

Within 10 days of receiving the appellate hearing officer's/panel's decision overturning the original hearing officer's/panel's decision and the final determination, the Title IX Coordinator must send a letter to all parties informing them of the appellate hearing officer's/ panel's decision to overturn the original hearing officer's/panel's decision and the final disposition and determination letter.

Additionally, the Title IX Coordinator must also provide at least ten (10) day notice to all parties outlining the time, date, and location for the rehearing of the Title IX case before the appellate hearing officer/panel. All rehearing proceedings will be in-person and must be recorded. A party

may request a virtual rehearing, but such a request will not be granted unless the requesting party can demonstrate that there are extreme extenuating circumstances and compelling reasons to grant a virtual hearing. Parties or their advisors will be given the opportunity to make an opening statement, and advisors will be given the opportunity to present witnesses, cross-examine all opposing parties or witnesses, and present relevant and permissible evidence as permitted at the discretion of the rehearing officer/panel.

At the conclusion of the rehearing, the rehearing officer/panel will deliberate and determine whether there is clear and convincing evidence that the respondent violated this policy. Within 60 days, the rehearing officer/panel will issue a written decision and determination outlining the decision to the Title IX Coordinator. The written decision and determination should include: a description of the procedural steps taken throughout the case, including a summary of appellate decision to reverse the original determination; a list of the allegations at issue in the case; appropriate references to all evidence presented, gathered, and considered during the hearing; a summary of the findings of fact supporting the panel's final determination which address each misconduct allegation in the complaint with a discussion and conclusions regarding application of the MC Sexual Misconduct and Harassment policy; a statement of any and all disciplinary sanctions that will be enforced against the parties (if applicable); and explanation of any remedies will be provided to the parties (if applicable). The appeal hearing officer/panel should use the appeal decision template when issuing this decision.

After receiving the rehearing officer's/panel's written decision, the Title IX Coordinator will retain the original copy of the rehearing officer's/panel's decision in the investigation file and within ten (10) days of receipt of the rehearing officer's/panel's final written decision, the Coordinator will issue a final disposition and determination letter and provide a copy of the rehearing officer's/panel's written decision to all parties and their advisors. The letter should outline the rehearing officer's/panel's findings, a description of all disciplinary and other sanctions that will be enforced against the parties along with any remedies and support that will be provided to the parties, and remedies or actions taken or to be taken by the College to stop repeated or further issues of this nature from happening (if applicable).

All appellate rehearing decisions are final and cannot be appealed.

Reporting of Title IX Cases:

The Tile IX Coordinator will provide his/her report to the President of Messenger College. The President of Messenger College may provide that report to the President's Cabinet. The President may include findings of that report in his report to the Board of Governors when applicable and necessary for Board oversight. . All reports and information will be kept strictly confidential by all Cabinet and Board members.

Messenger College is required to disclose a reported incident(s) of sexual misconduct in the crime long and "Annual Security and Fire Safety Report," and may be required to make other

disclosures or reports as required under state or federal law. The Report is a campus crime statistics report that does not include personal identity information. All annual reports will be posted on the College website.

Furthermore, Messenger College is committed to protecting the safety of the campus community. Consequently, if Messenger College becomes aware of a serious and continuing threat to the campus community, a timely notification will be issued to the campus community to ensure its protection.

Title IX Training, Prevention, and Awareness

The Title IX Coordinator and the Student Development Department is responsible for educating the campus community on how to prevent sexual misconduct. The following are some of the many activities that occur on campus to educate faculty, staff, and students on this important issue:

- Provide Title IX training for faculty, staff, and students regarding their rights and policies through Populi email and the news feed, Welcome Weekend Orientation, and on the College's website. Occurrence: annually.
- Mandatory floor meeting for all residential students living in residence housing concerning Title IX and sexual misconduct offense reporting. Occurrence: annually.
- Email to all students, faculty, staff, and board members regarding Title IX Policies (including a copy and/or link of the Policy) – Occurrence: bi-annually.
- Presentation on sexual assault awareness and prevention information at all student and staff orientations. Occurrence: annually.
- Provides additional resources as needed through email, Populi's news feed, and in semester orientation sessions to students, faculty, staff, administration, and Board members.
    - U.S Department of Education and Title IX (http://sites.ed.gov/titleix/)

- **Crisis Counseling Assistance**: Staff members shall encourage the student to access support services from those specially trained to assist victims of sexual assault, domestic violence, dating violence or stalking.
  On Campus – Campus Ministries Office, 817-554-5950 ext. 103
  Off Campus – Compassion Counseling 817-723-1210

Local Resources and College Directory

The Title IX Coordinator provides any complainant (student or employee who reports an incident involving sexual misconduct and/or interpersonal violence either on or off-campus) with a copy of the Notice of Complainant's Rights. The following information and resources written in this notice along with procedures, options and available assistance from this policy.

