Sexual Harassment and Sexual Violence Response & Title IX Policy

Effective August 6, 2026

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I. POLICY STATEMENT

The Moody Bible Institute of Chicago ("Moody"[1]), in accordance with Gospel-centered living, is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from unlawful sex discrimination, sexual harassment, and retaliation. To provide a safe, healthy, and God-honoring environment at Moody, to ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting biblical integrity while meeting the goals of fairness and equity in all aspects of its Education Programs and Activities, consistent with Moody's religious beliefs, Moody has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of Prohibited Conduct as defined in this Policy.

Moody values and upholds the worth of all individual members[2] of its community as unique image-bearers of God and strives to balance the equal rights of the parties during what is often a difficult time for all those involved. The core purpose of this Sexual Harassment and Sexual Violence Response & Title IX Policy (the "Policy") is the prohibition of all forms of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation and Stalking.[3] When an alleged violation of this Policy is reported, the allegations are subject to resolution using one of Moody's Complaint Resolution Procedures, as set forth in Appendices A and B ("Complaint Resolution Procedures"), as determined by the Director of Sexual Harassment & Sexual Violence Prevention and Response ("Title IX Coordinator").

II. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT

This Policy applies to all students;[4] student organizations; Moody employees and contractors, including staff, faculty, and administrators; and all other persons who participate in Moody's Education Programs and Activities, including third-party visitors on campus (the "Moody Community"). This Policy prohibits the conduct set forth in Section VI regardless of the

[1] Other terms include, MBI, Moody Bible Institute, Moody Community, or the "Institute".

[2] *Worth of all individual members* is upheld by Biblical Authority and affirmed by Moody in accordance with Moody's Positional Statement on Human Sexuality (https://www.moodybible.org/beliefs/positional-statements/human-sexuality/)

[3] Allegations of policy and practice-based sex discrimination are outside the scope of this Policy. Persons with concerns of adverse treatment sex discrimination and/or policy and practice-based sex discrimination may make a report to the Title IX Coordinator, who will coordinate a fair and equitable review and resolution by Moody.

[4] For the purpose of this Policy, Moody defines "student" as any individual who has matriculated into any academic program at The Moody Bible Institute of Chicago and presently has an active program status with The Moody Bible Institute of Chicago.

Complainant and Respondent's relationship status and whether the Complainant and Respondent are members of the same or opposite sex.

Moody may investigate any alleged violation of this Policy that occurs in the context of Moody's Education Programs and Activities (including academic, educational, extracurricular, study abroad and internships, and other Moody programs), or for which Moody otherwise has a substantial interest, regardless of whether that conduct occurred on or off campus. Regardless of where the conduct occurred, Moody will review reports of Policy violations to determine whether the conduct occurred in the context of its Education Programs and Activities or whether Moody otherwise has a substantial interest in the allegations. A substantial interest includes:

1. Any action that constitutes a criminal offense as defined by applicable law (This includes, but is not limited to, single or repeat violations of any local, state, or federal law);
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other member of the Moody Community;
3. Any situation that significantly impinges upon the rights, property, or achievements of a member of the Moody Community or significantly breaches the peace or causes social disorder within the Moody Community;
4. Any situation where the alleged misconduct may have continuing effects on campus or in an off-campus Education Program or Activity; or
5. Any situation that is detrimental to the educational interests or mission of Moody.

All actions by a student that involve the use of Moody's computing and network resources from a remote location, including but not limited to accessing email accounts and participating in online classes, will be deemed to have occurred in the context of Moody's Education Programs and Activities.

If the Respondent is unknown or is not otherwise subject to sanctions imposed by Moody, the Title IX Coordinator will offer the Complainant Supportive Measures, remedies, and resources, such as identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, assisting to contact local or campus law enforcement if the individual would like to file a police report. Although Moody may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and, where appropriate, the broader Moody Community.

If any terms of this Policy are in conflict with terms of another Moody policy, the terms of this Policy will control.

III. DEFINITIONS

Confidential Resources: Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual or if a federal, state, or local law mandates disclosure, such as in the case of child abuse and neglect.

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

Complainant: When used in this Policy, the Complainant is the person who is alleged to have experienced Prohibited Conduct.

Formal Complaint: A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging a violation of this Policy against a Respondent and requesting that Moody initiate an Informal or Formal Resolution pursuant to this Policy and its Complaint Resolution Procedures. A Formal Complaint may be filed with the Title IX Coordinator or their Designee in person, by mail, or by electronic mail by using the contact information in Section V of this Policy. For matters involving Title IX Prohibited Conduct, the Complainant must be participating or attempting to participate in Moody's Education Programs and Activities at the time they file a Formal Complaint.

Designated Reporter: Designated Reporters are required to report allegations regarding conduct prohibited by this Policy to the Title IX Coordinator. All employees of Moody are Designated Reporters unless they have been designated by Moody as a Confidential Resource or Confidential Advisor. All Resident Assistants and Housing Advisors are also Designated Reporters for the purpose of this Policy.

Good Faith Report: A report by a person who has reasonable cause to believe the report is true and who is making it without malice or consideration of personal benefit.

