

South Florida Bible College and Theological Seminary (SFBC&TS)

Sexual Harassment, Sexual Violence Response & Title IX Policy

2025 updates

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I. POLICY STATEMENT

South Florida Bible College and Theological Seminary (“SFBC&TS”), in accordance with its Christ-centered mission and commitment to biblical values, is dedicated to providing a workplace and educational environment that is free from unlawful sex discrimination, sexual harassment, and retaliation. In order to uphold a safe, respectful, and God-honoring environment, and to comply with federal and state civil rights laws and regulations, SFBC&TS has developed this policy to ensure a prompt, fair, and impartial process for addressing allegations of Prohibited Conduct as defined in this Policy.

SFBC&TS values the inherent worth of every individual as an image-bearer of God and seeks to balance fairness and equity for all parties involved in any case of alleged misconduct. The primary purpose of this **Sexual Harassment and Sexual Violence Response & Title IX Policy** (the “Policy”) is to prohibit all forms of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking.

Allegations under this Policy are resolved using one of SFBC&TS’s Complaint Resolution Procedures, as outlined in the applicable appendices, and overseen by the Title IX Coordinator.

II. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT

This Policy applies to all students, student organizations, employees (faculty, staff, and administration), contractors, and third-party visitors participating in the educational programs and activities of SFBC&TS (“SFBC&TS Community”). It applies regardless of the relationship or sex of the Complainant and Respondent.

SFBC&TS may investigate any reported violation of this Policy if it occurs within the context of its educational programs and activities, including academic, extracurricular, ministry, internships, and study-abroad programs, or if SFBC&TS otherwise maintains a substantial institutional interest. SFBC&TS retains the right to investigate conduct that:

1. Involves criminal offenses under federal, state, or local law;
2. Presents a threat to the health or safety of a student or community member;
3. Infringes on the rights, property, or educational access of others within the SFBC&TS community;
4. Has ongoing or residual impact on campus or related programs;
5. Undermines the educational mission of SFBC&TS.

Actions involving the use of SFBC&TS technology or systems, including access to email, online platforms, and remote learning, are also considered to fall under this Policy when connected to SFBC&TS programs or activities.

If the Respondent is unknown or beyond SFBC&TS's disciplinary reach, the Title IX Coordinator will still provide the Complainant with Supportive Measures and resources, and when appropriate, assist with contacting law enforcement.

Where this Policy conflicts with other institutional policies, this Policy will take precedence.

III. DEFINITIONS

Confidential Resources: Individuals at SFBC&TS who, by law or credential, may offer confidential support and are not obligated to report disclosures of Prohibited Conduct unless legally required. Disclosure may occur if there is imminent risk to the individual or others, or in cases involving child abuse or neglect.

Complainant: The individual alleged to have experienced Prohibited Conduct.

Formal Complaint: A document submitted by the Complainant or Title IX Coordinator alleging a violation of this Policy and requesting formal or informal resolution. It must be submitted in person, by mail, or electronically.

Designated Reporter: All SFBC&TS employees are Designated Reporters unless officially recognized as Confidential Resources.

Good Faith Report: A report made sincerely and with reasonable belief in its accuracy, without malicious intent.

SFBC&TS's Education Programs and Activities: Programs, events, locations, services, or circumstances in which SFBC&TS exercises substantial control over both the Respondent and the context of the conduct, including online and physical spaces, properties owned or managed by the College, and buildings affiliated with student organizations recognized by SFBC&TS.

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

Preponderance of the Evidence: The standard used to determine responsibility, meaning it is more likely than not that the conduct occurred.

Prohibited Conduct: As defined in Section VI of this Policy.

Relevance: Evidence is considered relevant if it makes a material fact more or less likely to be true.

Respondent: The individual alleged to have committed Prohibited Conduct.

IV. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY (Summary)

SFBC&TS is committed to safeguarding the privacy of all individuals involved in reports of Prohibited Conduct. Information will be shared only with those who need to know in order to investigate or resolve the report, or as required by law. All parties involved in the complaint process are expected to respect confidentiality to maintain the integrity of the process and prevent retaliation.

While Complainants and Respondents are not restricted from discussing their own experiences, sharing documents obtained during the resolution process is limited to specific purposes such as consulting with an advisor, seeking personal support, or participating in legal proceedings. In some cases, the Title IX Coordinator may restrict disclosure further.

Absolute confidentiality cannot be guaranteed, but SFBC&TS will take reasonable steps to respect privacy and will inform the Complainant if confidentiality cannot be maintained. Students and employees may seek confidential support through designated resources without initiating a formal report.

V. TITLE IX COORDINATOR

SFBC&TS has appointed a Title IX Coordinator to oversee compliance with Title IX of the Education Amendments of 1972, related provisions of the Clery Act (as amended by the Violence Against Women Act), and Florida state law. The Title IX Coordinator ensures that the College responds appropriately to reports of Prohibited Conduct and enforces this Policy.

Title IX Coordinator

Andrea Farias Santos

Student Life Office

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Deputy Title IX Coordinator

Jenny Agenor

Student Life Office

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The Title IX Coordinator acts with independence and neutrality, free from conflicts of interest or bias. Responsibilities may be delegated to other trained staff members or

external professionals as needed. All personnel involved in implementing this Policy receive training as required by law.

VI. PROHIBITED CONDUCT

Prohibited Conduct is set out below. SFBC&TS will respond to all reports of Prohibited Conduct pursuant to this Policy. Conduct that does not meet the definitions below or is not otherwise prohibited by this Policy may violate other SFBC&TS policies or may be considered inappropriate or unacceptable within the SFBC&TS community. In appropriate cases, the Title IX Coordinator may refer reports of such conduct to other relevant SFBC&TS departments for resolution.

1. Title IX Prohibited Conduct

Title IX Prohibited Conduct is conduct on the basis of sex that occurs within the United States and within SFBC&TS's education programs and activities on or after August 14, 2020, that constitutes one or more of the following:

a. Quid Pro Quo Sexual Harassment

An employee of SFBC&TS conditions the provision of an aid, benefit, or service of SFBC&TS on an individual's participation in unwelcome sexual conduct.

b. Hostile Environment Sexual Harassment

Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to SFBC&TS's education programs and activities.

c. Sexual Assault/Sexual Violence

Any of the following sexual acts directed against another individual without consent, including instances where the individual is incapable of giving consent:

I. Non-Consensual Sexual Penetration (Rape, Sodomy)

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:

1. Without the individual's consent, or
2. When the individual is incapable of giving consent due to age or mental/physical incapacity.