Sex Offender Registry: In accordance with the *Campus Sex Crimes Prevention Act of 2000*, which amends *the Jacob Wetterling Crimes Against Children and Sexually Violent*

> *Offender Registration Act*, the *Jeanne Clery Act,* and the *Family Educational Rights and Privacy Act of 1974*, the Messenger College Office of Student Development provides a link to publicly accessible Internet web sites containing the *Texas Sex Offender Registry* and the *Tarrant County Sex Offender List*. This law also requires sex offenders, who already are required to register in a state, to provide notice of each institution of higher education in that state at which the person is employed or enrolled as a student.

Individuals included on the websites are included solely by virtue of their conviction record and Texas state law. The primary purpose of providing this information is to make the information easily available and accessible, not to warn about any specific individual. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

Follow the link below to access the *Texas Sex Offender Registry* website. The Texas Department of Public Safety is responsible for maintaining this registry:
https://publicsite.dps.texas.gov/SexOffenderRegistry

Follow the link below to access the *Tarrant County Sex Offender List* website. The Tarrant County Sheriff's Department is responsible for maintaining this registry:

https://www.tarrantcounty.com/en/sheriff/operations-bureau/criminal-investigations/sex-offender-registration.html

Contact and Emergency Information

Administrative Office Phone 817.554.5950 Ext 100 Email info@messengercollege.edu

Office of Academic Affairs (Faculty, Curriculum, Instruction, Classroom, Library, Academic Support, Institutional Effectiveness) Phone 817.554.5950 Ext 108 Email cscalf@messengercollege.edu

Office of Business Affairs (Bursar, Accounts Payable, Scholarships) Phone 817.554.5950 Ext 102 Email info@messengercollege.edu

Office of Enrollment Services (Admissions, Registrar, Advising, Records) Phone 817.554.5950 Ext 165 Email enrollment@messengercollege.edu

Office of Financial Aid (Federal Aid, Cost of Attendance, Tuition Planning) Phone 817.554.5950 Ext 104 Email finaid@messengercollege.edu

Office of Student Development (Residence Life, Campus Ministries, Campus Safety, Student Life) Phone 817.554.5950 Ext 103 Email studentdevelopment@messengercollege.edu

Additional Resources

Bedford, Texas Police Department: 817.952.2440

Euless Police Department: 817.685.1500

Student Housing Maintenance: 817.554.5950

Student Housing Concerns: 817.554.5950

Texas Health HEB: 817.848.4000

Poison Control: 1.800.222.1222

Suicide Hotline: 1.800.273.8255 Emergency: (988)

Missing and Exploited Children Hotline: 1.800.843.5678

Sexual Assault Hotline: 1.800.656.4673

Drug and Alcohol Treatment: 1.800.662.4357

Mission Arlington Counseling: 817-704-6144

Compassion Counseling: 817-723-1210

Medical, Fire, or Safety Emergency Dial 911

In the event of a personal medical emergency please dial 911

To file a complaint or report an incident please contact the Title IX Coordinator, Alan Greagrey, Chief Financial Officer and Title IX Coordinator, at info@messengercollege.edu or submit a digital form at:

https://messengercollege.populiweb.com/router/forms/respond/g02843a95402f74060f476ab50047e05441890a58d284ae34760d2090bbbe3f3959b29c909cb00c6cd1f83329aea8a5ea77cd43b73891e004d8502b288ae5802864fbf8ccec3a2ff1ed7554205700ee494cf0be32f0fdb3582ae067fc698a9f841fc3bfff8f4e1234b7043c034ac4

Office address: 2705 Brown Trail, Suite 408, Bedford, TX 76021

ADDENDUM A-DEFINITIONS

Additional Relevant Definitions

For purposes of this policy, the following definitions apply. However, some of these terms are also defined under Federal and/or Texas State law.

- Actual Knowledge: Information given to or notice of any sexual misconduct or allegations to the Title IX Coordinator or staff member.
- Coercion: Coercion is the use of an unreasonable amount of pressure, intimidation, manipulation, unwanted contact, threats of physical, emotional, or other harm to compel someone to engage in sexual conduct.
- Complainant: This term refers to the individual(s) who has been the subject of prohibited conduct regardless of whether that individual makes a complaint or seeks disciplinary action.
- Confidential Source: Messenger College employees who are professional licensed counselors or pastoral counselors, acting within their license and role, are not required to report any information disclosed about an incident to the Title IX Coordinator without permission.
- Consent: This term requires words or actions that show voluntary willingness or agreement to engage in a mutually agreed upon sexual activity. Consent is voluntary and sober. Consent is not present when one is incapable of consent due to reasons of intoxication due to drugs or alcohol, sleep, mental or physical helplessness, unconsciousness, incapacitation, or lack of awareness that sexual activity is taking place. Submission to conduct does not mean the conduct was welcome or consensual; in other words, the absence of "no" does not mean, "yes." An individual who has consented to certain sexual activities in the past does not mean that that person is consenting to sexual activity at the present.
- Dating Violence: Violence or abusive behavior used by one partner to gain or maintain control over another partner. It can be violence committed by a person who is or has been in a social, romantic or intimate relationship with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the people involved.
- Domestic Violence: This may include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person situated to a spouse; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional or economic in nature.
- Extreme coercion: Compulsion by physical force or threat of physical force to compel another to submit to the wishes of the one who wields it.
- Force:The use or threat of physical violence or intimidation to impose upon an individual's freedom of will to choose to participate or not in sexual contact or using one's strength to gain sexual access.
- Formal Complaint: A document filed by a complainant (document or electronic submission) that contains a complainant's physical or digital signature, or otherwise