Moody's Education Programs and Activities: A program, location, event, service, or circumstance over which Moody exercised substantial control over both the Respondent and the context in

which the alleged Prohibited Conduct occurred, including any building owned or controlled by a student organization that is officially recognized by Moody. Moody's Education Programs and Activities include both admissions and employment. Conduct occurs within the scope of Moody's Education Programs and Activities when:

- It occurs on any Moody campus;
- It occurs on a property or in any facility owned and controlled by Moody;
- It occurs as part of Moody's operations;
- Moody exercised substantial control over the Respondent at the time of the incident; or
- It occurs in a building owned or controlled by a student organization that is officially recognized by Moody.

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

Preponderance of the Evidence: A type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard as applied in this Policy, the burden of proof is met when the Decision Maker reviews the relevant evidence and concludes that there is a greater than 50% chance that the claim is true.

Prohibited Conduct: Conduct prohibited by this Policy, as defined in Section VI.

Relevance: Evidence is determined to have relevance if it has any tendency to make any material fact more or less probable.

Respondent: When used in this Policy, the Respondent is the person who is alleged to have engaged in Prohibited Conduct.

IV. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY

Moody is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. To the fullest extent practicable, consistent with fair and full investigation procedures, information related to a report of Prohibited Conduct will be shared by Moody only with those who need to know[5] (i) to assist in the investigation or resolution of the report, or (ii) to allow Moody to comply with other requirements under this Policy or federal, state, or local law. Individuals who are involved in the review, investigation, or resolution of reports or Formal Complaints are trained to safeguard private information.

Complainants, Respondents, and any witnesses involved in the Complaint Resolution Procedures under this Policy are strongly encouraged to exercise discretion in sharing information learned in

[5] For example, if Moody has reasonable suspicion that a student or employee may be a risk of harm or direct threat to the safety of others, Moody may use discretion to disclose necessary information for the protection of the Moody Community and its operations.

the resolution process in order to protect the privacy of the individuals involved, to safeguard the integrity of the process, and to avoid the appearance of Retaliation. Complainants and Respondents are not restricted from discussing the allegations set forth in a Formal Complaint.

Moody prohibits Parties from distributing documents obtained in the course of their participation in the Complaint Resolution Procedures, including, but not limited to, the Formal Complaint, interview summaries, and the evidence file and investigative report, other than for the purpose of consulting with an advisor; incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role; or as part of a civil, criminal, or administrative legal proceeding.

As appropriate, in a given case, a Moody official such as the Title IX Coordinator, may issue an order restricting the Parties from disclosing specific information. Additionally, sharing information obtained through the Complaint Resolution Procedures may constitute Retaliation prohibited under this Policy if other elements of the definition of Retaliation are satisfied. Moody will provide other participants, such as witnesses and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with Moody's rules regarding privacy.

Moody will take reasonable measures to protect the privacy of proceedings and records; however, Moody cannot and does not guarantee that privacy will be maintained. Privacy does not mean that Moody is constrained from divulging facts of proceedings in appropriate circumstances and where permitted by law.

Students and employees who wish to obtain confidential assistance without making a report to Moody may do so by contacting the Confidential Resources listed in Appendix C. These resources will not share any personally identifiable information with other Moody employees without express permission unless doing so is necessary to address a serious and ongoing threat to the Moody Community or where required by federal, state or local law.

When Moody receives a report or Formal Complaint of Prohibited Conduct, but the Complainant requests that their identity remain confidential or that Moody not take action to address the conduct reported, Moody must balance this request against its responsibility to provide a safe and non-discriminatory environment for all members of the Moody Community. Moody will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request, but its ability to do so may be limited. If Moody determines that it cannot maintain a Complainant's request for confidentiality, Moody will inform the Complainant as soon as practicable and will take steps to protect and assist the Complainant. The Complainant will not be required to participate in any proceedings initiated by Moody. However, if the Complainant declines to participate in an investigation or adjudication under this Policy and its Complaint Resolution Procedures, Moody's ability to meaningfully respond to a report of Prohibited Conduct may be limited.

V. TITLE IX COORDINATOR

Moody has designated the Title IX Coordinator, with the assistance of designated staff, to coordinate Moody's compliance with Title IX and related provisions of the Clery Act[6] (as amended by the Violence Against Women Act or VAWA[7]) and Illinois state law. The Title IX Coordinator oversees compliance with all aspects of this Policy, including oversight of Moody's response to all reports of Prohibited Conduct. When used in this Policy, the term Title IX Coordinator may include an appropriate Designee. If you have any questions about this Policy, you may contact Moody's Title IX Coordinator. The Title IX Coordinator's contact information is:

Rachel Campbell (Director/Title IX Coordinator)
The Office of Title IX (Title IX)

Smith Hall, 3rd Floor
820 N. LaSalle Blvd, Chicago, IL 60610
312-329-2115 - titleix@moody.edu

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and related Complaint Resolution Procedures. The Title IX Coordinator may delegate responsibilities under this Policy to designated Moody staff or external professionals, who will have appropriate training or experience. Individuals tasked with aspects of implementation of this Policy and its Complaint Resolution Procedures receive appropriate training as required by relevant federal, state, and local laws.