II. Non-Consensual Sexual Contact (Fondling)

Touching of the private body parts (e.g., breasts, buttocks, or groin) of another individual for sexual gratification:

1. Without the individual's consent, or
2. When the individual is incapable of giving consent due to age or mental/physical incapacity.

III. Incest

Non-forcible sexual intercourse between persons who are related to each other within degrees that prohibit marriage by law.

IV. Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent in the state where the act occurs.

d. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the individual. The existence of such a relationship is determined by its length, type, and frequency of interaction. This includes sexual or physical abuse or the threat thereof, but does not include acts covered under domestic violence.

e. Domestic Violence

Violence including, but not limited to, sexual or physical violence committed by:

- A current or former spouse or intimate partner,
- A person with whom the individual shares a child,
- A person cohabiting or who has cohabited as a spouse or intimate partner,
- Someone similarly situated under applicable domestic or family violence laws.

The relationship must go beyond simply being roommates.

f. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their own safety or the safety of others, or
2. Suffer substantial emotional distress.

Definitions under this provision:

- *Course of conduct:* Two or more acts, including following, monitoring, surveilling, threatening, or interfering with a person’s property.
- *Reasonable person:* Someone under similar circumstances with similar characteristics.
- *Substantial emotional distress:* Significant mental suffering that may or may not require medical treatment.

An employee performing job-related tasks will not be found to have engaged in stalking solely based on fulfilling employment responsibilities.

2. Non-Title IX Prohibited Conduct

In addition to Title IX Prohibited Conduct, SFBC&TS prohibits the following conduct under this Policy:

a. Non-Title IX Sexual Harassment

Includes conduct that meets the definition of Title IX Quid Pro Quo or Hostile Environment Sexual Harassment but:

- Occurs outside of the United States, or
- Does not occur within SFBC&TS’s education programs and activities.

It also includes other unwanted sexual conduct, verbal, non-verbal, graphic, physical, when:

(i) Submission to or rejection of such conduct is made a condition of employment, academic standing, or participation in SFBC&TS programs; or

(ii) The conduct creates a **Non-Title IX Hostile Environment**, which exists when the behavior is so severe, persistent, or pervasive that it limits or deprives access to SFBC&TS programs and activities.

SFBC&TS evaluates such conduct based on:

- Frequency, nature, and severity;
- Whether it was physically threatening;
- The impact on the complainant;
- The context of the conduct;
- Interference with education or work; and
- Whether academic freedom or free speech is implicated.

Even a single incident may create a hostile environment if sufficiently severe.

b. Non-Title IX Sexual Assault

Conduct that meets the definition of Title IX Sexual Assault but occurs outside of the United States or SFBC&TS’s educational programs.

c. Non-Title IX Dating Violence

Same as Title IX Dating Violence, but occurring outside of Title IX’s jurisdiction.

d. Non-Title IX Domestic Violence

Same as Title IX Domestic Violence, but occurring outside of Title IX’s jurisdiction.

e. Non-Title IX Stalking

Same as Title IX Stalking, but occurring outside of Title IX’s jurisdiction.

f. Sexual Exploitation

Engaging in any of the following without consent:

- Observing others who are nude or sexually active;
- Recording or distributing sexual imagery without consent;
- Indecent exposure;
- Knowingly exposing someone to an STI;

- Causing incapacitation to enable sexual assault or exploitation.

g. Aiding or Facilitating

Knowingly and intentionally assisting another in committing Prohibited Conduct.

h. Retaliation

Taking adverse action with the intent to interfere with rights under this Policy, including actions against individuals:

- Who report in good faith,
- Participate in investigations,
- Or refuse to participate.

Retaliation includes threats, coercion, intimidation, or adverse academic/employment action. It may be committed by any party and will be addressed under this Policy, whether during or after the resolution of a Formal Complaint.

i. False or Bad Faith Allegations

Knowingly submitting a false report or providing false information during the process may result in disciplinary action, up to termination or dismissal.

3. Affirmative Consent, Coercion, Force, and Incapacitation

a. Affirmative Consent

Sexual contact must always be consensual. Affirmative Consent is a knowing, voluntary, and mutual agreement to engage in specific sexual activity, expressed through words or actions that clearly indicate permission.

Key principles:

- Consent to one act does not imply consent to others;
- Consent must be ongoing and can be withdrawn at any time;
- Silence or lack of resistance is not consent;
- Consent is invalid if obtained through coercion or from someone who is incapacitated.

b. Coercion

Includes intimidation, threats, or pressure that would compel someone to act against their will. Coercion may involve:

- Physical force;
- Threats of harm (emotional, reputational, etc.);
- Intense or sustained pressure that would cause a reasonable person to fear harm.

c. Incapacitation

A person cannot give consent if they are unable to understand the situation due to:

- Intoxication (alcohol or drugs),
- Sleep or unconsciousness,
- Involuntary restraint,
- Mental or physical disability.

Engaging in sexual activity with someone who is known, or should reasonably be known, to be incapacitated violates this Policy. Intoxication of the respondent is not an excuse.

VII. CAMPUS AND COMMUNITY RESOURCES

1. Overview of Resources and Disclosures

South Florida Bible College and Theological Seminary (SFBC&TS) is committed to the safety, dignity, and care of all individuals, and to treating each person with honor, compassion, and respect in accordance with our calling as followers of Christ.

Complainants and Respondents have equal access to support and counseling through SFBC&TS resources. All parties are encouraged to seek both on-campus and community resources for support and assistance.

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

SFBC&TS recognizes that not every individual will choose to report conduct prohibited by this Policy. Accordingly, **Confidential Resources** are available to students and employees and can provide support, guidance, and information without being required to share details

with the Title IX Coordinator. Confidential Resources include licensed counseling professionals and pastoral counselors acting in their professional capacities.

