

AUSTIN GRADUATE SCHOOL OF THEOLOGY

2020 ANNUAL SECURITY REPORT

&

SEXUAL HARASSMENT & SEXUAL ASSAULT POLICY

Includes
Crime Statistics for the 2019 Calendar Year

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Table of Contents

<u>ANNUAL SECURITY REPORT</u>	4
PREPARATION OF ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS	4
NOTIFICATION TO STUDENTS AND EMPLOYEES	4
AVAILABILITY OF ANNUAL SAFETY REPORT	4
LOCATION OF CAMPUS SAFETY DOCUMENTS AND OFFICIALS	4
CAMPUS LOCATION AND RELATED CRIME STATISTICS	5
CAMPUS LAW ENFORCEMENT AUTHORITY	5
CAMPUS GENERAL SAFETY SYSTEMS AND FACILITY ACCESS	5
CRIME AND COMMUNITY RESPONSIBILITY	6
NON-DISCRIMATORY POLICY	6
TIMELY WARNINGS: AGST EMERGENCY RESPONSE PROCEDURES	6
<i>A. DEFINITIONS</i>	<i>7</i>
<i>B. REQUIREMENTS</i>	<i>7</i>
<i>C. SUMMARY AND PROCEDURES</i>	<i>7</i>
EMERGENCY '411'; SHELTER-IN-PLACE AND OTHER SAFETY TIPS	8
FIREARMS ON CAMPUS	9
MAINTENANCE ISSUES AND SAFETY	10
MISSING STUDENT POLICY	10
GENERAL STUDENT COMPLAINTS – GRIEVANCE PROCEDURE	10
PROCEDURE FOR REPORTING CRIMINAL OFFENSES	11
PROMPT AND ACCURATE REPORTING	12
VOLUNTARY/CONFIDENTIAL REPORTING	12
INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY HEARINGS	12
AGST ANNUAL CRIME STATISTICS FOR 2019	12
HATE CRIME REPORTING	13
ALCOHOL & DRUG ABUSE	13
SEX OFFENDER REGISTRY	14
PRESERVING EVIDENCE	14
<u>SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY</u>	15
INTRODUCTION	15
PURPOSE AND SCOPE OF POLICY	15
TITLE IX PROTECTIONS	16
TITLE IX COORDINATOR	16
DEFINITIONS	17

AGST 2020 ANNUAL SECURITY REPORT & SEXUAL HARASSMENT AND SEXUAL ASSAULT POLICY	3
PRIVACY	19
RETALIATION	20
AMNESTY FOR STUDENT CONDUCT VIOLATIONS	21
BYSTANDER INTERVENTION	21
RESOURCES	22
<i><u>AGST Education and Prevention Resources</u></i>	22
<i><u>Outside Community Resources</u></i>	22
CONFLICTS OF INTEREST	23
TRAINING	23
REPORTING	24
<i><u>False Reports</u></i>	24
<i><u>Anonymous Reporting</u></i>	24
RESOLUTION OF ALLEGED VIOLATIONS	25
<i><u>Reports</u></i>	25
<i><u>Supportive Measures, Remedies and Accommodations</u></i>	26
<i><u>Optional Informal Resolution</u></i>	27
<i><u>Formal Complaint</u></i>	28
<i><u>Dismissal of a Formal Complaint</u></i>	29
<i><u>Investigation</u></i>	29
<i><u>Investigative Report</u></i>	31
<i><u>Advisors</u></i>	32
<i><u>Grievance or 'Live' Hearing</u></i>	33
<i>Scheduling of Hearing and Appointment of Hearing Officer</i>	33
<i>Identification of Witnesses for the Hearing</i>	34
<i>Conducting the Hearing</i>	34
<i>Written Determination Regarding Responsibility</i>	36
<i>Disciplinary Action</i>	37
<i><u>Appeal Rights</u></i>	37
<i><u>Records</u></i>	38
<i><u>Timelines and Extensions</u></i>	38

Austin Graduate School of Theology provides two documents within this report, its Annual Safety Report and its Sexual Harassment & Sexual Assault Policy. Each of these is required and in compliance with their respective governing laws, e.g. the Higher Education Equal Opportunity Act and current amendments; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Violence Against Women Act, and Title VII and Title IX of the Civil Rights Act of 1964.

ANNUAL SECURITY REPORT

PREPARATION OF ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

Austin Graduate School of Theology (AGST) prepares and submits this Annual Security Report (ASR) in compliance with the Department of Education's Handbook for Campus Crime Reporting and in accordance with the Higher Education Opportunity Act of 2008 (HEOA), the amended Higher Education Act of 1965 (HEA), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act or the Clery Amendment). This report contains changes which were signed into law on March 7, 2013 as the Campus Sexual Violation elimination Act ("Campus SaVE"), part of the re-authorization of the Violence Against Women Act (the "VAWA").

AGST has provided the following policies, procedures, and statistics for the safety of the campus community. Campus crime, arrest and referral statistics included in this report are prepared by the Vice President's office. If you have any questions or concerns regarding these policies, please contact AGST's Vice President and Campus Security Authority (CSA), Dave Arthur, at (512) 476-2772.

NOTIFICATION TO STUDENTS AND EMPLOYEES

The **Annual Safety Report (ASR)** is provided annually to all students and employees through email, by October 1 of each year. The ASR will be also be made available to all incoming students, prospective employees (who reach the interview stage), and new employees. The ASR will be available for review in the Vice President's office. New employees will be provided access to the ASR during their first two weeks of employment.

AVAILABILITY OF ANNUAL SAFETY REPORT

The ASR is available to students, employees and the general public through AGST's website: <https://austingrad.edu/policies-information/#annual-security-report> which is located under 'Policies & Information' under the 'Austin Grad' tab. Any interested party can request a paper copy of the ASR by contacting the Vice President's office at darthur@austingrad.edu or (512) 476-2772.

LOCATION OF CAMPUS SAFETY DOCUMENTS AND OFFICIALS

All documents, whether supporting the creation of this report or in reference to incidents and follow-up actions, i.e. crime logs, complaints, notifications, actions, and data, are kept in the Vice President's office unless otherwise noted. Primary supporting documents are kept in electronic format on a secure network and are routinely backed up.

The Vice President also serves as AGST's Campus Safety Administrator (CSA) and Title IX Coordinator.

Dave Arthur, Vice President
7640 Guadalupe St., Austin Texas 78752
(512) 476-2772 ext 105; darthur@austingrad.edu

CAMPUS LOCATION AND RELATED CRIME STATISTICS

The AGST campus is located at 7640 Guadalupe Street, Austin, Texas 78752. The campus consists of one facility of approximately 25,000 square feet with 95 adjacent parking spots.

AGST does not have student housing or other facilities. AGST does not have officially recognized student organizations with off-campus locations.

In order to comply with the federal requirements, some items listed in crime statistics may have occurred off campus or in close proximity to AGST. As required, AGST requested statistics for immediate areas surrounding the campus. Officials of the Austin Police Department Planning Unit responded that statistics are not kept for such limited areas.

CAMPUS LAW ENFORCEMENT AUTHORITY

Since AGST has a relatively small campus and no campus housing, AGST relies on the Austin Police and Fire Departments for emergency needs.

AGST does not have campus police or other security personnel, nor does it have any written memorandum of understanding (MOU) or any other type of written agreement with any law enforcement agencies for the investigation of alleged criminal offenses.

Students and staff are asked to inform AGST's administrative offices of any crimes.

AGST Administrative Offices
(Receptionist or Vice President)
7640 Guadalupe St.
Austin, TX 78752
(512) 476 - 2772

*In the event of any violations of law or of incidents that threaten the safety of those on campus,
please report these immediately to Austin Police Department:*

Dial 911 for Austin Police Department

CAMPUS GENERAL SAFETY SYSTEMS AND FACILITY ACCESS

- Smoke and fire sensors are located throughout the building. These are actively monitored and reported directly to the municipal fire department.
- Fire sprinkler systems cover all inside areas and outdoor attached walkways.
- Emergency exit signs and lights are located throughout.
- In emergencies, all classrooms and public areas can be accessed through the public address system.

- Video cameras cover outside walkways and entry areas. These are for recording purposes and not actively monitored.
- A pass code system controls access to all public entry points. Students are given an access code at the beginning of each semester. The Campus main front door is open to the general public during business hours but may be locked during emergencies.

CRIME AND COMMUNITY RESPONSIBILITY

The security of members of the AGST community is of vital concern to the Administration and Faculty. AGST:

- Is committed to providing quality service and protection to the campus community while working within the framework of its authority and resources.
- Will continue to develop and implement security measures, but solicits the personal support of faculty, staff, students, and visitors.
- Encourages students, faculty and staff to actively accept responsibility for doing their part to maintain a safe environment, to use due care for their safety, and to comply with all local, state, and federal laws and the school's policies for the protection of others.

Community members are encouraged to contact the Vice President's office or anyone with the AGST administration to report crimes as soon as they are observed or detected.

NON-DISCRIMINATORY POLICY

Austin Grad does not discriminate in the administration of its educational or admissions policies, in the award of financial aid through scholarships, grants, work-study or loan programs, or in any other school program. In accordance with federal law, and in the conviction that all people are created in the image of God, Austin Grad admits men and women of all racial, national, and ethnic backgrounds to the rights, privileges, programs, and activities accorded and available to all students.