indicates that the complainant is the individual filing the formal complaint alleging Title IX Sexual Misconduct/Harassment against a respondent and requesting that Messenger College investigates the allegations of Title IX Sexual Harassment. A formal complaint must be filed with the college's Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this policy, and by any additional method identified in this policy.

- Incapacitation: The inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual is incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness or circumstances or surroundings, or the inability to communicate for any reason. It is important that anyone engaging in sexual activity be likewise, inducing incapacitation for sexual purposes is a violation of this policy. Inducing incapacitation for sexual purposes including using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as consent is defined in this policy) to sexual contact.
- Non-Violent Sexual Contact: Any sexual touching that occurs without consent and which does not fall within the definition of sexual violence. Examples of other non-consensual sexual contact may include the following: genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.
- Official with Authority: Messenger College administrators who have the authority to institute corrective measures on behalf of the college.
- Party or Parties: Referring to the complainant(s) and the respondent(s).
- Reasonably Constitutes: The standard by which a person in a post-secondary institution must apply in determining to report an incident to the Title IX Coordinator. For example, a person using ordinary or usual rational abilities has knowledge that conduct may qualify ("reasonably constitutes") as sex discrimination.
- Respondent: The individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct/Harassment.
- Retaliation: Retaliation is a person's adverse action against another person because they have filed a complaint or participated in providing relevant information in an investigation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. All appropriate and available steps will be taken to protect individuals who fear they may be subjected to retaliation.
- Sex Discrimination: Sex discrimination is adverse treatment of an individual based on biological sex, rather than individual merit. According to the Title IX statute, sex discrimination also includes adverse treatment of an individual based on "sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity." Examples of conduct that can constitute sex discrimination include, but are not limited to:
    - Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increases).

  - Failing or refusing to hire or allow participation of an individual in a College activity.
  - Terminating or removing an individual from employment or an educational program; or
  - Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to impact that individual adversely.
- Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:
  - Visual (e.g., video, photograph) or audio-recording of sexual activity.
  - Producing, obtaining and/or distributing photos, videos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness.
  - Exceeding the boundaries of consent.
  - Engaging in non-consensual voyeurism.
  - Knowingly transmitting a sexually transmitted infection (STI), such as HIV, to another without disclosing your STI status.
  - Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
  - Distributing or forcing others to view pornography.
- Sexual Harassment: Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any College activity or benefit.
  - Submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.
  - Sexual conduct that is "unwelcomed," and examined as a whole "is subjectively and objectively offensive," "severe and pervasive," and "limits or denies" an individual's educational experience, working conditions or experience, or living conditions.
- Sexually Inappropriate Conduct: Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature, is also prohibited under this policy, and continuous and/or repeated offenses may be considered sexual harassment. Examples include, but are not limited to, lewdness and obscene or sexually offensive gestures and comments.
- Sexual Violence: The following behaviors constitute sexual violence and are prohibited under this policy. All forms of sexual violence are serious offenses and will result in College discipline. Sexual violence involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation will be deemed especially egregious and may result in expulsion from the College or termination of employment. The consumption of alcohol or use of illegal substances will not ordinarily constitute a mitigating factor or circumstance when it contributes to, or is involved in, an alleged act of sexual violence.

    - Non-Consensual Sexual Penetration: Any act of vaginal or anal penetration by a person's penis, finger, other body part, or an object, or oral penetration by a penis, without consent.
    - Forceful Non-Consensual Sexual Contact: Any sexual touching other than non-consensual sexual penetration that occurs without consent and is the result of coercion, force, or incapacitation. Examples of forceful non-consensual sexual contact may include the following when it is a result of coercion, force, or incapacitation: genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and aggressive kissing.
- Stalking is unwanted or obsessive attention by an individual or group toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking may include the monitoring of an individual online or involve the use of social media, email or other technology. It may also include unwanted observation or surveillance.
- Third Party: Any individual who is not a Messenger College student or employee of the College.

Additional definitions regarding state and federal laws can be found here:

- Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 and its implementing regulations, 34 C.F.R. Part 106
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e-2000e-17 and its implementing regulations 29 C.F.R. §1604 11.
- Clery Act, 20 U.S.C. 1092(f) and its implementing regulations 34 C.F.R. Part 668