VI. PROHIBITED CONDUCT

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

1. Title IX Prohibited Conduct

Title IX Prohibited Conduct is conduct on the basis of sex, occurring within the United States and

[6] 2014-24284.pdf (govinfo.gov)

[7] https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs

within Moody's Education Programs and Activities on or after August 14, 2020[8], that constitutes one or more of the following:

a. Quid Pro Quo Sexual Harassment: An employee of Moody conditions the provision of an aid, benefit, or service of Moody on an individual's participation in unwelcome sexual conduct.

b. Hostile Environment Sexual Harassment: Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Moody's Education Programs and Activities.[9]

c. Sexual Assault/Sexual Violence[10]: Any one or more of the following sexual acts directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent.

I. **Non-Consensual Sexual Penetration (Rape)**
   a) Non-Consensual Sexual Penetration includes penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, either:
      1. without the consent of the individual, or
      2. in instances in which the individual is incapable of giving consent because of age, or because of temporary or permanent mental or physical incapacity.

II. **Non-Consensual Sexual Contact (Fondling)[11]**
   a) The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation, or,

[8] If the incident occurs before but reported after August 14, 2020, the date on which the Title IX procedures listed in Appendix A were federally mandated, it will be handled by the Complaint Resolution Procedures listed in Appendix B.

[9] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[10] Sexual Assault constitutes "sexual violence" as defined under relevant Illinois law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (Illinois Preventing Sexual Violence in Higher Education Act). https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3672&ChapterID=18

[11] This definition serves to comply with all applicable laws and incorporate actions defined as *Criminal Sexual Contact* in the FBI's National Incident-Based Reporting System User Manual, as updated on June 23, 2025.

b) the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

III. **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

IV. **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent in the state where the sexual intercourse occurs.[12]

d. Dating Violence: Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

e. Domestic Violence: Violence, including but not limited to, sexual or physical violence committed by a current or former spouse or intimate partner of an individual, by a person with whom the individual shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner, or by a person similarly situated to a spouse of the individual under the domestic or family violence laws of the state where the alleged misconduct occurred, or by any other person against an adult or youth individual who is protected from that person's acts under the applicable domestic or family violence laws of the state where the alleged misconduct occurred.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates.

f. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

I. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

[12] Illinois state law age of consent is seventeen (17), Michigan state law age of consent is sixteen (16), and Washington state law age of consent is sixteen (16). (https://aspe.hhs.gov/reports/statutory-rape-guide-state-laws-reporting-requirements-1)

II. Reasonable person means a reasonable person under similar circumstances and with similar characteristics to the Complainant.
III. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

An employee will not be found to have engaged in stalking based solely on the employee's performing certain tasks or duties required by their employment with Moody.

2. Non-Title IX Prohibited Conduct

In addition to the conduct set forth above as Title IX Prohibited Conduct, the following conduct is also prohibited under this Policy:

a. Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment includes conduct that meets the definition of Title IX Quid-Pro-Quo Sexual Harassment and Title IX Hostile Environment Sexual Harassment but does not occur within the United States or within Moody's Education Programs and Activities (e.g., sexual harassment occurs on a school trip outside of the United States).

Non-Title IX Sexual Harassment also includes conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes an unwelcome sexual advance, a request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present; or unwelcome conduct based on sex which may include acts of aggression, intimidation, or hostility, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present.

(i) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any of Moody's Education Programs and Activities or is used as the basis of Moody decisions affecting the individual; or

(ii) Such conduct creates a Non-Title IX Hostile Environment. A Non-Title IX Hostile Environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from Moody's Education Programs and Activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a Non-Title IX Hostile Environment exists, Moody will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct arose in the context of the discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance or Moody Programs or Activities; and
- Whether the conduct is protected by academic freedom or freedom of speech.

A Non-Title IX Hostile Environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

b. Non-Title IX Sexual Assault: Non-Title IX Sexual Assault includes conduct that meets the definition of Title IX Sexual Assault but does not occur within the United States or within Moody's Education Programs and Activities.

c. Non-Title IX Dating Violence: Non-Title IX Dating Violence includes conduct that meets the definition of Title IX Dating Violence but does not occur within the United States or within Moody's Education Programs and Activities.

d. Non-Title IX Domestic Violence: Non-Title IX Domestic Violence includes conduct that meets the definition of Title IX Domestic Violence but does not occur within the United States or within Moody's Education Programs and Activities.

e. Non-Title IX Stalking: Non-Title IX Stalking includes conduct that meets the definition of Title IX Stalking but does not occur within the United States or within Moody's Education Programs and Activities.

f. Sexual Exploitation: Sexual Exploitation is intentionally engaging in any of the following:

i. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;

ii. Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;

iii. Exposing one's genitals to another person without the consent of that person;

iv. Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed; and

v. Causing another person to become incapacitated with the intent of making that person vulnerable to Non-Title IX Sexual Assault or Sexual Exploitation.

g. Aiding or Facilitating: Knowingly and intentionally aiding or facilitating any act of Prohibited Conduct, before or after the fact, is a violation of this Policy.

h. Retaliation: Retaliation is adverse action taken against an individual with the purpose of interfering with an individual's rights under this Policy and the Complaint Resolution Procedures, including for making a good faith report of Prohibited Conduct, for participating in an investigation, proceeding, or hearing, or for refusing to participate in an investigation, proceeding, or hearing under this Policy and the Complaint Resolution Procedures. Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct. Complaints of retaliation that are made during the course of the investigation or resolution of a Formal Complaint of Prohibited Conduct will be investigated and resolved along with the allegations in the Formal Complaint pursuant to the Complaint Resolution Procedures. Complaints of retaliation that are made after a Formal Complaint is resolved will be investigated and resolved pursuant to the Employee Information Guide or Student Life Guide, depending on the identity of the respondent.

i. False or Bad Faith Allegations: An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from Moody's academic programs.