All **other SFBC&TS employees** are considered **Designated Reporters**, meaning they are required to share information about any incident of Prohibited Conduct with the Title IX Coordinator.

2. Medical Care After a Sexual Assault

Anyone who experiences sexual violence is encouraged to seek immediate medical care. Accessing medical services does **not** obligate the individual to file a police report or notify SFBC&TS. Medical professionals can provide:

- Treatment for physical injuries
- Testing for sexually transmitted infections (STIs)
- Pregnancy testing
- Assistance with emotional trauma
- Collection of forensic evidence for potential criminal prosecution

Forensic exams (sometimes called “rape kits”) can be provided at qualified medical facilities. Prompt medical attention is important, both for health reasons and to preserve evidence should the individual choose to pursue legal action.

For additional 24/7 support and information, individuals may contact:

- **RAINN (Rape, Abuse & Incest National Network)**
Phone: (800) 656-HOPE (4673)
Online Chat: <https://hotline.rainn.org>

VIII. MAKING A REPORT UNDER THIS POLICY

1. Reporting Guidelines

SFBC&TS encourages all community members to report any conduct that may be prohibited by this Policy. The College responds to all reports, including offering Supportive Measures, connection to resources, and information about resolution options.

A Complainant is not required to decide whether to pursue a resolution at the time of reporting. SFBC&TS supports each individual in making the decision that is best for them. Because incidents of Prohibited Conduct often occur without direct witnesses, the absence of corroborating evidence should not discourage someone from reporting.

Reports of Prohibited Conduct may be made in any of the following contacts:

Title IX Office Contacts

- **Andrea Farias Santos**, Title IX Coordinator
Email: asantos@sfbcc.edu
- **Jenny Agenor**, Deputy Title IX Coordinator
Email: jenny@sfbcc.edu

These reporting are available to both students and employees. Once a report is received, the Title IX Coordinator will reach out to the Complainant (if known) to provide resources, supportive measures, and explain available resolution processes, including filing a Formal Complaint.

a. Designated Reporters

All SFBC&TS employees, excluding licensed counselors and pastoral care providers acting in a confidential role, are **Designated Reporters** under this Policy. If a Designated Reporter becomes aware of an alleged incident of Prohibited Conduct involving a student or employee, they are required to report the incident to the Title IX Coordinator.

Designated Reporters must report:

- Names of parties involved (if known)
- Date, time, and location of the incident (if known)
- Description of the incident and any other relevant information

Designated Reporters should not promise confidentiality or attempt to investigate or resolve the matter themselves. Failure to fulfill reporting responsibilities may result in disciplinary action.

b. Mandatory Reporting of Child Abuse

Under Florida law, **all SFBC&TS employees** are also **mandated reporters** of suspected or known child abuse, including any incident involving individuals under the age of 18. Such reports must be made directly to the **Florida Department of Children and Families (DCF)**:

- **Florida Abuse Hotline:** 1-800-96-ABUSE (1-800-962-2873)
- **Online Reporting:** <https://reportabuse.dcf.state.fl.us>

c. Time Frame for Reporting

There is no time limitation on reporting or filing a Formal Complaint of Prohibited Conduct at SFBC&TS. However, the ability to investigate or respond may be limited if the Respondent is no longer affiliated with the institution or a significant amount of time has passed since the incident. In such cases, the Title IX Coordinator will determine whether SFBC&TS can proceed with a response, which may include documenting the allegation, offering Supportive Measures, or taking informal or formal action as appropriate.

When a Formal Complaint is filed after a substantial delay, SFBC&TS will apply the definitions in effect at the time of the alleged conduct and follow the resolution procedures in effect at the time of the report.

d. Anonymous Reporting

Any individual may submit a report of Prohibited Conduct anonymously. This includes individuals who are not Designated Reporters. Anonymous reports may be submitted via:

- titleix@sfbc.edu

Anonymous reporting may limit SFBC&TS's ability to fully investigate or respond, and disciplinary action typically cannot be taken solely on the basis of an anonymous report.

e. Public Awareness and Advocacy Events

Disclosures of Prohibited Conduct made at public events (e.g., forums, panels, protests, or awareness campaigns) do not constitute formal notice to SFBC&TS or initiate an investigation. However, such events may inform broader prevention efforts or institutional responses to campus climate concerns.

2. Response to Reports of Prohibited Conduct

Upon receiving a report, the Title IX Coordinator will contact the Complainant (if known) to:

- Explain their rights and available options under this Policy
- Offer Supportive Measures

- Provide information on how to file a Formal Complaint
- Discuss resolution options (informal or formal)
- Explain potential outcomes, including sanctions and remedies
- Discuss the option to file a report with law enforcement

Supportive Measures will be available whether or not a Formal Complaint is filed.

3. Advisors

Both the Complainant and Respondent may have an Advisor of their choice throughout the resolution process. The Advisor may be any individual, including an attorney. SFBC&TS will provide an Advisor, if requested, for the purpose of participating in the live hearing process as needed.

While Advisors may attend all meetings and proceedings, they may not speak on behalf of the party or disrupt the process, except during a live hearing, where they may conduct cross-examination on behalf of their advisee.

SFBC&TS may remove Advisors who fail to follow the rules of decorum. Advisors must make themselves reasonably available; the institution will not delay the process based on an Advisor's schedule.

4. Amnesty for Drug, Alcohol Use, and Consensual Conduct

SFBC&TS encourages individuals to report Prohibited Conduct without fear of discipline for related conduct violations such as underage drinking, drug use, or consensual sexual activity in violation of student policies. In such cases, SFBC&TS may offer support services rather than sanctions unless the behavior poses a serious threat to health or safety.

Unrelated policy violations discovered during an investigation may be addressed at the discretion of the institution with reduced or alternative sanctions.

5. Coordination with Law Enforcement

SFBC&TS encourages Complainants to report criminal behavior to law enforcement. The institution can assist with contacting the appropriate authorities. The decision to pursue criminal charges rests with the Complainant.

SFBC&TS may proceed with its Title IX process independently of criminal investigations. In cases where law enforcement requests a temporary delay, SFBC&TS may pause its investigation briefly (generally not exceeding ten days) and will resume promptly once permitted.