Title IX Coordinator: 7640 Guadalupe St, Austin, TX 78752, (512) 476-2772 x 105, titleix@austingrad.edu

TIMELY WARNINGS: AGST EMERGENCY RESPONSE PROCEDURES

Emergency communications are referred to as 'Timely Warnings' in federal requirements.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, a 'timely warning' will be issued.

Timely Warning definitions, requirements, and procedures are as follows:

A. DEFINITIONS

Clery Act Crimes—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter; Rape, Forcible Fondling, Statutory Rape and Incest.; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Domestic Violence; Dating Violence; Stalking and Hate Crimes.

Campus Security Authorities—AGST designates the Vice President’s office as primary Campus Security Authority (CSA). In addition, the Dean of Students has significant responsibility for student and campus activities and is also considered a campus authority.

B. REQUIREMENTS

In order to keep the campus community informed about safety and security issues on an ongoing basis, an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Efforts will be made to avoid unnecessarily identifying the victim in such cases.

These crimes must include all Clery Act crimes that are reported to campus security authorities and local police agencies; and are considered by the institution to represent a serious or continuing threat to students and employees.

In addition to making timely warnings, an institution is required to have a timely warning policy. All Title IV institutions are subject to the timely warning regulations. There are no exceptions. Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community. Timely warnings must be issued in a manner that gets the word out quickly communitywide. The responsibility for the warning rests solely with the institution. The institution’s policy on timely warnings should specify who or which office is responsible for issuing the warnings.

The issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor.

FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations.

C. SUMMARY AND PROCEDURES

The campus crime “Timely Warning” is provided to heighten awareness and to provide students, faculty and staff timely notification of Clery Act crimes that are considered to represent a serious or ongoing threat to the campus community. The warning will provide pertinent information related to the crime and available suspect information.

Anyone with information that might warrant a timely warning should report the circumstances to the Vice President’s office or any staff member at AGST’s Administrative Offices where the information can then be relayed to the President or Vice President.

In the event of a potential emergency, AGST's President and Vice President are responsible to determine when a Timely Warning is warranted using the following protocols:

- Confirm that there is a significant emergency or dangerous situation:
 - The President and Vice President will meet to determine, in cooperation with local authorities, if needed, whether to confirm the existence of an emergency or dangerous situation.
- Determine the appropriate segment or segments of the campus community to receive a notification or Timely Warning:
 - AGST has determined it will notify the entire campus community unless the emergency is contained and specifically only impacts a small area.
 - Exceptions may be made if in the professional judgment of responsible authorities, a public notice might compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
- Determine the content of the notification:
 - AGST will determine how much information is appropriate to disseminate at different points in time, depending on what segments of the community are affected.
- Initiate a notification process:
 - An emergency notification/Timely Warning may be distributed through one or more of the following methods: e-mail, text message, fire alarms, public address system, phone tree, local media, or posting on the school's website (www.austingrad.edu).

AGST's Timely Warning procedures are published in the AGST Student Handbook which is distributed to all new students and available to all on the school's website www.austingrad.edu. The procedures are also distributed annually to all students and staff through this ASR.

EMERGENCY '411'; SHELTER-IN-PLACE AND OTHER SAFETY TIPS

Emergencies can occur with little to no warning. Therefore, we want to impress upon everyone the importance of being vigilant and remaining aware of your environment at all times, especially after dark.

- **Be Prepared:** Crime happens when there is an opportunity.
 - Do not leave valuables unattended.
 - Lock your car doors.
 - Have your keys in hand when walking to your car
- **Be Alert:** Distractions increase risk.
 - Take notice of your surroundings.
 - Park close to the doors that you will be entering and exiting.
 - Anytime you notice suspicious activity around the campus or feel threatened in any way, immediately report the activity/threat to AGST staff, faculty, or, if necessary, call 911.
- **Be Safe:** Distance and numbers reduce risk.
 - Exit to the parking lot as a group or at least in pairs.

- Ask instructors or other staff to see you out to your vehicle.

5 AND SURVIVE Safety Tips

<i>For Fire</i>	<i>For Inclement Weather</i>	<i>For Violent Threat/Active Shooter*</i>
Emergency Evacuation: <ol style="list-style-type: none"> Listen Fire alarm or public announcement will be made. Follow Flashing fire alarm exit signs to the nearest exterior door. Stairs Do not use the elevator! Use outside or inside stairs to exit. Exit Calmly and quickly exit. Help those who need assistance. Assemble In front or back parking lot. 	Shelter in Place: <ol style="list-style-type: none"> Get Low Go to the lowest level of the building. Avoid Windows Stay away from windows and glass. Go to Interior Go to interior rooms and hallways. Protect Yourself Use arms to protect head and neck. Keep in the Know Be aware of weather conditions and monitor emergency communications. 	Lockdown Procedure: <ol style="list-style-type: none"> GET Out Evacuate the facility, if possible/safe. CALL Out Call 911. KEEP Out Do not lock exterior doors. Close, lock, and barricade interior doors, if possible. HIDE Out Shelter in the nearest secured location. Turn off lights and devices indicating that the room is occupied. BE QUIET, and do not respond to anyone at the door. TAKE Out As a last resort, use anything to distract, disarm, or disable the suspect.

*View a more detailed explanation of AGST's Active Shooter Protocol click [Active Shooter](#)

* Department of Homeland Security's active shooter link: https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf

*View videos outlining the **Run, Hide, Fight** protocols here: <https://www.youtube.com/watch?v=p4IJA5Zpzz4> and here: <https://www.youtube.com/watch?v=DFQ-oxhdFjE>

FIREARMS ON CAMPUS

AGST's campus facility is a weapon-free area except to the extent allowed under applicable federal and state law.

Please note the following statement regarding Texas' Campus Carry Law.

Austin Graduate School of Theology (Austin Grad) desires to have a safe and secure campus for students, faculty, staff, and guests. The 84th Texas legislature passed what is popularly known as campus carry. Governor Abbott signed it into law on June 13, 2015. The law requires public universities to allow concealed handgun license holders to carry their concealed weapons on public university campuses, subject to certain exceptions. However, private colleges and

universities were given the right to opt out of that requirement. The statute also requires all schools to conduct a period of consultation with faculty, staff, and students. Students, faculty, staff, and the board of trustees at Austin Grad were consulted regarding their thoughts and preferences on this matter. Campus carry has been a controversial topic. Although strong opinions on both sides of the issue were voiced during the consultation process, the administration appreciates the moderation with which those opinions were offered. After its board of trustees meeting on April 15, 2016, Austin Grad completed its period of considering whether campus carry should be permitted on its campus.

After reviewing all of the comments and relevant concerns, the administration concluded that Austin Grad should opt out of campus carry. This decision is consistent with its current practice of prohibiting individuals from carrying any type of weapon on campus—a policy that has served the school well in the past and should do so in the future. This policy does not prohibit individuals from storing their properly licensed handguns in locked vehicles in the Austin Grad parking lot. Having a safe and secure campus environment is important to Austin Grad. All of us have a stake in this. Therefore, students, faculty, staff, and guests are encouraged to practice due diligence. I appreciate the effort of everyone to live within and fulfill Austin Grad's mission "to promote knowledge, understanding, and practice of the Christian faith by equipping Christians and churches for service in the Kingdom of God.

Grace, Stan Reid, President

MAINTENANCE ISSUES AND SAFETY

AGST regularly monitors facilities for items needing maintenance. In particular, areas are reviewed that might impact safety, such as defective lighting, inoperative doors or locks, broken sidewalks, steps, and handrails.

To help ensure a quality and safe environment, students and staff are asked to report maintenance, cleanliness, and/or safety issues to: Dave Arthur, Vice President (512) 476-2772; darthur@austingrad.edu. If unavailable and immediate attention is required – contact Carolyn Greene, the Receptionist; CGreene@AustinGrad.edu

MISSING STUDENT POLICY

Since AGST does not have campus housing, employees and students should report a person believed to be missing to the Austin Police Department at 911. AGST will help facilitate in communications to all parties involved as needed and deemed appropriate.

Students and staff are advised that emergency contact information will be used as their 'missing student' contact information and disclosed as needed to officials and law enforcement personnel engaged in a missing person investigation.

GENERAL STUDENT COMPLAINTS – GRIEVANCE PROCEDURE

AGST is committed to providing general complaints with appropriate attention and due process in all student matters. Fairness and reasonable consideration of student needs is a benchmark of

all administrative, faculty, and financial interaction with students. Any student with a grievance regarding academic, student, or financial matters, or any issue related to their life and work at Austin Grad, is encouraged to pursue the following course of action:

1. Attempt to resolve the issue at the primary level first, i.e., speak directly with the person involved or with the administrative officer or faculty member who is responsible for implementing the policy (ies) causing the grievance. If for any reason a student prefers not to resolve the issue in this manner, they may submit their grievance in writing following the procedure outlined in item 2.
2. If the student does not find satisfactory resolution of the situation through direct conversation as described in item 1, then (s) he may submit a written complaint to the Vice President in the case of grievances involving financial or administrative matters, to the Faculty Chair in the case of academic grievances, or to the Dean of Students in the case of student and all other grievances. Within thirty (30) days, the relevant officer will investigate the matter and respond to the student in writing.
3. A student who remains dissatisfied may appeal the decision of the Vice President, Faculty Chair, or Dean of Students to the President within fourteen (14) days. The President will review the matter and respond to the student within thirty (30) days. The decision of the President is final in all matters of student grievance.