3. Affirmative Consent, Coercion, Force, and Incapacitation

a. Affirmative Consent: Sexual contact must be consensual at all times, and sexual contact is considered consensual only after Affirmative Consent has been given. Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in the particular sexual activity at issue. Consent can be given by words or actions, but those words or actions must create clear permission regarding willingness to engage in the sexual activity at issue. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of Affirmative Consent does not vary based upon a participant's gender.

The following are principles that apply to the above definition of Affirmative Consent:

- Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.

- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be withdrawn at any time.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- A person is incapable of consent when they are below the minimum age of consent in the state where the sexual act is occurring or because of a temporary or permanent mental or physical incapacity.
- Consent cannot be given when it is the result of any coercion.

b. Coercion: Coercion is intimidation or other conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement, (2) expressed or implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person to fear such harm. Coercion can include unreasonable and sustained pressure for sexual activity when a person expresses their decision to not participate in a particular form of sexual activity, a decision to stop a sexual activity, or a decision not to go beyond a certain sexual interaction. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

c. Incapacitation: Incapacitation is a state where one cannot make a rational decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or are physically helpless. Incapacitation negates consent. An individual cannot give consent when mentally or physically incapacitated, when the incapacity is known or, based on the circumstances, should reasonably have been known. An individual who engages in sexual activity when that individual knows or should have known that the other person is physically or mentally incapacitated has violated this Policy. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. Some examples of Incapacitation may include:

i. The person is incapacitated due to the use or influence of alcohol or drugs. Because the impact of alcohol and other drug use varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence to prove they were incapacitated under this Policy. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to give consent.
ii. The person is asleep or unconscious.
iii. The person is involuntarily restrained.
iv. The person is incapacitated due to a mental or physical disability.

VII. CAMPUS AND COMMUNITY RESOURCES

1. Overview of Resources and Disclosures

Moody is committed to the safety and care of all individuals and to treating each person with value, honor, and compassion according to our calling as followers of Christ. Both Complainants and Respondents have equal access to support and counseling through Moody's Counseling Services. All Parties are encouraged to utilize on-campus or off-campus resources for assistance. For a comprehensive list of resources, see Appendix C of this Policy.

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

Moody recognizes that not every individual will choose to report conduct prohibited by this Policy to Moody or to law enforcement. Accordingly, Confidential Resources are available to all students and employees. Confidential Resources can provide critical support and information and can assist individuals in evaluating whether to make a report to Moody or to law enforcement. Confidential Resources are listed in Appendix C.

As set forth in Appendix C, Moody's Counseling Services (counselingservices@moody.edu), Health Service (healthservice@moody.edu), Ombudsman, Jodi Appleby (Spokane, Washington Aviation campus – jodi.appleby@moody.edu), and Dr. John Restum (Plymouth, Michigan campus – john.restum@moody.edu) are Moody's designated Confidential Resources. Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual or where required by federal, state, or local law.

All other employees of Moody are Designated Reporters and have an obligation to share any reports of Prohibited Conduct with the Title IX Coordinator.

2. Medical Care After a Sexual Assault

Any person who experiences criminal conduct of a sexual nature is encouraged to immediately seek medical assistance. Seeking medical care does not result in a report to law enforcement or to Moody. Medical providers can facilitate or provide the following:

- Treatment of any injury or physical trauma
- HIV and STI testing
- Pregnancy testing

- Advice on health care concerns related to the incident
- Collection and preservation of evidence as a part of a sexual assault forensic exam for potential use in criminal prosecution

For more information about sexual assault forensic examinations, visit RAINN's (Rape, Abuse & Incest National Network) webpage, call RAINN's 24-hour National Sexual Assault Hotline: (800) 656-HOPE, or chat online at hotline.rainn.org.

VIII. MAKING A REPORT UNDER THIS POLICY

1. Reporting Guidelines

All members of the Moody Community are encouraged to report information about any form of conduct potentially prohibited by this Policy involving a student or an employee. Moody will respond to all reports of Prohibited Conduct, including contacting the Complainant to discuss the availability of Supportive Measures, resources for support, and options for resolution.

At the time a report of Prohibited Conduct is made, a Complainant does not have to decide whether to pursue resolution of the report through any particular resolution process. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. Although Moody may need to take action as a result of a particular report, Moody will endeavor to respect a Complainant's wishes in making the decision that is best for them and will provide support to assist each individual in making that decision. Because Prohibited Conduct often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be substantiated by additional direct evidence. Lack of corroborating direct evidence should not discourage a person from reporting an experience of Prohibited Conduct.