IX. SUPPORTIVE MEASURES

SFBC&TS provides reasonable and appropriate Supportive Measures to individuals involved in reports of Prohibited Conduct. These measures are non-disciplinary and non-punitive, designed to maintain or restore equal access to educational programs and activities.

Supportive Measures are provided free of charge and may include, but are not limited to:

- Guidance to access to counseling, medical, or mental health services
- Academic accommodations (e.g., extensions, schedule changes)
- No-contact directives
- Safety planning
- Increased security or monitoring
- Community education or awareness campaigns

Supportive Measures are individualized based on each situation and are offered whether or not a Formal Complaint is filed.

1. Review of Supportive Measures

A Complainant or Respondent may request a review or modification of Supportive Measures that directly impact them. SFBC&TS will respond promptly and allow the party to provide relevant information or evidence.

2. Emergency Removal

In cases where an immediate threat to the physical safety of any person is identified, SFBC&TS may remove the Respondent from its programs or activities on an emergency basis. This decision will follow an individualized safety and risk analysis and involve consultation with relevant administrators (e.g., Vice President of Student Affairs or Human Resources).

The Respondent will receive notice of the removal and have an opportunity to challenge the decision within 48 hours.

3. Administrative Leave

SFBC&TS may place a Respondent who is an employee on administrative leave during the resolution process, in accordance with institutional policies.

X. RESOLUTION PROCESS

1. Options for Resolution of Reports

At SFBC&TS, reports of Prohibited Conduct may be resolved through one of the following processes:

- **Support-Based Resolution** (when no Formal Complaint is filed),
- **Informal Resolution** (following a Formal Complaint), or
- **Formal Resolution** (following a Formal Complaint and investigation).

The appropriate resolution pathway will be determined by the nature of the report, the wishes of the Complainant, and the discretion of the Title IX Coordinator.

2. Initial Review

Upon receiving a report of Prohibited Conduct, the Title IX Coordinator will conduct an initial assessment of the allegations. This review helps determine:

- Whether the conduct may fall within the scope of this Policy,
- What Supportive Measures may be appropriate, and
- Which resolution process(es) may be applicable.

3. Support-Based Resolution

Support-Based Resolution is available when a Formal Complaint has not been filed. In such cases, the Title IX Coordinator will implement Supportive Measures for the Complainant and, where appropriate, for the Respondent. These measures are intended to restore access to SFBC&TS's educational programs or activities and ensure a safe and non-discriminatory environment.

Support-Based Resolution does not involve a finding of responsibility, does not require the Respondent's participation, and does not result in sanctions.

4. Formal Complaints

A **Formal Complaint** is a written and signed statement by a Complainant or the Title IX Coordinator alleging a violation of this Policy and requesting a resolution. Formal Complaints may be submitted in person, by email, or by mail to:

- **Andrea Farias Santos, Title IX Coordinator**
Email: asantos@sfbc.edu
- **Jenny Agenor, Deputy Title IX Coordinator**
Email: jenny@sfbc.edu

In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in SFBC&TS's education programs or activities at the time of filing.

The Title IX Coordinator may also initiate a Formal Complaint in certain circumstances, particularly if doing so is necessary to protect the campus community, even if the Complainant chooses not to proceed. In deciding whether to file a Formal Complaint without the Complainant's participation, the Title IX Coordinator may consider factors including:

- History or pattern of behavior by the Respondent
- Use of force, coercion, or weapons
- Whether the Complainant is a minor
- Threats to the safety of others
- Other available evidence

If a Formal Complaint is filed by the Title IX Coordinator, the Complainant will be notified and offered Supportive Measures. Their privacy will be preserved as much as possible.

a. Consolidation of Formal Complaints

SFBC&TS may consolidate multiple Formal Complaints where the allegations arise out of the same facts or circumstances. Consolidation may include:

- More than one Complainant or Respondent
- Allegations of both Title IX and Non-Title IX Prohibited Conduct
- Allegations implicating other SFBC policies

In such cases, all applicable procedures will be followed under this Policy.

b. Dismissal of Formal Complaints

A Formal Complaint (or specific allegations within it) may be **mandatorily dismissed** under Title IX if:

- The alleged conduct, even if proven, would not constitute Title IX Prohibited Conduct;
- The conduct did not occur in the context of SFBC&TS's education programs or activities;
- The conduct did not occur against a person in the United States.

Even if dismissed under Title IX, the behavior may still be addressed under SFBC&TS's broader Non-Title IX Prohibited Conduct provisions or other institutional policies.

Additionally, a **discretionary dismissal** of a Formal Complaint may occur when:

- The Complainant requests, in writing, to withdraw the Complaint;
- The Respondent is no longer enrolled or employed by SFBC&TS;
- Circumstances prevent the gathering of sufficient evidence (e.g., the Complainant cannot be reached or refuses to cooperate).

In all dismissal cases, written notice will be provided to both parties explaining the rationale. Parties may appeal a dismissal pursuant to Section XII (Appeals).

5. Notice of Allegations

Upon the acceptance of a Formal Complaint, SFBC&TS will send both the Complainant and Respondent a written Notice of Allegations that includes:

- The names of the involved parties (if known)
- A description of the alleged conduct, including date, time, and location (if known)
- The alleged policy violation(s)
- Information on the resolution process and available procedures
- The name of the Investigator or Informal Resolution Facilitator
- Information about the right to an Advisor of choice
- A statement that the Respondent is presumed not responsible unless and until proven otherwise
- A summary of available campus resources and support services
- A reminder of the prohibition against retaliation

If additional allegations arise during the investigation, the Title IX Coordinator will issue an amended Notice of Allegations.

6. Informal Resolutions

At any point after a Formal Complaint has been filed and before a live hearing is held, the Parties may voluntarily choose to resolve a report of Prohibited Conduct through **Informal Resolution**. Participation in Informal Resolution is entirely voluntary and requires the written consent of both Parties. SFBC&TS will not pressure either Party to participate or to accept any specific outcome.

Informal Resolution is **not permitted** in cases where the Complainant is a student and the Respondent is an employee.