In the event that a student believes he/she has been unfairly treated, or have issues with AGST that cannot be resolved by the methods outlined above, he/she has the right to contact our accrediting agencies and/or various state and other governmental agencies (for details see AGST Catalogue - <https://austingrad.edu/wp-content/uploads/2019/09/2019-2020-Catalogue.pdf>

PROCEDURE FOR REPORTING CRIMINAL OFFENSES

Students, faculty, staff, and guests are expected to report all crimes to the AGST administration or Austin Police Department in a timely manner. Any suspicious activity or person seen in parking lots or loitering around vehicles, inside or around the campus building should also be reported.

To report a crime or an emergency, call 911 or AGST administration offices at (512) 476-2772. To report a non-emergency security related matter, call AGST administration offices at (512) 476-2772.

Sex crimes may also be reported to the Title IX Coordinator Dave Arthur at (512) 476-2772, ext. 105.

All public safety incident reports involving students may be referred to the Vice President's office for review and potential disciplinary action. The Vice President or President will review incidents to determine if a timely warning notice is appropriate. Reports will be investigated when deemed appropriate.

AGST will request assistance from the Austin Police Department when deemed necessary. It will also provide Timely Warning notices to the community, when appropriate, and ensure inclusion in the annual crime statistics report.

PROMPT AND ACCURATE REPORTING

AGST encourages victims and witnesses of crimes to report crimes to the Vice President's office even if the victims do not want to pursue action within AGST or the local or state criminal justice system.

When the victim of a crime elects not to, or is unable (physically/mentally) to make such a report, either witnesses or AGST community members can make a report on behalf of the victim. All reports made to local law enforcement and AGST are counted and disclosed in the annual crime statistics for the institution and will be evaluated by the Vice President or his designee to determine if an immediate notification, timely warning, or public safety announcement should be made.

VOLUNTARY/CONFIDENTIAL REPORTING

If you are the victim of a crime and do not want to pursue action within AGST or the criminal justice system, you may still want to make a confidential report. With your permission, the Vice President or a designee of AGST can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep your identity confidential while allowing others to take precautions to insure their safety. With such information, AGST can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY HEARINGS

AGST, upon written request, discloses to the alleged victim of any crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the school against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of the crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim.

For any questions or to submit a written request, please contact the Vice President's office at (512) 476-2772; darthur@austingrad.edu.

AGST ANNUAL CRIME STATISTICS FOR 2019

Austin Graduate School of Theology provides the following information pursuant to the disclosure requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Criminal and/or Hate* Offense:	2016	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	0	0	0	0

Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	0	0	0	0
Simple Assault, Larceny-theft, Intimidation, Destruction/damage/vandalism of property	0	0	0	0
Arrests:				
Weapons: carrying, possessing, etc	0	0	0	0
Drug abuse violations	0	0	0	0
Liquor law violations	0	0	0	0
Disciplinary Actions/Judicial Referrals:				
Weapons: carrying, possessing, etc.	0	0	0	0
Drug abuse violations	0	0	0	0
Liquor law violations	0	0	0	0
Violence Against Women Act Offenses:				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

* Hate crime offenses: None reported in current or previous three years. If reported in future, these will be detailed by area of bias, i.e. race, religion, sexual orientation, gender, disability, or ethnicity/national origin.

HATE CRIME REPORTING

A Hate Crime is a criminal offense committed against a person or property, which is motivated, in whole or in part, by the offender's bias. Under Cleary, reportable bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, disability, and gender identity. AGST Vice President, as CSA and Title IV Coordinator, will investigate to the full extent that the law allows and turn the findings over to the proper authorities.

There were no reported Hate Crimes for the years 2016, 2017, 2018, or 2019. NOTES: Public Property Offenses are generally those reported by Austin Police Department to have happened adjacent to the AGST Campus, as defined by Cleary Guidelines. Reported crimes may involve individuals not associated with the institution.

ALCOHOL & DRUG ABUSE

AGST's policy statement regarding alcohol and drug abuse is as follows:

- The possession, use, or distribution of any controlled substance on or off campus, or the contribution to its use by others will not be tolerated. Austin Grad respects all laws of the United States and the State of Texas concerning the regulation of alcoholic beverages and the manufacture, possession, use, or distribution of any controlled substance by any and all students and employees. All students should be aware of the serious health risks associated with the use of alcohol and illegal drugs.

- A student voluntarily disclosing an alcohol or drug-related problem will not be automatically dismissed or terminated, but will be considered on an individual basis in a confidential, just manner. A student with an alcohol or drug-related problem may be permitted to remain in school on the condition of participating in an approved counseling and rehabilitation program.
- Please refer to the AGST Student Handbook regarding the administration of student discipline regarding drug and alcohol abuse.

Students or employees who wish to seek help for a substance abuse problem are directed to resources such as:

- Community programs such as Celebrate Recovery. A list of area churches providing this or other programs can be obtained from the Vice President's office upon request.
- Online programs such as The Addiction Recovery Guide, which provides a wide range of resources for dealing with substance abuse. This program provides educational information regarding medication, psychological, and holistic treatments, as well as, listing contact information for twelve step groups by city and state.

SEX OFFENDER REGISTRY

The **Campus Sex Crimes Prevention Act (CSCPA)** of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The **CSCPA** is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to provide AGST with a list of registered sex offenders who have indicated that they are enrolled, employed, or carrying on a vocation at AGST.

AGST is required to inform the campus community that a registration list of sex offenders will be maintained and available in the Vice President's office. In addition, a list of all registered sex offenders in Texas is available from the Texas Department of Public Safety at <https://records.txdps.state.tx.us/SexOffender>.⁴⁸ The **CSCPA** further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.

PRESERVING EVIDENCE

When appropriate, victims will be informed of the importance of preserving evidence of the alleged offense.

- It is important to preserve any physical evidence as it may deteriorate quickly.
- Victims can take a number of steps to preserve evidence. Some of these include:
 - Seeking a medical exam as soon as possible.
 - Avoiding using restroom, showering, bathing, or brushing teeth.
 - Not discarding or washing clothing worn at the time of the assault.
 - If clothes are removed, store these and other evidence in paper bags. Plastic bags may cause evidence to deteriorate more rapidly since moisture can't escape.

- Not cleaning up the crime scene or moving items the perpetrator might have touched.
- Writing down all details of the incident and alleged perpetrator.

SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

INTRODUCTION

Austin Graduate School of Theology (AGST) was founded with a commitment to biblical faith and Christian principles and is committed to providing a learning and working environment free from all forms of sex discrimination and conduct considered harassing, coercive or disruptive. Any sex discrimination prohibited by Title IX of the Education Amendments of 1972 ("Title IX"), including Sexual Misconduct (as hereinafter defined), poses a serious threat both to individual members of the AGST Community (as hereinafter defined) and to the broader community collectively.

AGST will not tolerate Sexual Misconduct and will take all appropriate steps to prevent and correct such behavior. Recognizing that each situation is unique, AGST will respond promptly and equitably to all allegations of Sexual Misconduct while tailoring each solution to best fit the situation. Considering both the severity of the alleged offense and the threat it poses to the AGST Community, individuals who are found to have violated this policy may face corrective action up to and including dismissal for students and termination for employees.

AGST encourages, but does not require, all members of the AGST Community to report promptly any and all alleged acts of Sexual Misconduct. Responsible Employees (as hereinafter defined) are required to report any Sexual Misconduct to the Title IX Coordinator. Any Responsible Employee who becomes aware of any alleged act of Sexual Misconduct and fails to report promptly such alleged act may be subject to disciplinary action, including termination of employment.

Retaliation or reprisal against any person, including a Complainant, a Respondent or any Third Party (each, as hereinafter defined), for making a report or complaint, testifying, assisting, participating or refusing to participate in any manner in any investigation, proceeding or hearing under this policy is strictly prohibited.

PURPOSE AND SCOPE OF POLICY

This policy is intended to protect and guide members of the AGST Community who have been affected by Sexual Misconduct, whether as a Complainant, a Respondent or a Third Party, and to provide fair and equitable procedures for investigation and resolution of alleged violations.

This policy applies to Sexual Misconduct by or of any member of the AGST Community that occurs in the United States (i) on AGST property, (ii) at an event, location or circumstance that does not take place on AGST property, where AGST exercised substantial control over both the Respondent and the context in which the Sexual Misconduct occurred, and (iii) off-campus if the

off-campus event occurs in a building that is owned or controlled by a student group that is officially recognized by AGST. AGST reserves the right to address other conduct that may pose a threat of danger to any member of the AGST Community through its Student Handbook or Catalogue.

A Complainant or Third Party is encouraged to report Sexual Misconduct regardless of where the incident occurred, or who committed it. Even if the Respondent is not a member of the AGST Community, the alleged Sexual Misconduct did not occur on AGST property, or the alleged Sexual Misconduct occurred outside the United States, AGST will take prompt action to provide for the safety and well-being of the Complainant and the broader community.

TITLE IX PROTECTIONS

AGST is committed to establishing and maintaining a safe and nondiscriminatory environment for all members of the AGST Community. AGST is required not to discriminate and does not discriminate on the basis of sex in its education programs and activities, including in admissions and employment. Sex discrimination is prohibited under Title VII of the Civil Rights Act of 1964 and is also prohibited by Title IX, which provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

AGST, as an educational community, will promptly and equitably respond to alleged violations of this policy in order to offer and carry out the level of supportive measures, remedies, and discipline appropriate for the specific facts and circumstances. AGST will respond to any complaint in a manner that protects the parties' equal access to education. Title IX provides educational processes, remedies and outcomes for sex discrimination and local law enforcement follows criminal processes, remedies and outcomes for sexual assault. While AGST will enforce this policy using the educational lens of Title IX, Complainants always have the option to avail themselves of, and will be fully supported by AGST to seek the services of local law enforcement.