Individuals may make a report of Prohibited Conduct by reporting online at www.moody.edu/titleix/reporting/, by emailing the Title IX Office at titleix@moody.edu, or by contacting the following Moody employees: [13]

Rachel Campbell (Title IX Director/Title IX Coordinator) –
rachel.campbell@moody.edu
Sabrina Reinhard (Title IX Deputy Director/Lead Investigator) –
sabrina.reinhard@moody.edu
Darcy Figueroa (Title IX Administrator/Investigator) – darcy.figueroa@moody.edu

[13] In the event any person wishes to report or make a Formal Complaint that the Title IX Coordinator or any other individual hired within the Title IX office engaged in Prohibited Conduct, such report should be made directly to Moody's President, either by letter or email. The President will appoint another trained individual to take the place of the Title IX Coordinator, Deputy Title IX Director, or other official Title IX personnel for purposes of processing such report or Formal Complaint.

a. Designated Reporters

Subject to the exceptions in Section VII (1) above, all Moody employees are Designated Reporters. All Resident Assistants and Housing Advisors are also Designated Reporters for the purpose of this Policy. When Designated Reporters become aware of an alleged incident of Prohibited Conduct that involves a student or employee as either the Complainant or Respondent, they are always obligated to report the information they have to the Title IX Coordinator. Designated Reporters should be prepared to report the name, date, time, location, and description of the incident (if known). They are otherwise required to maintain an individual's privacy to the greatest extent possible.

When the Title IX Coordinator receives a report of Prohibited Conduct, they will contact the Complainant, if known, or other individual reporting the Prohibited Conduct, to offer resources and Supportive Measures to the Complainant. The individual will also be advised of the option to pursue a Formal Complaint, if such an option is available, and any other available reporting options and resources.

A Designated Reporter who receives a report should not, under any circumstances, promise or guarantee confidentiality or attempt to resolve the report without first reporting it to the Title IX Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

Important: Please note that all Moody employees must also report suspected or known child abuse (including any suspected Prohibited Conduct perpetrated against those under the age of 18) to the applicable state children and family services department. See below for the departments in each of the states with a Moody campus.

Illinois Department of Children and Family Services (DCFS)	**Michigan Department of Human Services (DHS)**	**Washington State Department of Social and Health Services**
Call: 800-252-2873	Call: 855-444-3911	Call: 866-363-4276

b. Time Frame for Reporting

There is no time limitation on reporting or filing a Formal Complaint of Prohibited Conduct. However, if the Respondent is no longer subject to Moody's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on reports and Formal Complaints significantly impacted by the passage of time (including, but not limited to, acts that have been impacted by the rescission or revision of this Policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures or remedies, or engage in informal or formal action, as appropriate.

When a Formal Complaint is filed after a significant delay from the occurrence of the alleged Prohibited Conduct, Moody will apply the Policy definitions in place at the time of the alleged Prohibited Conduct and the Complaint Resolution Procedures in place at the time the report was made.

c. Anonymous Reporting

Individuals other than Designated Reporters who receive a report of Prohibited Conduct may submit reports of Prohibited Conduct anonymously. An anonymous reporter may make a report without disclosing their name, identifying the Respondent, or requesting action. Depending on the level of information included about the conduct or the individuals involved, anonymous reporting may reduce Moody's ability to respond or take appropriate action. Moreover, Moody will generally not be able to take disciplinary action against an individual based solely on an anonymous report.

d. Public Awareness and Advocacy Events

Public awareness or advocacy events at which community members disclose incidents of Prohibited Conduct do not initiate Moody's Title IX obligations, including its obligation to investigate reports of Prohibited Conduct. Such events may, however, inform the need for campus-wide educational and prevention efforts, and Moody may implement broad community initiatives in response to such events where appropriate.

2. Response to Reports of Prohibited Conduct

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will provide the Complainant with an explanation of their rights under this Policy, the process for filing a Formal Complaint, an overview of their options for resolution of the Formal Complaint, and the Complaint Resolution Procedures. The Complainant will also be informed of the range of possible outcomes of the resolution process, including potential remedial actions and possible disciplinary actions that may be taken against the Respondent upon a finding of a violation of this Policy. The Complainant will also be advised of their right to request that Moody refrain from initiating a resolution process and their right to file a report with Moody Public Safety and state and local law enforcement.

The Complainant will be informed of the availability of Supportive Measures regardless of whether the Complainant files a Formal Complaint. The Title IX Coordinator will consider the Complainant's requests for Supportive Measures in accordance with Section IX of this Policy.

3. Advisors

The Complainant and Respondent each have the right to have an Advisor of their choosing present with them at all stages under this Policy and its Complaint Resolution Procedures. If a Party does not have an Advisor, but wishes to have one, Moody can provide an Advisor at the request of the Party at any point in the Formal Process. Moody providing an Advisor is only required for the live hearing for the purpose of cross-examination as described in Appendix A. The Advisor may be any person, including an attorney. The Parties may be accompanied by their respective Advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the Advisor may provide support and advice to the Parties at any meeting or proceeding, Moody may establish restrictions regarding the extent to which the Advisor may participate in the proceedings. Advisors may not speak on behalf of the Parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings or proceedings, with the exception that a Party's Advisor participating in a hearing under Appendix A will ask questions of the other Party and witnesses at the direction of the Party they are advising.

An Advisor should plan to make themselves reasonably available, and Moody will not unduly delay the scheduling of meetings or proceedings based on the Advisor's availability. If an Advisor fails to comply with the Complaint Resolution Procedures or established rules of decorum, Moody reserves the right to exclude the Advisor from further participation in the process. The Title IX Coordinator, Decision Maker (if the occurrence is during the live hearing), or Investigator(s) (if occurrence is during the interviews) is responsible for interpreting and applying this provision.