The Title IX Coordinator has the discretion to determine whether a case is appropriate for Informal Resolution. Prior to initiating the process, the Title IX Coordinator will ensure that sufficient information is available to determine whether the matter may be resolved in this manner. Advisors are encouraged, but not required, during Informal Resolution.

If Informal Resolution is unsuccessful or terminated, the matter will proceed under the Formal Resolution process. During Informal Resolution, any ongoing investigation will be paused and excluded from standard timeline calculations.

The process will be facilitated by the Title IX Coordinator or a trained designee and may involve separate consultations with each Party to develop the terms of a potential agreement. The facilitator may recommend remedies or sanctions that could otherwise be imposed following a formal hearing.

A resolution is finalized only when both Parties agree to the terms in writing. Once a written agreement is signed, the matter is resolved, and the Formal Complaint may not be refiled unless new allegations arise. The resolution is not subject to appeal. Parties who fail to comply with the terms of the agreement may be subject to further action under the **Student Life Guide** or **Employee Information Guide**.

If the Informal Resolution process ends without agreement, neither Party nor the facilitator may disclose the content of the discussions or participation in Informal Resolution to the investigator, decision maker, or appeal reviewers.

Informal Resolution may include one of the following formats:

a. Party Agreement

This resolution form allows the Parties to agree on appropriate remedies or restorative actions without the Respondent admitting to a violation.

Examples may include:

- Impact letters
- Apology letters

- Counseling or mentoring
- Discipleship or reflection papers
- Directed study or educational activities
- Other restorative justice measures

b. Negotiated Agreement

In a Negotiated Agreement, the Respondent must accept responsibility for all or part of the alleged Prohibited Conduct. Both Parties, in consultation with the facilitator, may propose or respond to sanctions or remedies. Either Party may submit documentation, such as impact or mitigation statements, for consideration.

Terms may include sanctions up to and including suspension, withdrawal, or expulsion. In such cases, the outcome will be reflected in the Respondent's academic or employment record as appropriate, in accordance with SFBC&TS policies.

7. Formal Resolutions

If a matter is not resolved through Informal Resolution or is otherwise not eligible, it will proceed to **Formal Resolution** under the procedures in this Policy and the relevant complaint resolution appendix.

The applicable procedures are based on the classification of the conduct:

- **Appendix A:** For Title IX Prohibited Conduct
- **Appendix B:** For Non-Title IX Prohibited Conduct

The Title IX Coordinator will determine which procedure applies and will oversee the process to ensure it is **prompt, fair, and impartial**, consistent with the timeframes outlined in Section XIII.

a. Evidentiary Standard and Burden of Proof

SFBC&TS applies the **Preponderance of the Evidence** standard in all cases under this Policy. This means a determination of responsibility is made when the evidence shows it is more likely than not that the Respondent engaged in the Prohibited Conduct.

The burden of proof and the responsibility to gather evidence rest with **SFBC&TS**, not the Parties. The Respondent is presumed not responsible until a final determination is made.

b. Investigation and Adjudication Procedures

Detailed investigation and hearing procedures are found in:

- **Appendix A:** Title IX Complaint Resolution Procedures
- **Appendix B:** Non-Title IX Complaint Resolution Procedures

These appendices outline the investigation process, live hearing requirements (where applicable), the role of Advisors, evidence review, and decision-making protocols.

XI. Sanctions

Sanctions for **students** found to have violated this Policy may include, but are not limited to:

- Disciplinary probation
- Suspension or expulsion
- Formal reprimand or warning
- Loss of privileges
- Community service or fines
- Developmental/educational assignments
- Restitution/reconciliation
- Withdrawal from courses or the institution
- Referral for counseling or behavioral assessment
- Behavioral agreements

Sanctions for **employees**, including faculty, found to have violated this Policy may include:

- Written warning or official reprimand
- Disciplinary probation
- Referral to required counseling or training programs

- Suspension with or without pay
- Termination of employment
- Additional professional development or training related to prohibited conduct

XII. Appeals

Both the **Complainant** and the **Respondent** may appeal the Title IX Coordinator's dismissal of a Formal Complaint or the final determination of responsibility on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter
- New evidence not reasonably available at the time of the decision that could affect the outcome
- Conflict of interest or bias on the part of the Title IX Coordinator, Investigator, or Decision Maker
- Sanctions or remedies imposed are clearly unreasonable in light of the findings

To initiate an appeal, a Party must notify the Title IX Coordinator and submit a written appeal statement within **five (5) business days** of the final determination or dismissal. The statement must include:

- The determination(s) being appealed
- The specific ground(s) for appeal
- Supporting facts for the grounds cited

Statements are limited to **2,500 words**. Failure to appeal within this timeframe constitutes a waiver of the right to appeal.

The other Party will receive a copy of the appeal and may submit a written response within **five (5) business days**, also limited to 2,500 words.

The **Appeal Panel**, appointed by the Title IX Coordinator, will not include anyone previously involved in the matter. The panel will typically issue a decision within **ten (10) business days** after receiving the response or when the response period ends.

The Appeal Panel may:

- Affirm the original decision
- Reverse a decision or finding

- Modify a sanction or remedy
- Remand the case to the Title IX Coordinator, original Decision Maker, or Investigator for clarification or further proceedings
- Order a new hearing or investigation if necessary

If the Appeal Panel reverses a finding of “not responsible” and determines the Respondent is responsible, the panel will also determine appropriate sanctions and remedies.

All appeal decisions are **final and binding**.

XIII. Time Frames

SFBC&TS strives to resolve all matters under this Policy within the following general timeframes:

- **Informal Resolution:** Typically resolved within **30–60 calendar days**
- **Formal Resolution:** Typically resolved within **90–120 calendar days**

The Title IX Coordinator may extend these timeframes for **good cause**, including but not limited to:

- Unavailability of Parties, Advisors, or witnesses
- Concurrent criminal or legal proceedings
- Complexity of the case
- Other extenuating circumstances

Any extension, and the reason for it, will be communicated to the Parties **in writing**.