TITLE IX COORDINATOR

The President of AGST has designated Dave Arthur to serve as the Title IX Coordinator for AGST. The Title IX Coordinator will report directly to the President on all matters involving Title IX. The Title IX Coordinator oversees AGST's centralized review, investigation and resolution of reports of alleged violations of this policy, and oversees AGST's overall compliance with Title IX. The Title IX Coordinator also is responsible for the implementation of Supportive Measures and for remedies imposed after a finding of responsibility.

The Title IX Coordinator can be contacted in person, by mail, by telephone, and by electronic mail as follows:

Dave Arthur
Title IX Coordinator
Austin Graduate School of Theology
7640 Guadalupe St
Austin, TX 78752
512-476-2772
darthur@austingrad.edu

Inquiries or complaints concerning the application of Title IX at AGST may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights:

Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

DEFINITIONS

Capitalized terms used in this policy shall have the following definitions:

Coercion: The improper use of pressure to compel another individual to initiate or continue sexual contact or activity against his or her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute Coercion if he or she wrongfully impairs another individual's freedom of will and ability to choose whether or not to engage in sexual contact or activity.

Complainant: Any individual who is allegedly a victim or survivor of activity that could constitute Sexual Misconduct (including, as applicable, such victim's parents for minors under the age 18). At the time of filing a Formal Complaint, a Complainant must be a current student or employee of AGST, or attempting to become a student or employee of AGST or otherwise participating or attempting to participate in the educational program or activities of AGST. A parent or guardian of a person under the age of 18 may file a Formal Complaint on behalf of such person.

Consent: For purposes of this policy, Consent is defined as a clear, unambiguous and voluntary agreement between two or more parties. In addition, sexual contact or activity requires consent as a matter of state and federal law. Consent to engage in any sexual contact or activity must be given knowingly, voluntarily and affirmatively. Consent to engage in any sexual contact or activity must exist from the beginning to the end of each occurrence of sexual activity and for each form of sexual contact, including any contact or activity that occurs in the context of an existing or previous intimate relationship.

For purposes of this policy, Consent cannot be obtained (i) through coercion or force, (ii) from a minor under the age of 17, except where the parties are within three years of age of one another, (iii) from a person who suffers from a mental disease or defect that renders the person incapable of appraising the nature of the person's conduct, (iv) from a person who is rendered temporarily

incapable of appraising or controlling the person's conduct because of the influence of alcohol or drugs, or (v) from a person who is unconscious, asleep or otherwise physically or verbally unable to communicate unwillingness to do an act. Policies concerning Consent will be interpreted and construed in a manner to comply with Texas law.

Force: The use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact or activity.

Formal Complaint: A document describing an alleged violation of this policy by any member of the AGST Community filed by a Complainant or signed by the Title IX Coordinator requesting that AGST investigate an alleged violation of this policy.

AGST Community: Students (and, as applicable, parents of students under the age of 18), faculty, administrators, staff, trustees, and applicants for admission or employment with AGST.

Intimate Partner Violence: Often referred to as dating violence, domestic violence or relationship violence, Intimate Partner Violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with another person. Intimate Partner Violence can encompass a broad range of behavior including, without limitation, physical violence, sexual violence and emotional violence. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. For the purposes of this policy, Sexual Harassment, Sexual Assault, harm to others, Stalking and Retaliation all may be forms of Intimate Partner Violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature.

Medical Records: Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

Respondent: Any individual (including, as applicable, such individual's parents for minors under age 18) who has been reported to have allegedly violated this policy.

Responsible Employee: Any employee:

- Who has the authority to take action to redress Sexual Misconduct, which AGST has designated as including the Senior Vice President and the Dean of Students;
- Who has been designated as a Title IX Coordinator.

Although all employees of AGST are encouraged to report possible Sexual Misconduct, only the employees designated above are Responsible Employees for purposes of this policy.

Retaliation: Acts or attempts to retaliate or seek retribution against a Complainant, Respondent, Third Party, or any individual or group of individuals involved in a complaint, investigation,

hearing or resolution of an alleged violation of this policy. Retaliation can take many forms, including threats, intimidation, coercion, or discrimination.

Sexual Assault: Having or attempting to have sexual penetration or sexual contact with another individual without such person's Consent, including by the use or threat of Force or Coercion, where an individual does not Consent to the sexual contact.. As used in this definition, (a) "sexual penetration" includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration involving mouth to genital contact, (b) "sexual contact" includes intentional contact for the purpose of sexual gratification with the clothed or unclothed intimate parts of another person, and (c) "intimate parts" includes breasts, genitals, buttocks and groin.

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- An employee of AGST conditioning the provision of an aid, benefit, or service of AGST on an individual's participation in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to AGST's education program or activity.

Sexual Misconduct: Sexual Harassment, Sexual Assault, Intimate Partner Violence, Domestic Violence or Stalking.

Stalking: A course of conduct directed at a specific individual that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, "course of conduct" means a pattern of conduct composed of a series of two or more separate noncontiguous acts evidencing a continuity of purpose. Stalking includes cyber-stalking, a form of Stalking in which electronic media such as the Internet, social networks, blogs, cell phones, text messages or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person in an unsolicited fashion.

Supportive Measures: Non-disciplinary, non-punitive individualized services that are offered as appropriate, as reasonably available and without fee or charge to a Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. AGST will employ such measures to restore or preserve equal access to AGST's education programs and activities without unreasonably burdening the other party. AGST will also employ such measures as appropriate to protect the safety of all parties, or AGST's educational environment or to deter Sexual Misconduct.

Third Party: Any person who is not the subject of alleged Sexual Misconduct but who is aware of such an allegation or is a participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

PRIVACY

AGST is committed to protecting the privacy of any and all individuals involved in an alleged violation of this policy. In any report, investigation or resolution of an alleged violation, every

effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the law and with the need for a thorough review of the allegations.

AGST will keep confidential the identity of any individual who has made a report or complaint of sexual discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Misconduct alleging a violation of this policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted or required by applicable law or to carry out the provisions of this policy. Information related to a report or complaint under this policy will only be shared with those AGST employees who need to know in order to assist in the review, investigation or resolution of the matter. Moreover, all AGST employees who are involved in the Title IX response will receive specific training and guidelines about safeguarding confidential information. Where a Formal Complaint is filed alleging a violation of this policy, however, identifying information of the Complainant and Respondent and witnesses will be shared with the parties and their advisors, if any. In addition, Complainants and Respondents are not restricted from discussing the allegations under investigation in a Formal Complaint.

Those members of the AGST Community who desire complete confidential assistance may do so by speaking with professionals who have a statutorily-protected or designated duty of confidentiality. Since AGST does not have medical or counseling resources, students and staff are encouraged to seek third party counsel and/or advising for complete confidentiality.

An alleged violation of this policy that is reported to a Responsible Employee as defined in this policy must be shared with and reported to the Title IX Coordinator promptly.

If a report of alleged misconduct discloses a serious or immediate threat to the AGST Community, AGST may issue a timely warning (in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”)) to protect the health or safety of the members of the AGST Community. AGST may also share non-identifiable information about reports received in aggregate form, including data about educational outcomes (e.g., sanctions).

All investigations, hearings and resolutions under this policy shall be conducted in compliance with the requirements of the Family Education Rights and Privacy Act (“FERPA”), the Clery Act and Title IX and its implementing regulations. No information shall be released from such investigations, hearings or resolutions except as required or permitted by law or this policy.

RETALIATION

Retaliation against any person for submitting a report or complaint, or testifying, assisting, or participating or refusing to participate in any manner in an investigation, proceeding, informal resolution, or hearing under this policy is strictly prohibited. An individual reporting Sexual Misconduct is entitled to protection from any form of Retaliation following a report, even if the report is not later substantiated. Similarly, individuals accused of Sexual Misconduct and those who participate in an investigation or hearing conducted under this policy are entitled to protection from any form of Retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this

policy shall not constitute Retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging Retaliation may be filed pursuant to the procedures described in this policy. Any individual who is found to have Retaliated against a person in violation of this policy may face corrective action up to and including dismissal for students and termination for employees. Complaints of Retaliation should be filed immediately with the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights.

AMNESTY FOR STUDENT CONDUCT VIOLATIONS

AGST encourages the reporting of any and all alleged Sexual Misconduct. Victims of Sexual Misconduct might be hesitant to report Sexual Misconduct to AGST officials if they fear that they (or their friends) may be charged with a violation of another AGST policy, such as the Drug and Alcohol Policy. Similarly, bystanders are sometimes hesitant to offer assistance to others for fear that they may get in trouble.

To encourage reporting of Sexual Misconduct, AGST will provide Complainants, as well as bystanders who cooperate with an investigation under this policy or who provide help to victims or likely victims of Sexual Misconduct, with immunity from being charged with violations of any other AGST policy in connection with any conduct related to an alleged violation of this policy. While violations of other policies cannot be completely overlooked, AGST may provide referrals to counseling or may require educational assistance or other remedies in such cases. Although AGST will provide individual bystanders with such immunity, student organizations may be subject to disciplinary action under other AGST policies in connection with any conduct related to an alleged violation of this policy, if deemed appropriate or necessary for the safety and well-being of the AGST Community.