4. Amnesty for Drug and Alcohol Use and Consensual Sexual Activity

The health and safety of every individual at Moody is important. Moody recognizes that individuals who have been drinking or using drugs (whether such use is voluntary or involuntary) or have engaged in consensual sexual relationships that are otherwise prohibited by Moody's policies may be hesitant to report incidents of Prohibited Conduct due to fear of potential consequences for their own conduct. Moody strongly encourages individuals to report such Prohibited Conduct.

Moreover, a Complainant, witness, Respondent, or other individual shall not be subject to discipline under other Moody policies for potential conduct violations that arise out of the same facts and circumstances as a report of Prohibited Conduct (such as those that prohibit drug and alcohol use or consensual sexual activity between students) unless Moody determines that the conduct at issue placed the health or safety of any other person at risk.

During the course of an investigation under this Policy, conduct violations of other Moody policies that are unrelated to the incident of Prohibited Conduct may be discovered. As such instances

arise, Moody may exercise discretion in determining appropriate sanctions, which may include lesser sanctions than those stated in the relevant policy or no sanction at all. Any discretionary determination will be considered on a case-by-case basis.

Moody may offer and encourage support, counseling, or education efforts to help students or employees who are granted amnesty in order to benefit the individual and the campus community.

5. Coordination with Law Enforcement

Moody strongly encourages Complainants to pursue criminal action for Prohibited Conduct that may also constitute a crime.[14] Moody is available to assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue criminal action to the extent permitted by law. Neither law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Moody may not delay conducting its own investigation unless specifically requested by the law enforcement to do so. In the event of such a specific request, Moody will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. Moody will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of Supportive Measures to assure safety and well-being of all Parties and the Moody Community. Moody will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

IX. SUPPORTIVE MEASURES

Moody will offer and implement appropriate and reasonable Supportive Measures to the Parties upon notice of alleged Prohibited Conduct. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to Moody's Education Programs and Activities, including measures designed to protect the safety of all Parties or Moody's educational environment, or deter harassment, discrimination, or retaliation.

[14] Moody specifically encourages Complainants to report all forms of "sexual violence" as defined under relevant Illinois law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (Illinois Preventing Sexual Violence in Higher Education Act). https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3672&ChapterID=18

At the time that Supportive Measures are offered, Moody will inform the Complainant, in writing, that they may file a Formal Complaint with Moody either at that time or in the future, if they have not done so already. The Title IX Coordinator will work with the Complainant and Respondent to ensure that their wishes are considered with respect to the Supportive Measures that are offered. Moody will maintain the privacy of the Supportive Measures, provided that privacy does not impair Moody's ability to provide the Supportive Measures. Moody will act to ensure as minimal an academic or employment (if applicable) impact on the Parties as possible. Moody will implement measures in a way that does not unreasonably burden the other Party.

Supportive Measures may include, but are not limited to:

- Referral to counseling, medical, or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the Parties[15]
- Academic support, extensions of deadlines, or other course/program-related support
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

1. Review of Supportive Measures

Upon request, a Complainant or Respondent will be afforded a reasonable and prompt review of any Supportive Measure that directly affects them and will be permitted to submit evidence in support of any changes requested.

2. Emergency Removal

If after undertaking an individualized safety and risk analysis, the Title IX Coordinator, in consultation with the Chief of Public Safety, Vice President of Student Life (if the matter involves a student), Vice President of Human Resources (if the matter involves an employee), and any other necessary personnel, determines that the Respondent poses an immediate threat to the

[15] When a no contact order has been issued as a supportive measure or sanction, violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

physical health or safety of any student or other individual in the Moody community, Moody may remove the Respondent on an emergency basis. The length and nature of the removal will depend on the facts of the particular case. Moody will notify the Respondent of the Emergency Removal. Both the Complainant and the Respondent will have an opportunity to challenge the decision and its terms, including by submitting evidence, within 48 hours of the notice.

3. Administrative Leave

Moody may place an employee Respondent on administrative leave, consistent with the Employee Information Guide, during the pendency of a Formal Resolution process conducted pursuant to this Policy and its procedures.

X. RESOLUTION PROCESS

1. Options for Resolution of Reports

Reports of Prohibited Conduct are generally resolved either through a Support-Based Resolution of a report of Prohibited Conduct, an Informal Resolution of a Formal Complaint, or a Formal Resolution of a Formal Complaint.

2. Initial Review

When the Title IX Coordinator receives any report of Prohibited Conduct, the Title IX Coordinator will initiate a review of the allegations. Information learned during the initial inquiry will inform the Title IX Coordinator's determination regarding the provision of Supportive Measures to the Parties and appropriate resolution processes.

3. Support-Based Resolution

A Support-Based Resolution of a report of Prohibited Conduct occurs when the report does not result in the filing of a Formal Complaint. Support-Based Resolutions will include the offering and provision of supportive measures intended to restore equal access to Moody's Education Programs and Activities and to preserve a safe and non-discriminatory environment for living, working, and learning for students and employees. A Support-Based Resolution will not include a determination as to whether the Respondent engaged in Prohibited Conduct.