XIV. Training

The **Title IX Coordinator, Investigators, Decision Makers, Appeal Panel members, and Informal Resolution facilitators** will receive training consistent with:

- Title IX of the Education Amendments of 1972
- The Violence Against Women Act (VAWA)
- Relevant federal and Florida state law

Training will include, at minimum, trauma-informed practices, impartiality, relevance standards, and how to avoid conflicts of interest and bias.

XV. Record Keeping

SFBC&TS will maintain the following records for **at least seven (7) years**:

- Reports and actions taken in response to Prohibited Conduct
- Formal and Informal Resolution process records
- Final Investigative Reports, decisions, and sanctions
- Records of supportive measures provided
- Training materials used for Title IX personnel

These records will support monitoring, reporting, and institutional compliance. Certain records may be retained longer, at the discretion of SFBC&TS.

XVI. Conflicts of Interest

SFBC&TS personnel involved in the resolution of reports under this Policy must remain free from **conflicts of interest** or **bias** affecting any Party. All personnel are expected to self-identify any such conflict to the **Title IX Coordinator** for reassignment.

If a Party believes any individual involved in their case has a conflict of interest or bias, they must notify the Title IX Coordinator within **three (3) business days** of learning the identity of the individual in question.

XVII. Religious Liberty

SFBC&TS is a **private, evangelical Christian institution** committed to upholding its religious mission. As such, the College is entitled to religious exemptions under:

- The U.S. Constitution
- Title IX
- Title VII
- Applicable state laws

Nothing in this Policy is intended to compromise SFBC&TS's **religious beliefs**, doctrine, or the **Biblical values** central to its identity. Conduct consistent with the College's sincerely held religious convictions, as determined by SFBC&TS, shall not be deemed a violation of this Policy.

Appendix A: Procedures for the Formal Resolution of Formal Complaints of Title IX Prohibited Conduct

I. Scope of These Procedures

These procedures govern the investigation and resolution of Formal Complaints involving **Title IX Prohibited Conduct**, as defined in **Section VI(1)** of the SFBC&TS Title IX Policy.

II. Initiation of the Investigation

An investigation under these procedures is initiated by direction of the **Title IX Coordinator** following the filing of a Formal Complaint and the issuance of a **Notice of Allegations** to the involved Parties.

III. The Investigation

1. Overview of the Investigation

The investigation is a **neutral and fact-finding process**. Both the Complainant and Respondent will have an equal opportunity to:

- Be heard;
- Present relevant evidence;
- Identify witnesses (including fact and expert witnesses);
- Submit questions for the Investigator to consider asking the other Party or witnesses.

The Investigator will independently gather all available relevant evidence. **SFBC&TS** may continue an investigation even if one or both Parties decline to participate.

2. The Investigator

Investigations will be conducted by one or more trained individuals appointed by the Title IX Coordinator. The Investigator may be an SFBC&TS employee or an external professional. The Investigator must be **impartial, unbiased, and trained in Title IX investigation procedures**.

3. Evidence Collection

a. Testimonial Evidence Collection: Investigative Interviews

Investigators will seek to interview the Parties and any witnesses with information relevant to the allegations. Interviews may be conducted in person or via telephone/video

conference, with written notice provided in advance. A written **Interview Summary** will be prepared for each interview.

If a Party or witness declines to participate in the investigation without **good cause**, they may not be permitted to provide testimony at the hearing.

b. Non-Testimonial Evidence Collection

The Investigator will also collect additional evidence relevant to the allegations, which may include:

- Text messages, emails, or social media posts
- Audio or video recordings
- Photographs
- Medical or counseling records (with proper consent)
- Security footage
- Police or security reports

c. Evidence Collection Logs

The Investigator will maintain logs documenting:

- All evidence obtained and its source
- Any evidence sought but not obtained, including the reason it could not be collected

These logs will become part of the case file.

4. Review of the Draft Evidence File

a. The Draft Evidence File

At the conclusion of evidence-gathering, the Investigator will compile a **Draft Evidence File**. This includes all evidence directly related to the allegations, including both supporting (inculpatory) and exculpatory evidence, and evidence the Investigator does not intend to rely upon.

b. Review and Opportunity to Respond

The Draft Evidence File will be shared with the Parties and their Advisors electronically or in hard copy. Each Party will have **ten (10) business days** to review the materials and submit a **written response**. Responses may include:

- Challenges to the relevance of evidence
- Requests for additional evidence or interviews
- Commentary on existing evidence

Responses will be shared with the other Party and added to the Final Evidence File.

c. Additional Evidence Collection

If further investigative steps are required based on Party responses, new evidence will be collected and incorporated. This updated information will be provided to both Parties, who will have an opportunity to submit a second response. The length of this final review period is determined by the Investigator.

d. Limitation on New Evidence

Unless good cause is shown, evidence not disclosed during the investigation or response periods will be **excluded** from the hearing and final determination process.

5. Final Evidence File and Final Investigative Report

a. Final Evidence File

This file will include all evidence from the Draft Evidence File and the Parties' responses. It becomes the official case record.

b. Final Investigative Report

The Investigator will prepare a report summarizing all relevant evidence and the procedural steps taken during the investigation. Relevance will be assessed based on the standards in **Section V** of this Appendix.

c. Distribution to the Parties

The Final Evidence File and Final Investigative Report will be provided to both Parties and their Advisors **at least ten (10) business days before** the hearing. Each Party will have **five (5) business days** to submit a final written response.

IV. The Hearing

1. Overview

A live hearing will be held to determine whether the Respondent is responsible for the alleged Title IX Prohibited Conduct. The Respondent is presumed **not responsible** unless proven otherwise by a **preponderance of the evidence**.

Hearings are **private**. Attendees may include the Parties, their Advisors, the Decision Maker(s), relevant witnesses, and necessary staff.

2. Hearing Participants

a. Decision Maker

SFBC&TS will appoint either a single **Decision Maker** or a three-member **hearing panel**. If a panel is used, one member will serve as **Hearing Chair**. The Decision Maker cannot be the Title IX Coordinator, the Investigator, or the Informal Resolution facilitator.

Each Party may object to the appointment of a Decision Maker based on conflict of interest or bias **within three (3) business days** of notice.

b. The Parties

Each Party may attend all or part of the hearing or may decline to participate without penalty. No adverse inference will be made based solely on a Party's absence.