BYSTANDER INTERVENTION

One of the most effective methods of preventing all types of Sexual Misconduct is bystander intervention, which encourages people to identify situations that might lead to Sexual Misconduct and then safely intervene to prevent its occurrence. AGST encourages the use of good judgment in regards to bystander intervention, as the safety of each member of the AGST Community is of primary concern. Every member of the AGST Community is encouraged to take safe and reasonable actions to prevent Sexual Misconduct.

This policy does not require individuals to place themselves in jeopardy to stop a crime or other violation of this policy in progress. There are many situations and events that occur prior to Sexual Misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for behaviors and situations that appear to be inappropriate, coercive or harassing. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every situation.

RESOURCES

AGST is committed to treating all members of the AGST Community with Christian love, respect and empathy. Any individual affected by Sexual Misconduct, whether as a Complainant, Respondent or Third Party, will have equal access to support services through AGST. AGST recognizes that deciding whether or not to make a report or choosing how to proceed can be a difficult decision. AGST encourages any individual who has questions or concerns to seek support of AGST and community resources. These resources can provide guidance in making decisions, information about available resources and assistance to either party in the event that a report or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

AGST Education and Prevention Resources

Annually, AGST provides students and staff with educational and prevention resources related to domestic violence, dating violence, stalking, and/or sexual assault. These resources serve to provide prevention strategies and protective measures to prevent and reduce sexual assault and other acts of violence on the AGST campus and among the campus community. Prevention programs are also provided for new, incoming students and new employees of AGST.

Currently, **RAINN** (Rape, Abuse & Incest National Network) is the primary resource provided to meet these objectives. RAINN is a national organization with extensive online training modules related to education about sexual assault, safety and prevention strategies, and recovery after a sexual assault.

RAINN can be found at <http://www.rainn.org> and operates a National Sexual Assault Hotline at (800) 656-HOPE.

Each year, AGST's Title IV Coordinator provides notice in writing to all students, faculty and staff with the appropriate definitions of domestic violence, dating violence, stalking, and sexual assault. This notice also includes AGST's official statement prohibiting these offenses and the safe ways to report possible offenses.

Each fall, students and employees are given information about crimes on campus. They are also provided with information regarding crime prevention through such means as the "Austin Grad Crime Prevention" flyer, newsletter, and email alerts, as needed. The "Austin Grad Crime Prevention" flyer provides a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

Outside Community Resources

External community resources, such as the following, can assist individuals who have been affected by Sexual Misconduct:

Austin Police Department

(512) 974-5037

Dial 911 if Emergency

Texas Advocacy Project

(800) 374-HOPE (4673)

<https://www.texasadvocacyproject.org/>

Samaritan Center for Counseling & Pastoral Care

8956 Research Blvd, Bldg. 2

Austin, TX 78758

(512) 451-7337

<https://samaritan-center.org/>

SAFEPLACE

1515 Grove Blvd,

Austin, TX 78741

(512) 267-7233

www.safeaustin.org/safeplace

24/7 hotline is (512) 267-7233 (SAFE)

National Domestic Violence Hotline

800-799-SAFE (7233)

CONFLICTS OF INTEREST

No person shall serve as Title IX Coordinator, investigator, hearing officer, appellate officer, or person to convene an informal resolution process who has a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. Before assigning an investigator, hearing officer, appellate officer, or person to convene an informal resolution process for any matter under this policy, the Title IX Coordinator and/or his or her designees shall determine whether such person has a relationship with either the Complainants or the Respondents that would create a conflict of interest or bias. Due to AGST's size, it is reasonable to assume students and employees will normally have interaction and varying relationships with one another. Such relationships and interactions will not automatically be deemed as the existence of bias or conflict of interest. If conflict of interest or bias exists, the Title IX Coordinator and/or his or her designees shall assign a different qualified person who does not have such a conflict of interest or bias.

TRAINING

AGST will provide training for the Title IX Coordinator and anyone conducting an investigation, hearing, appeal case, or informal resolution process on:

- The definition of Sexual Misconduct under this policy;
- The scope of AGST's education program or activity;
- How to conduct an investigation and grievance process as applicable (i.e., investigators will be trained on investigations, hearing officers will be trained on hearing processes, appellate officers will be trained on appellate processes and those convening informal resolution processes will be trained on informal resolution processes); and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Title IX Coordinator and/or his or her designee will also provide training for hearing officers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant. The Title IX Coordinator and/or his or her designee will also provide training to investigators on issues of relevance so they are equipped to create investigative reports that fairly summarize the relevant evidence. Materials used to train the Title IX Coordinator and anyone conducting an investigation, hearing, appeal case, or informal resolution, shall be maintained by the Title IX Coordinator for seven (7) years and shall also be posted on AGST's website.

REPORTING

AGST is committed to providing a variety of welcoming and accessible ways for members of the AGST Community to report instances of alleged Sexual Misconduct. AGST will take action if a Responsible Employee has notice of Sexual Misconduct in an education program or activity of AGST against a person in the United States. Any person may report or file a complaint of sex discrimination or report or file a Formal Complaint of Sexual Misconduct (whether or not the person reporting is the person alleged to be the victim of the conduct that could constitute sex discrimination or Sexual Misconduct) to the Title IX Coordinator (including during non-business hours). All Responsible Employees must promptly share any report of Sexual Misconduct with the Title IX Coordinator. AGST cannot take appropriate action unless an incident is reported. All reports must be shared with the Title IX Coordinator promptly. Any Responsible Employee who becomes aware of any alleged act of Sexual Misconduct and fails to report promptly such alleged act to the Title IX Coordinator may be subject to disciplinary action, including termination of employment.

All individuals are strongly encouraged to report alleged incidents of Sexual Misconduct immediately to the Title IX Coordinator and/or to local law enforcement. AGST's Title IX Coordinator will assist and advise regarding the importance of preserving evidence for the proof of a criminal offense and advise to whom the alleged offense should be reported. Each Complainant has the sole discretion, however, to decide whether or not to file a police report or to pursue civil action against the alleged perpetrator. All individuals will have access to AGST and community resources regardless of whether or not they decide to report an incident to local law enforcement. Except where the Complainant is younger than 13 years old, AGST will generally respect a Complainant's choice to report or not report an incident to local law enforcement, unless AGST determines that there is an overriding issue with respect to the safety or welfare of the AGST Community.

False Reports

Any Complainant or Third Party who knowingly makes materially false charges alleging a violation of this policy in bad faith may be subject to appropriate disciplinary action.

Anonymous Reporting

Any individual may make an anonymous report concerning an alleged violation of this policy at any time to the Title IX Coordinator through the contact information provided above, or the

anonymous reporting resource identified in this paragraph. Such a report should identify an alleged victim, if possible, so that the Title IX Coordinator may offer the alleged victim Supportive Measures and discuss options for filing a Formal Complaint. If an alleged victim is not identified, the reporter should disclose his or her name and any requested action. Depending on the extent of information available about the incident or the individuals involved, however, AGST's ability to respond to an anonymous report may be limited.

When any alleged violation of this policy is reported anonymously, the Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including Supportive Measures, filing a Formal Complaint, and comply with all reporting obligations under the Clery Act. The Title IX Coordinator may consult with other senior administrators, at his or her discretion.

RESOLUTION OF ALLEGED VIOLATIONS

Reports

Upon receipt of a report of an alleged violation of this policy, the Title IX Coordinator and/or his or her designee(s) will promptly contact the Complainant to discuss the availability of Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

In communicating with the Complainant about Supportive Measures, the Title IX Coordinator and/or his or her designee(s) may also make a prompt assessment of any imminent risk of harm to the Complainant(s) or to the AGST Community to determine any steps that may be necessary to address those risks. These steps may include removal of a Respondent from AGST's educational programs or activities on an emergency basis if AGST undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. AGST will provide written notice to any Respondent who is subject to emergency removal. A student Respondent who is subject to emergency removal may challenge that removal by providing the Title IX Coordinator with a written opposition to such emergency removal within five (5) days of notification of removal. The Title IX Coordinator will identify a senior administrator to decide any such challenge. The senior administrator need not meet with the student Respondent and may decide the challenge based on the written record. The senior administrator's decision will be final. AGST may place a non-student employee Respondent on administrative leave during the pendency of a Formal Complaint.

At the time a report is made, a Complainant need not decide whether to file a Formal Complaint under this policy. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, AGST will respect an individual's autonomy in making these important decisions and will provide support to assist each individual in making an appropriate determination regarding how to proceed. Supportive Measures are available to any Complainant whether or not a Formal Complaint is ever filed.

The Title IX Coordinator may, however, proceed with the filing of a Formal Complaint in the absence of a Complainant filing a Formal Complaint where the Title IX Coordinator determines that proceeding with a Formal Complaint is necessary to appropriately respond to a report of Sexual Misconduct. The Title IX Coordinator will consider a variety of factors in making this determination, such as whether there are multiple allegations of misconduct against an individual, the reasons why the Complainant does not want AGST to investigate, the risk posed to any individual or the AGST Community by not proceeding, the nature of the allegations, and the ability of AGST to successfully proceed with a hearing in the absence of cooperation by the Complainant.