4. Formal Complaints

A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging a violation of this Policy against a Respondent and requesting that Moody initiate an Informal or Formal Resolution of the Formal Complaint pursuant to this Policy and its Complaint Resolution Procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or

by electronic mail. For matters involving Title IX and Non-Title IX Prohibited Conduct as defined in this Policy, the Complainant must be participating or attempting to participate in Moody's Education Programs and Activities at the time the Complainant files a Formal Complaint.

If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator has discretion to file a Formal Complaint, regardless of whether the Complainant is then participating or attempting to participate in Moody's Education Programs and Activities. Where the Title IX Coordinator determines that Moody cannot honor the Complainant's request that no Formal Complaint be pursued under this Policy, the Title IX Coordinator will promptly initiate the resolution process by filing a signed, written Formal Complaint on behalf of Moody. In determining whether to file a Formal Complaint, the Title IX Coordinator will consider the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in Prohibited Conduct by the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the Complainant is a minor;
- Whether Moody possesses other means to obtain evidence such as security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator decides to file a Formal Complaint, The Title IX Coordinator will notify the Complainant of Moody's intention to proceed with a Formal Complaint and offer Supportive Measures. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, the Complainant's identity will be disclosed as necessary to effectuate the Formal Resolution process. The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in an investigation or the adjudicative process under these Complaint Resolution Procedures, Moody's ability to investigate meaningfully and respond to a report of Prohibited Conduct may be limited.

a. Consolidation of Formal Complaints

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation where the Prohibited Conduct arises out of the same facts or circumstances. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents and a single Complainant, or multiple Complainants and multiple Respondents.

In the event that the allegations under this Policy involve allegations of a violation of a separate Moody policy, Moody will have the right, within its sole discretion, to consolidate those other

allegations within one investigation or hearing under this Policy and its accompanying Complaint Resolution Procedures.

In the event that allegations of both Title IX and Non-Title IX Prohibited Conduct arise out of the same facts and circumstances, Moody will have the right, within its sole discretion, to consolidate those allegations into one investigation and hearing under the Title IX Complaint Resolution Procedures (Appendix A).

b. Dismissal of Formal Complaints

After the filing of the Formal Complaint, or during the initial inquiry, investigation, or resolution process, it may become apparent that conduct alleged in a Formal Complaint did not occur in Moody's Education Programs and Activities or otherwise cannot meet the definition of Title IX Prohibited Conduct as defined in Section VI of this Policy. In that case, in accordance with Title IX, the Title IX Coordinator must dismiss the Formal Complaint (or the allegations of Title IX Prohibited Conduct, therein). If the conduct could still, as alleged, constitute Non-Title IX Prohibited Conduct as defined in Section VI of this Policy, Moody will continue to address the allegations pursuant to this Policy and the Complaint Resolution Procedures set forth in Appendix B. If the conduct, as alleged, could not constitute a violation of this Policy in any respect, the Formal Complaint will be dismissed in its entirety. If the conduct, as alleged, could violate another Moody policy, the Title IX Coordinator must transfer the matter, and all information related to it, to the appropriate Moody office for assessment and potential further action.

In addition to the grounds for mandatory dismissal, the Title IX Coordinator may dismiss a Formal Complaint and close a case when:

- the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein, prior to resolution;
- the Respondent is no longer enrolled or employed by Moody; or
- specific circumstances prevent Moody from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.[16]

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties. The Parties may appeal the dismissal of the Formal Complaint on any of the bases and pursuant to the procedures set forth in Section XII Appeals, below.

[16] For example, it may be impossible to gather evidence sufficient to reach a determination if the Complainant fails or refuses to be available for interviews or meetings, the Complainant cannot be located, or the Complainant declines to provide necessary information concerning the misconduct at issue.

5. Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the filing of the Formal Complaint and commencement of the resolution process pursuant to this Policy and its Complaint Resolution Procedures and will provide both Parties with a copy of the Formal Complaint. Such notice will:

- identify the Complainant and the Respondent;
- specify the alleged Prohibited Conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Formal Complaint;
- identify the Investigator or the facilitator of Informal Resolution;
- inform the Parties of their right to have an Advisor of choice at all stages of the resolution process who may accompany the respective Party to meetings and proceedings;
- inform the Parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation;
- specify that the Respondent is presumed not to have violated the Policy unless and until a determination is made at the end of the Complaint Resolution Process; and
- include any other information required by federal, state, or local law.

If, at any point prior to the resolution of the Formal Complaint, the Title IX Coordinator determines that there are additional allegations of Prohibited Conduct not included in the original notice that should be investigated, the Title IX Coordinator must provide the Parties with an amended notice of additional allegations.

6. Informal Resolutions

At any time after a Formal Complaint has been filed and before a hearing commences, the Parties may seek to resolve a report of Prohibited Conduct through Informal Resolution. Participation in Informal Resolution is entirely voluntary; the Title IX Coordinator will neither pressure nor compel either Party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms. Informal resolution is not allowed in cases where a student Complainant accuses an employee Respondent of Prohibited Conduct.

Before the Title IX Coordinator approves the Informal Resolution process or the terms of any Informal Resolution, the Title IX Coordinator will determine that the Title IX office has sufficient information about the matter to make these decisions. The Parties are strongly encouraged, although not required, to consult with their Advisors during the Informal Resolution process.