If a Party declined to participate in investigative interviews, they may not testify at the hearing unless they show **good cause**. If granted, the hearing may be paused for the Investigator to re-interview the Party and revise the evidence file.

c. Advisors

Each Party may have one Advisor present. If a Party lacks an Advisor, SFBC&TS will appoint one for the **limited purpose of conducting cross-examination**.

Advisors may not speak for the Party, delay, or disrupt the hearing. If an Advisor violates decorum or procedure, they may be removed.

d. Witnesses

The Decision Maker determines which witnesses may participate. Witnesses may only attend their portion of the hearing and are excluded if they declined to participate in the investigation, unless they show **good cause**. If allowed, the hearing will be paused for re-interview and file update.

e. Hearing Facilitators

A **Hearing Facilitator** (internal or external) may be appointed by the Title IX Coordinator to support the hearing process. The Title IX Coordinator may serve in this role **only if they have not participated in the case previously in a conflicting role**.

Appendix A: Hearing Procedures and Determination

3. Notice of Hearing

The **Title IX Coordinator** will notify both Parties in writing of the **date, time, location, and format** of the hearing. This **Notice of Hearing** will include:

- A summary of the alleged Prohibited Conduct
- A list of charges to be addressed
- The applicable Complaint Resolution Procedures

The Notice will be provided **at least seven (7) business days** before the hearing, whenever practicable.

Either Party may request to reschedule the hearing by submitting a **written request** with a compelling reason. Requests must be submitted **at least five (5) business days** prior to the hearing, unless there are extenuating circumstances. The **Title IX Coordinator** retains discretion to grant or deny scheduling requests. The Coordinator may also reschedule a hearing without a Party's request if there is **reasonable cause** to do so.

4. Hearing Format

The hearing will be **live** and allows both Parties the opportunity to speak directly to the **Decision Maker**. Hearings may be conducted:

- **In-person,**
- **Virtually** (e.g., via secure video conferencing), or
- **In hybrid format,** as determined by SFBC&TS.

Upon request, a Party may participate remotely. Requests for remote participation must be submitted to the Title IX Coordinator **at least two (2) business days** before the hearing.

5. Pre-Hearing Conferences

Prior to the hearing, the **Hearing Facilitator** and **Decision Maker** will meet **individually** with each Party and their Advisor to conduct a **pre-hearing conference**, which includes:

- A review of hearing procedures
- The rules of decorum
- The proposed hearing schedule
- An opportunity to ask procedural questions (but **not to discuss evidence**)

6. Impact/Mitigation Statements

Each Party may submit a written **Impact or Mitigation Statement**, which will be reviewed **only if the Respondent is found responsible**. These statements may address:

- The impact of the incident
- Factors that should be considered when determining sanctions or remedies

Statements must be submitted to the Title IX Coordinator **prior to the start of the hearing**. If applicable, the Coordinator will distribute the statements along with the written determination of outcome.

7. Hearing Procedures

A standard hearing will proceed as follows:

a. Opening Prayer

May be led by a designated SFBC&TS official or mutually agreed-upon participant.

b. Opening Instructions

The **Decision Maker or Hearing Chair** will open the proceedings by reviewing:

- Hearing protocols
- Order of testimony
- Questioning procedures

Parties may ask clarifying procedural questions at this time.

c. Cross Examination

- The Decision Maker will begin questioning each witness or Party.
- Advisors will then conduct **cross-examination**, including follow-up questions and questions addressing **credibility**.
- The Decision Maker must determine the **relevance** of each question **before** a response is provided.
- Irrelevant questions will be excluded, with a brief rationale provided.

d. Closing Remarks

The hearing concludes with final comments by the Decision Maker or Chair. No new testimony or arguments are permitted at this time.

8. Determination Regarding Responsibility and Notice of Outcome

The **Decision Maker** will deliberate privately and determine whether the Respondent is responsible for each charge, using the **preponderance of the evidence** standard. If a **Panel** is used, decisions are made by **majority vote**.

If the Respondent is found responsible:

- The Decision Maker will determine appropriate **sanctions and remedies**, guided by Section XI of this Policy.
- The Decision Maker may consult other SFBC&TS administrators as needed.
- The Impact/Mitigation Statements will be considered before assigning sanctions.

A **Written Determination** will be issued to both Parties and will include:

- A timeline of the investigation
- Allegations considered
- Findings of fact and rationale
- Conclusions for each allegation
- Any applicable sanctions or remedies
- Appeal procedures and deadlines
- Whether any remedies will be provided to the Complainant

The **Decision Maker may reference the evidence file and investigative report** as appropriate. Both Parties will receive the outcome **simultaneously and in writing**.

9. Hearing Record

A **video or audio recording** will be made of the entire hearing, excluding deliberations. The recording is part of the case record and is accessible for review by the Parties, arranged by the Title IX Coordinator. Recording by any other individual is strictly prohibited.

The **Hearing Record** will include:

- The official hearing recording or transcript
- The Written Determination
- The Final Evidence File and Investigative Report
- Impact/Mitigation Statements (if applicable)

- Any records of prior relevant conduct by the Respondent

V. Evidentiary Considerations

1. Relevance

Evidence is relevant if it makes a **material fact more or less probable**. The following limitations apply:

a. Prior Sexual History of the Complainant

Questions or evidence regarding the Complainant's prior sexual behavior are **irrelevant**, unless:

- Offered to prove that **someone other than the Respondent** committed the alleged conduct, or
- Relates to **prior sexual behavior between the Complainant and Respondent** and is offered to prove consent

b. Prior or Subsequent Conduct

Evidence of the Respondent's other conduct (before or after the incident) may be relevant if it helps show **intent, motive, pattern of behavior, or absence of mistake**.

c. Mental Health Treatment or Diagnosis

Evidence related to a Party's mental health condition, treatment, or diagnosis is generally considered **irrelevant**, unless the individual has **voluntarily waived confidentiality**.

d. Privileged Information

The use of evidence protected by **legally recognized privilege** (e.g., attorney-client or clergy privilege) is prohibited unless **explicitly waived** by the person holding the privilege.