Supportive Measures, Remedies and Accommodations

Upon receipt of a report or complaint, the Title IX Coordinator and/or his or her designee will promptly contact the Complainant to discuss the availability of Supportive Measures. The Title IX Coordinator and/or his or her designee will consider the Complainant's wishes with regard to Supportive Measures and will promptly impose reasonable and appropriate Supportive Measures designed to restore or preserve the Complainant's equal access to AGST's education programs and activities. AGST will also employ such measures as appropriate to protect the safety of all parties, AGST's educational environment, or to deter Sexual Misconduct. The Title IX Coordinator and/or his or her designee shall document the reasons why any determination not to provide Supportive Measures was not clearly unreasonable in light of the known circumstances, including, but not limited to, a circumstance where the Complainant does not request Supportive Measures. The Title IX Coordinator will maintain records of any Supportive Measures taken in response to a report or Formal Complaint of Sexual Misconduct for seven (7) years.

A Complainant or Respondent may request Supportive Measures, or AGST may choose to implement Supportive Measures at its discretion to ensure the safety of all parties and/or the broader AGST Community. Supportive Measures may be implemented regardless of whether a Formal Complaint is filed. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

All individuals are encouraged to report concerns about failure of any person to abide by any restrictions imposed as a Supportive Measure. AGST will take prompt and responsive action to enforce any previously implemented Supportive Measure. The Title IX Coordinator may implement Supportive Measures at any time after receipt of an alleged violation of this policy. AGST will maintain the confidentiality of any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of AGST to provide the Supportive Measure. Supportive Measures that may be provided to a Complainant or Respondent include:

- Access to community third-party counseling services and assistance in setting up initial appointments;
- Imposition of a campus no-contact order or mutual restrictions on contact between the parties;
- Extension of deadlines or other course-related adjustments, including rescheduling of exams and assignments;

- Providing alternative course completion options;
- A change in class schedule or transferring sections, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- Relocation of office space;
- Limiting an individual or organization's access to certain areas of AGST's facilities or activities pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes or activities;
- Providing assistance to community medical services;
- Providing academic support services;
- Increasing security and monitoring of certain areas of the campus; and
- Any other remedy that can be tailored to the involved individuals to achieve the goal of this policy without unreasonably burdening the other party.

Optional Informal Resolution

Any time after filing a Formal Complaint but prior to the commencement of a grievance hearing, either the Complainant or Respondent may request a meeting seeking optional informal resolution. If such a meeting is requested by a party, the Title IX Coordinator will provide both parties a written notice disclosing: the allegations; a copy of this policy which details the requirements of this optional, informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; that prior to reaching a resolution any party has the right to withdraw from the optional informal resolution process and resume the grievance process with respect to the Formal Complaint; and any consequences that may result from participating in the optional informal resolution process, including the records that will be maintained or could be shared. If both parties provide written consent to proceeding with optional informal resolution, the Title IX Coordinator shall proceed with facilitating optional informal resolution. Optional informal resolution is not available where a student Complainant alleges Sexual Misconduct by an employee of AGST.

The Title IX Coordinator and/or his or her designee shall appoint an appropriate administrator to serve as the informal resolution facilitator and convene an informal resolution meeting. The Title IX Coordinator, in his or her discretion, may serve as the informal resolution facilitator. An outside third party may be designated by the Title IX Coordinator, as appropriate, to convene such a meeting.

The purpose of an informal resolution meeting will be for the Complainant or Respondent to request a proposed course of action in order to resolve the matter in a manner consistent with biblical principles of dispute resolution. Any such informal resolution meeting shall only be held if both the Complainant and the Respondent voluntarily agree in writing to participate. At no time will either party be required to confront or meet with the other party. In cases involving Sexual Assault, such a meeting shall not occur unless the Title IX Coordinator deems the matter to be appropriate for informal resolution, in addition to both parties agreeing to the meeting. Participation in an informal resolution meeting is voluntary, and any party may request to end the process at any time. If either party asks to end the optional informal resolution process, AGST

shall proceed with the Formal Complaint. If the Title IX Coordinator acted as the informal resolution facilitator for a matter that returns to the Formal Complaint process, the Title IX Coordinator shall not serve as the investigator on that matter or otherwise supervise the investigation.

The outcome under optional, informal resolution may include disciplinary sanctions to which both parties and AGST agree, up to and including expulsion for a student and termination of employment for an employee. If the parties reach agreement through informal resolution to terms agreeable to both parties, the Title IX Coordinator shall document that the Formal Complaint was resolved through optional informal resolution and include any other terms agreed to by the parties. If disciplinary measures or continuing Supportive Measures are included in a resolution agreement, AGST must also approve those terms. The written resolution agreement shall be signed by both parties. Once an informal resolution agreement has been signed by both parties, neither party may resume or commence a Formal Complaint arising from the same factual circumstances.

The Title IX Coordinator will maintain records of any informal resolution meeting for seven (7) years. Records from an optional informal resolution process that is started but ended by either party prior to reaching an informal resolution agreement, may not be used by either party in a later grievance hearing under this policy. Neither party may call the Title IX Coordinator or the administrator or third party who facilitated the informal resolution process to provide testimony as to what was disclosed or what occurred during the optional, informal resolution process at a grievance hearing under this policy.

Formal Complaint

Any Complainant may submit a Formal Complaint requesting that AGST investigate an allegation of Sexual Misconduct with the Title IX Coordinator by mail, email or by clicking “Report an Incident” at the bottom of AGST’s website, www.austingrad.edu, and submitting a report. If for any reason the Complainant is not able to submit a Formal Complaint in writing, the Title IX Coordinator and/or his or her designee(s) may prepare the Formal Complaint based on verbal conversations with the Complainant, and the Complainant shall review such Formal Complaint, and when accurate and complete, sign a copy of such Formal Complaint. The Title IX Coordinator may also file a Formal Complaint regarding allegations of Sexual Misconduct against any member of the AGST Community. The Formal Complaint should include the names(s) of the individual(s) involved, the date(s), time(s) and location(s) of the event(s) and a detailed description of the actions constituting the alleged violation. The Formal Complaint should also provide the names, addresses and phone numbers of any witnesses or potential witnesses. All Formal Complaints should be signed and dated. Where the Title IX Coordinator files a Formal Complaint, he or she is not a Complainant or otherwise a party.

After the Title IX Coordinator files a Formal Complaint or receives a Formal Complaint, the Title IX Coordinator and/or his or her designee(s) shall provide a written notice to the parties who are identified in the Formal Complaint that includes:

- Notice of AGST’s grievance process, including any informal resolution process, by providing a copy of this policy;

- The allegations of Sexual Misconduct as known at the time, including, if known, the identities of the parties, the Sexual Misconduct alleged and the date, time and location of the incident;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the parties may have an advisor of their choice accompany them to all proceedings and meetings that are part of the process, in accordance with the terms of this policy; and
- Notice that parties may be disciplined for knowingly making false statements or knowingly submitting false charges alleging a violation of this policy.

The Title IX Coordinator may consolidate, for purposes of investigation and determination, Formal Complaints made against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Dismissal of a Formal Complaint

If AGST determines at any time that the conduct alleged in a Formal Complaint would not constitute Sexual Misconduct as defined in this policy even if proved, did not occur in AGST's education program or activity, or did not occur against a person in the United States, AGST shall dismiss the Formal Complaint ("Mandatory Dismissal"). The Title IX Coordinator may dismiss a Formal Complaint at any time ("Discretionary Dismissal") if:

- A Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the Formal Complaint or any allegations in the Formal Complaint;
- The Respondent is no longer enrolled or employed by AGST; or
- Specific circumstances prevent AGST from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations herein.

In the case of a Discretionary Dismissal, before dismissing the Formal Complaint, the Title IX Coordinator shall consider whether a dismissal of the Formal Complaint is consistent with AGST's obligations under Title IX to respond to allegations of Sexual Misconduct in a way that is not clearly unreasonable.

If AGST dismisses a Formal Complaint, it will promptly send written notice of the dismissal and reasons for the dismissal to the parties simultaneously, with notice that the parties may appeal AGST's dismissal of the Formal Complaint or of allegations within the Formal Complaint. A Mandatory Dismissal does not preclude a Complainant from filing an amended Formal Complaint that includes additional factual details that clarify that the conduct alleged would constitute Sexual Misconduct as defined in this policy or that the conduct did occur in AGST's program or activity.

Investigation

The Title IX Coordinator will oversee an investigation of all Formal Complaints alleging a violation of this policy. Any such investigation will be designed to provide a fair and reliable

gathering of the facts. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests at all times with AGST, and not with the Complainant or the Respondent. All individuals in the investigation, including the Complainant, the Respondent and any Third-Party witnesses, will be treated with appropriate sensitivity and respect.

AGST will inform all Complainants of their right to pursue criminal charges. If the Complainant seeks criminal charges, local law enforcement may also conduct an investigation. In the event that law enforcement is involved and upon their request, AGST may agree to defer its investigation under this policy until after the initial stages of any criminal investigation. AGST will nevertheless communicate with the Complainant and Respondent (as appropriate) regarding their rights under this policy, procedural options and the implementation of Supportive Measures to assure the safety and well-being of the Complainant and the AGST Community. AGST will promptly resume its investigation under this policy as soon as practicable after law enforcement has completed its initial investigation.

The Title IX Coordinator will oversee the investigation, and designate one or more individual(s) to conduct the investigation. The Title IX Coordinator, in his or her discretion, may serve as the investigator. AGST may engage the assistance of an external investigator to conduct or assist with the investigation, if deemed necessary and appropriate by the Title IX Coordinator. The investigator(s) will keep the Title IX Coordinator informed of the progress of the investigation during the entire process. The Title IX Coordinator may notify appropriate senior administrator(s), including the President of AGST, that a report has been received and an investigation has begun.

The investigator(s) will provide the parties with written notice of the date, time, location, and participants for all investigative interviews or other meetings with the parties, with sufficient time for the party to prepare to participate. Two (2) days advance notice shall generally be deemed sufficient time to prepare for an investigative interview or meeting. Absent an emergency removal by AGST, or other exigent circumstances, an initial investigative interview with either Complainant or Respondent shall not be held earlier than two (2) days after the Complainant and Respondent have received the Formal Complaint and accompanying materials.

The investigator(s) will conduct the investigation based on the specific allegations. The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the investigation. The Complainant and Respondent will have an equal opportunity to meet with the investigator(s), to submit evidence, to provide testimony and to identify witnesses who may have relevant information. The investigator(s) will also coordinate the gathering of any available physical or medical evidence, including documents, communications between the parties involved, and other electronic records, as appropriate. The investigator(s) have broad discretion in determining whether a proposed witness or documentary evidence would be relevant or helpful in making any determination under this policy. The investigator(s), however, shall not access, consider, disclose, or otherwise use a party's Medical Records unless AGST receives that party's voluntary, written consent to do so for a proceeding under this policy. Use of alcohol or drugs by the Complainant at the time of the incident will be considered for purposes of determining Consent or memory only and will not form the basis for independent proceedings or discipline. The prior sexual behavior or sexual predisposition of the Complainant are not

relevant and shall not be considered unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if it concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. The prior sexual behavior or sexual predisposition of the Respondent may be considered only if it establishes a pattern of complaints or behavior.

Prior to completing the investigation, the investigator(s) may meet again with the Complainant and/or Respondent separately to give an overview of the steps taken during the investigation, to ask the Complainant and the Respondent for names of any additional person(s) with whom the investigator(s) should speak, and to request any additional information relevant to the investigation. After completing the investigation, and prior to completing the investigative report, the investigator(s) will provide to each party, and to each party's respective advisor, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, in an electronic format or a hard copy, including all interview memoranda, and all other documentary or other evidence directly related to the allegations raised in the Formal Complaint, regardless of whether the investigator intends to rely on such evidence in the investigative report. The parties shall have ten (10) calendar days to submit a written response to the evidence, which the investigator(s) shall consider prior to completion of the investigative report. If additional evidence, including additional witness testimony, is gathered by the investigator(s) after the evidence has been shared with the parties, the investigator(s) will promptly share such additional evidence with the parties and provide the parties with ten (10) calendar days to provide written comments on such additional evidence prior to completing the investigative report.

Investigative Report

After considering the parties' written comments, if any, on the evidence, the investigator(s) will complete an investigative report that:

- Identifies the allegations potentially constituting a violation of this policy;
- Describes the procedural steps taken from the receipt of the Formal Complaint through the date of the draft report, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; and
- Fairly summarizes the relevant evidence.

The content of such report may be modified subject to the limitations of FERPA and other applicable privacy laws or legal privileges. The Title IX Coordinator will review all draft investigative reports prior to their submission to the parties and may request that the investigator(s) revise the report, or gather additional evidence.

The investigative report will be shared with the parties and their respective advisors, if any, in an electronic format or hard copy. Unless specified otherwise by the investigator(s), the parties will have ten (10) days to review the investigative report and provide any comments or additional information in connection with the investigative report. After considering information and/or comments, if any, provided by a party by the deadline in response to the investigative report, the investigator(s) may revise the investigative report, if those comments require substantial

revisions to the investigatory report, as deemed appropriate in the discretion of the investigator(s), and in consultation with the Title IX Coordinator.

If no written comments are received by deadline in response to the investigative report, or if the investigator(s) determine that no revisions to the investigative report are necessary, then the investigative report will become final. If a revised investigative report is prepared, it shall be provided to both parties and their respective advisors, if any, in an electronic format or hard copy, and the parties shall again have ten (10) days to provide written comments and additional evidence in response to the final investigative report.

The final investigative report will be shared with the parties and their respective advisors, if any, in an electronic format or hard copy at least ten (10) days prior to the grievance hearing detailed below.

Advisors

Both the Complainant and Respondent are entitled to one advisor of their choosing to guide and accompany them throughout the process under this policy. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise the party and who is both willing and available. An individual who may or will be called as a witness may not serve as an advisor.

Each party is entitled to be accompanied by his or her advisor in all meetings, interviews and hearings at which the party is entitled to be present, including intake, interviews, and meetings. Advisors may help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith. AGST cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, AGST is not obligated to provide an attorney for the other party.

Each advisor is subject to the terms of this policy and all other applicable AGST policies, whether or not the advisor is an attorney. Except as detailed below during the grievance hearing, advisors may not present any information on behalf of their advisees in a meeting or interview, and should request or wait for a break in the meeting or hearing if they have a question for AGST officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings or hearings to allow for private conversation.

Advisors must refrain from interference with AGST's investigation and resolution. Any advisor who steps out of the advisor role under this policy in any meeting or hearing under the resolution process will be warned at least one time. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor may be asked to leave the meeting. When an advisor is removed from a meeting, other than a grievance hearing as detailed below, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine, in the Title IX Coordinator's sole discretion, whether the advisor may be reinstated, or whether the party may obtain or request a different advisor.

If a party does not have an advisor present for a grievance hearing, AGST will provide an advisor of AGST's choice for the party. Where AGST provides an advisor for a party, the role and

responsibility of the advisor is limited to posing cross-examination questions to the other party and witnesses at the grievance hearing. An AGST-provided advisor will only pose such cross-examination questions as are provided to the advisor by the party the advisor is advising. The advisor provided by AGST may, or may not, be an attorney, even if the other party has an attorney as an advisor at the hearing.

Advisors must maintain the privacy of any records or information shared with them by AGST. These records and information may not be shared with third parties, disclosed publicly, or used for any purpose other than assisting the Complainant or Respondent with proceedings concerning a Formal Complaint under this policy. AGST may seek to discontinue or restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by AGST's privacy expectations.

All advisors must adjust their schedule to allow them to attend interviews, meetings or hearings when scheduled. AGST does not typically change scheduled meetings to accommodate an advisor's inability to attend. AGST might, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, or virtual meeting technologies, as may be convenient and available.

Both parties must advise the Title IX Coordinators of the identity of their advisor at least two (2) business days before the date of their first meeting or interview under this policy. The parties must provide subsequent timely notice to the Title IX Coordinator if they change advisors at any time. In addition, parties must inform the Title IX Coordinator at least seven (7) days before any grievance hearing as to whether they will be accompanied by an advisor and the identity of such advisor.

Interviews conducted as part of an investigation under this policy may be recorded by AGST. Recordings not expressly authorized by AGST are prohibited.

Grievance or 'Live' Hearing

Scheduling of Hearing and Appointment of Hearing Officer

The Title IX Coordinator or his or her designee shall schedule a grievance hearing to be held no sooner than ten (10) days after the parties receive the investigative report. At least ten (10) days prior to the hearing, the Title IX Coordinator and/or his or her designee shall inform the parties and their advisors, if any, of the scheduled date and time of the hearing and where the hearing will be conducted. All hearings will be conducted live and in private. The only people who may attend the hearing shall be the Complainant and any advisor, the Respondent and any advisor, the hearing officer, any witnesses (each of whom shall attend only for the duration of their personal testimony), the Title IX Coordinator, any officials or employees from AGST at the discretion of the Title IX Coordinator, and any interpreters necessary for participants or witnesses to provide testimony and/or participate. Hearings may be conducted with the parties in the same physical location or in different physical locations with technology that allows the participants simultaneously to see and hear each other. If the hearing is scheduled for the parties to be in the same physical location, either party may request that the hearing occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. A party shall make

any such request in writing to the Title IX Coordinator or his or her designee within two (2) days of receiving notice that the hearing is scheduled to be in-person with the parties in the same room.

Upon scheduling the hearing, the Title IX Coordinator and/or his or her designee will appoint a hearing officer to conduct the hearing. The hearing officer will be a senior administrator of AGST, or may be, in the discretion of the Title IX Coordinator and/or his or her designee, a third party specially appointed for this purpose. The Title IX Coordinator and/or his or her designee shall provide the hearing officer, as much in advance of the hearing as possible, with the evidence directly related to the allegations that has been shared with the parties by the investigator(s); any written responses provided by the parties to the evidence; the final investigative report, and any written responses provided by the parties to the final investigative report.

The Title IX Coordinator and/or his or her designee shall provide the parties with the name of the hearing officer in advance of the hearing. The parties shall have two (2) calendar days after receiving such notice to object to the hearing officer on the basis that the party believes that the hearing officer has a conflict of interest or bias. If either party objects to the hearing officer, the Title IX Officer and/or his or her designee shall determine whether to appoint a different hearing officer. If a replacement hearing officer is appointed, the parties shall have two (2) calendar days after receiving notice of any replacement hearing officer to object on the basis that the replacement hearing officer has a conflict of interest or bias. If a replacement hearing officer is appointed, the hearing date may be postponed at the discretion of AGST.

Identification of Witnesses for the Hearing

No later than five (5) days prior to the hearing, the Title IX Coordinator and/or his or her designee will inform the parties of the names of witnesses who AGST has invited to attend the hearing. If a party wishes to invite any additional witness to the hearing, the party may do so if that witness has been interviewed by the investigator(s) and the party believes that the witness has information that is relevant to the matter. No later than three (3) days prior to the hearing, the party shall inform the Title IX Coordinator and/or his or her designee of the name of any such witness and the Title IX Coordinator and/or his or her designee shall inform the other party of the identity of any such additional witness and will invite any such additional witness to the hearing using contact information provided by the party who wishes to invite such witness.