2. Newly Offered Evidence

After the Final Evidence File is shared, **new evidence or witnesses** may only be introduced upon a showing of **good cause**, such as:

- The evidence could not have been discovered earlier despite due diligence

If allowed, the Decision Maker may pause the hearing and refer the matter back to the Investigator for:

- Interviewing the new witness
- Collecting and evaluating new evidence

- Updating the Final Evidence File and Final Investigative Report

Appendix B: Procedures for the Formal Resolution of Formal Complaints of Non-Title IX Prohibited Conduct

I. Scope of These Procedures

These procedures apply to the investigation and resolution of Formal Complaints involving **Non-Title IX Prohibited Conduct**, as defined in Section VI(2) of the SFBC&TS Title IX Policy.

II. Initiation of the Investigation

An investigation under these procedures begins at the direction of the **Title IX Coordinator** following:

- The filing of a **Formal Complaint**, and
- The issuance of a **Notice of Allegations** to both Parties

III. The Investigation

1. Overview

The investigation is a **neutral and impartial evidence-gathering process**. Both Parties will have equal opportunities to:

- Be heard
- Present evidence
- Identify relevant witnesses (fact or expert)
- Submit questions to be directed to the other Party or witnesses through the Investigator

The Investigator may also seek out other relevant evidence independently. SFBC&TS may proceed with the investigation even if one or both Parties choose not to participate.

2. The Investigator

The **Investigator** will be an appropriately trained individual appointed by the **Title IX Coordinator**. The Investigator may be an SFBC&TS employee or an external professional. They must be impartial and conduct the investigation in a **thorough, prompt, and fair** manner.

3. Evidence Collection

a. Testimonial Evidence (Interviews)

Investigative interviews will be scheduled with the Parties and witnesses identified as having relevant information. Interviewees will receive **reasonable written notice** of the date, time, and format. Interviews may be held in person or via phone/video conference. A written **Interview Summary** will be prepared for each.

If a Party or witness declines to participate in an interview deemed necessary, they may be **excluded from providing testimony** in the written hearing unless they can show **good cause**.

b. Non-Testimonial Evidence

The Investigator may collect all relevant non-testimonial evidence, including but not limited to:

- Texts, emails, and social media communications
- Audio/video messages or photos
- Medical records (with proper consent)
- Public safety/law enforcement reports

c. Evidence Logs

The Investigator will maintain logs of all:

- Evidence obtained and its sources
- Evidence requested but not obtained, and reasons for the omission

These logs become part of the official **Evidence File**.

4. Evidence File and Investigative Report

a. The Evidence File

Includes:

- All evidence directly related to the Formal Complaint
- Inculpatory and exculpatory evidence
- Interview Summaries
- Evidence not intended for use but relevant to the case

b. Final Investigative Report

Summarizes **all relevant evidence** and includes a procedural timeline. Relevance is determined in accordance with Section V of this Appendix.

c. Submission to the Parties

Both the **Final Investigative Report** and **Evidence File** will be shared with the Parties and their Advisors. Each Party has **five (5) business days** to submit a written response.

Responses may:

- Challenge the evidence or relevance determinations
- Request additional inquiries or evidence collection

d. Additional Evidence Collection

Upon review of Party responses, the Investigator may conduct **further investigative steps**, which will be shared with both Parties. A final review period will be determined by the Investigator.

e. Late Evidence Prohibited

Absent **good cause**, evidence not disclosed during the investigation or written response period will **not** be considered in determining responsibility or during the hearing.

IV. The Hearing

1. Overview

After the review period ends, a **written hearing** will be conducted. A designated **Decision Maker** will review:

- The **Evidence File**
- The **Final Investigative Report**
- Party responses
- Applicable SFBC&TS policies and relevant laws

The Respondent is presumed **not responsible**. A finding of responsibility must be based on the **preponderance of the evidence** standard.

2. Notice of Decision Maker

The Title IX Coordinator will notify the Parties of the assigned **Decision Maker** at least **five (5) business days** before the written hearing. Each Party may submit an objection based on **bias or conflict of interest** within **three (3) business days** of the notice.

3. Impact/Mitigation Statements

Parties may submit a written **Impact or Mitigation Statement** within **five (5) business days** of receiving the Final Investigative Report. These will be shared with the Decision Maker **only if the Respondent is found responsible**.

4. Determination of Responsibility and Outcome

The Decision Maker will determine:

- Whether the Respondent is responsible based on a **preponderance of the evidence**
- Appropriate **sanctions and remedies**, if applicable, in accordance with Section XI of this Policy

The Decision Maker may consult relevant SFBC&TS officials before finalizing sanctions. **Impact/Mitigation Statements** will be reviewed before sanctioning.

The **Written Determination** will include:

- Procedural history of the case
- Each allegation and corresponding findings
- Factual findings and rationale
- Conclusions and responsibility determination
- Sanctions and remedies (if applicable)
- Whether remedies will be provided to the Complainant
- Instructions and timelines for appeal

Both Parties will receive the outcome **simultaneously and in writing**.

V. Evidentiary Considerations

1. Relevance

Relevant evidence is any evidence that makes a **material fact** more or less probable. The following relevance rules apply:

a. Prior Sexual History of Complainant

Such evidence is **not relevant**, unless:

- It proves that someone other than the Respondent committed the alleged conduct, or
- It involves prior sexual behavior between the Complainant and Respondent and is offered to show **consent**

b. Prior or Subsequent Conduct of Respondent

May be considered if relevant to:

- Intent
- Motive
- Pattern of behavior
- Absence of mistake

c. Mental Health Condition or Treatment

Evidence of a Party's mental health diagnosis or treatment is generally **not relevant**, unless voluntarily disclosed and deemed necessary.

d. Privileged Information

Privileged communications (e.g., legal or pastoral counseling) are **excluded** unless the holder of the privilege provides **written waiver**.

2. Newly Offered Evidence

After the Investigative Report is issued, if a Party or the Investigator seeks to introduce **new evidence or witnesses**, the Decision Maker may allow it only with a **showing of good cause** (e.g., the information was not discoverable earlier).

If admitted, the Decision Maker may pause the process to allow the Investigator to:

- Investigate the new evidence
- Update the Evidence File and Final Report accordingly