Conducting the Hearing

At the hearing, the parties will be limited to evidence and witnesses that have been provided to the investigator(s) prior to preparation of the investigative report. AGST will make all such evidence subject to the parties' inspection and review available at the hearing so each party has an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. The rules of evidence applicable to court proceedings do not apply to the hearing. Information that is relevant will be considered by the hearing officer; information that is irrelevant will be excluded by the hearing officer. Evidence is relevant if it (1) makes a fact that is of consequence in determining the matter more or less likely than it would be without the evidence; or (2) it reflects on the credibility of a testifying party or witness in a material way. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual

behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The hearing officer may deem a cross-examination question or evidence irrelevant if it is duplicative or redundant.

The hearing will proceed as follows: reading of the charges; Respondent's statement denying or admitting responsibility; any opening comments from the Complainant; any opening comments from the Respondent; questioning of the Complainant; questioning of the Respondent; questioning of any other witnesses; any closing statement by the Complainant; and any closing statement by the Respondent.

All parties, advisors, and the hearing officer should be familiar with statements of parties and witnesses included in the investigative file. The purpose of questioning at the hearing shall be to ask questions that will clarify the party or witnesses' statement from the investigative file and that will help the hearing officer determine the credibility of the parties and witnesses so as to reach an accurate determination. In questioning of the parties and other witnesses, the hearing officer shall first pose any relevant clarifying questions that the hearing officer may have based on the hearing officer's review of the statement of that party or witness taken by the investigator(s). After the hearing officer has completed questioning of a party, then the advisor for the other party may ask relevant cross-examination questions of the testifying party. In questioning witnesses, the advisor for the complainant shall conduct any cross-examination before the advisor for the respondent conducts cross-examination. Before the testifying party or any testifying witness answers any cross-examination question posed by a party's advisor, the hearing officer will first determine whether the question is relevant and will provide an explanation for any decision to exclude a question as irrelevant. The hearing officer may instruct a testifying party or witness not to answer any question that the hearing officer deems irrelevant. Neither party shall be allowed to challenge the determinations of relevancy made by the hearing officer during the hearing.

Advisors may cross-examine the other party and witnesses but shall not otherwise participate in the hearing aside from quietly advising a party. Opening and closing statements, if any, shall be delivered personally by the Complainant and the Respondent. The hearing officer may set reasonable time limits for testimony and opening and closing statements that are equally applied to both parties.

At the hearing and in particular in conducting cross-examination, advisors shall treat all parties, witnesses, advisors and the hearing officer with respect and ask questions in a respectful, non-adversarial manner. The hearing officer may dismiss an advisor who refuses to conduct cross-examination in a respectful, non-adversarial manner after providing the advisor with one warning. If a party's advisor is dismissed from the hearing by the hearing officer, the hearing may be postponed to allow the party to obtain another advisor, or, at the hearing officer's discretion, the hearing may proceed after a brief recess to allow AGST to provide the party with an alternate advisor. Whether to appoint an alternate advisor and whom to appoint are solely within the discretion of AGST.

AGST will create an audio or audiovisual recording, or a transcript, of the live hearing and make it available to the parties for inspection and review. The Title IX Coordinator will maintain any audio or audiovisual recording or transcript for seven (7) years.

In determining responsibility, the hearing officer will not rely on any statement of a party or a witness who does not submit to cross-examination at the hearing; provided, however, that the hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. A hearing may proceed in the absence of either party or any witness. If either party is absent from the hearing, that party's advisor may attend the hearing and pose cross-examination questions of the other party and of witnesses. If a party is absent from the hearing and no advisor for the party attends the hearing, AGST will provide an advisor for that party. The advisor's role in that circumstance will be limited to posing any cross-examination questions for the other party or for witnesses that the absent party has provided to the Title IX Coordinator or the hearing officer in advance of the hearing.

Written Determination Regarding Responsibility

After the hearing, the hearing officer will issue a written determination regarding responsibility, using a preponderance of the evidence standard (i.e., whether it is more likely than not that Sexual Misconduct occurred). The hearing officer will make an objective evaluation of all relevant evidence presented, including both inculpatory and exculpatory evidence, with the exception noted above of party and witness statements where the party or witness has not submitted to cross-examination. The hearing officer may not base credibility determinations on a person's status as a Complainant, Respondent, or witness. The written determination will include:

- Identification of the allegations potentially constituting a violation of this policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of AGST's policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions AGST imposes on the Respondent;
- Whether remedies designed to restore or preserve equal access to AGST's education program or activity will be provided to the Complainant; and
- The procedures and permissible bases for appeal.

The written determination will be provided to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies that may be imposed after a finding of responsibility.

Disciplinary Action

In the event the hearing officer determines that the Respondent is responsible for an act of Sexual Misconduct or other violation under this policy, he or she may impose any appropriate sanction that he or she determines to be fair. In determining any disciplinary action, the hearing officer may consider the following:

- Students – If a student is found to have committed a Sexual Assault, the appropriate presumptive discipline is expulsion.
- Staff – If a staff member is found to have committed a Sexual Assault, then the appropriate presumptive action is to terminate the staff members' employment in accordance with the applicable policies of AGST.
- Faculty – If the Respondent is a faculty member and his or her conduct warrants discipline that is less severe than discharge or suspension, the hearing officer will recommend sanctions to the Faculty Chair and President of AGST. In cases where the faculty member is found to have committed a Sexual Assault, the presumptive action is discharge or termination of employment, in accordance with the terms of the applicable handbook of AGST providing for Dismissal for Cause.

Any Sexual Assault under this policy is strictly prohibited. The designated senior administrator(s) will oversee the application of any such disciplinary action.

Appeal Rights

Any appeal of a final determination hereunder shall stay the imposition of disciplinary action under this policy, but only during the pendency of the appeal. If the disposition of the appeal does not alter the recommended sanction, disciplinary action pursuant to this policy shall proceed.

The Complainant and/or Respondent may appeal a dismissal of a Formal Complaint or a final determination by submitting a written objection to the Title IX Coordinator within five (5) calendar days of receipt of the notice of dismissal or final determination. Any grounds for appeal shall be based solely on:

- The emergence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- A claim that some procedural aspect of this policy was not properly followed and that irregularity affected the outcome of the matter; or The Title IX Coordinator, investigator(s) or hearing officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The Title IX Coordinator has sole authority to determine if any appeal is timely submitted. If the Title IX Coordinator determines that an appeal is not timely submitted, then the Title IX Coordinator may dismiss the appeal and notify the appealing party of such dismissal.

If the Title IX Coordinator determines that an appeal is timely submitted, the Title IX Coordinator will designate the appropriate senior administrator of AGST to consider the appeal. Such senior administrator shall not be the same person as the investigator(s), the Title IX Coordinator, or the hearing officer who determined responsibility or dismissal. The Title IX Coordinator shall provide the appeal to the other party, who shall have five (5) calendar days to provide a written statement in response to the appeal. The senior administrator will consider the objections presented in the appeal and the written response to the appeal, review and evaluate the final determination report, if applicable, and reach his or her conclusion. The senior administrator will issue a written decision related to the appeal to the Complainant and Respondent and provide it to them simultaneously within thirty (30) days of receiving all written responses. The President of AGST or his or her designee(s) may, in the President's sole discretion, consider any appeal from such senior administrator's decision, in which case the President or his or her designee(s) shall issue a decision in writing to the Complainant and Respondent, which shall be the final decision of AGST on this matter. If the President of AGST or his or her designee(s) decide not to consider any appeal from such senior administrator's decision, then the decision of the senior administrator will be final. All documentation regarding an appeal will be communicated with and forwarded to the Title IX Coordinator. The determination regarding responsibility becomes final either on the date that AGST provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Records

The Title IX Coordinator will maintain for a period of seven (7) years records of each investigation of Sexual Misconduct, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, any remedies provided to the Complainant designed to restore or preserve equal access to AGST's education program or activity, and any appeal and the result therefrom.

Timelines and Extensions

When a Formal Complaint is filed, AGST shall endeavor to complete the grievance process, from the filing of a Formal Complaint, through a written determination by the hearing officer, within 140 calendar days. AGST shall endeavor to render a decision on any appeal within 30 calendar days of receiving all written submissions by the parties. AGST shall endeavor to complete an informal resolution process within 90 calendar days. If parties begin an informal resolution process that is stopped at the request of a party or concludes without resolution, requiring the Formal Complaint process to start again, the investigator(s) will provide the parties with a new time period for completion of the grievance process, which shall be less than 140 calendar days from the stoppage or conclusion of the informal resolution process.

AGST may impose a temporary delay of the grievance process or extend these time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor or witness, concurrent law enforcement activity, the late identification of additional witnesses or evidence, or the need for language assistance or accommodation of disabilities.

This Sexual Harassment and Sexual Misconduct Policy was adopted as of August 12, 2020 and will be reviewed annually. The policies and procedures set forth in this Sexual Harassment and Sexual Misconduct Policy are subject to amendment at any time by Austin Graduate School of Theology without prior notice. Members of the AGST Community are encouraged to check AGST's website for updated versions of this policy. If any applicable government regulations change in a way that impacts this policy, this policy will be interpreted and construed in a manner to comply with such government regulations then in effect.