If the Informal Resolution process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to the Formal Complaint resolution process under this Policy and its Complaint Resolution Procedures. For this reason, the Investigator will not participate in Informal Resolution. The Title IX Coordinator or designated informal resolution facilitator will oversee the Informal Resolution process and have access to all Institute records in the matter, including any records or reports prepared during an investigation. While the Parties are exploring Informal Resolution, any pending investigation will pause, and the time spent pursuing resolution in this way will not count toward the presumptive time frame for completing the investigation.

The Title IX Coordinator or their Designee will consult separately with both Parties and may recommend to the Parties the terms of a potential Informal Resolution agreement. Such terms may include, but are not limited to, any sanctions or remedies that could be imposed as a result of a finding following a hearing under these proceedings.

Both Parties must agree to the terms in writing before an Informal Resolution agreement becomes effective. At any time before a written agreement is effective, the Complainant or the Respondent may withdraw from the Informal Resolution process, and the Title IX Coordinator may also, at their discretion, terminate the process.

If both Parties are satisfied with the recommendation of the Title IX Coordinator or their Designee, the matter will be resolved with a written agreement. The Title IX Coordinator or their Designee will provide each Party, separately, with a copy of the proposed agreement for the Party to review, sign, and return. If both Parties return the signed written agreement to the Title IX Coordinator or their Designee the terms of the agreement will become effective, and the Title IX Coordinator or their Designee will promptly notify both Parties in writing that the agreement is final. Once the agreement is effective, the Parties may not appeal the agreement and the Complainant may not seek to refile the Formal Complaint absent new allegations of Prohibited Conduct. The Parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to proceedings under the Student Life Guide or the Employee Information Guide.

If the process is terminated and the matter is resolved pursuant to the Formal Resolution process, neither the Title IX Coordinator/informal resolution facilitator nor the Parties will disclose to the Investigator, Decision Maker, or appellate reviewers either the fact that the Parties had participated in the Informal Resolution process or any information learned during the process.

Informal Resolution may take two forms: (1) Party Agreements, or (2) Negotiated Agreements.

a. Party Agreement

The purpose of a Party Agreement is for the Parties to identify and agree on a set of remedies. Upon successful completion of those remedies, the Formal Complaint will be resolved and may not be refiled. Such remedies may include:

- Impact Letter;
- Apology Letter;
- Counseling;
- Mentoring;
- Discipleship;
- Directed Study[17];
- Reflection Paper; or
- Other forms of restorative actions

b. Negotiated Agreement

As a necessary precondition of a resolution by Negotiated Agreement, the Respondent must accept responsibility for all or part of the alleged Prohibited Conduct. The Parties will then have an opportunity to negotiate with the Title IX Coordinator or their Designee what they believe the appropriate sanction should be. In support of their position, Parties are encouraged to submit impact/mitigation information they believe the Title IX Coordinator should consider in evaluating any sanction.

The Title IX Coordinator/informal resolution facilitator has the discretion to propose other terms for the resolution that may be appropriate to address the Prohibited Conduct for which the Respondent has accepted responsibility. If the Respondent agrees to a Negotiated Agreement under Informal Resolution that provides for a suspension, withdrawal, dismissal, or expulsion from Moody, there will be a notation on the student's record consistent with Moody's policy.

7. Formal Resolutions

The Formal Resolution process is guided by provisions of this section of this Policy and by the Complaint Resolution Procedures. The applicable procedure is determined by the type of Prohibited Conduct alleged (Title IX Prohibited Conduct or Non-Title IX Prohibited Conduct). Upon receipt of a report or a Formal Complaint, the Title IX Coordinator will determine which procedure applies.

The Formal Resolution process is overseen by the Title IX Coordinator and will be conducted in a prompt and equitable manner, pursuant to the time frames set forth in Section XIII. Throughout

[17] Directed study may be conducted by the Title IX Coordinator or Faculty member, ranging from educational opportunities revolving around Policy Definitions to deeper educational opportunities that may require curriculum-based learning through discussion, papers, and accountability, etc.

the Formal Resolution process, all responsible personnel will maintain a commitment to impartiality.

a. Evidentiary Standard and Burden of Proof

Until a finding is made under this Policy, the Respondent is presumed not responsible for allegations of Prohibited Conduct. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence (as defined above). Moody, not the Parties, has the burden of proof and the burden of gathering evidence sufficient to reach a finding of responsibility.

b. Investigation and Adjudication Procedures

Appendix A outlines the procedures for the resolution of reports of Title IX Prohibited Conduct in violation of this Policy. Appendix B outlines the procedures for the resolution of reports of Non-Title IX Prohibited Conduct.

XI. SANCTIONS

Sanctions for students who are found to have violated this Policy include eviction from campus housing, dismissal, expulsion, disciplinary probation(s), warning(s), community service, fines, formal reprimand, warning status, withdrawal, loss of privilege, restitution/reconciliation, developmental/educational assignments, referral for counseling and/or assessment, or an agreement governing the student's behavior.

Sanctions for employees (including faculty) who are found to have violated this Policy include a letter of warning, official reprimand, probation, referral to a required counseling program, suspension from employment with pay, suspension from employment without pay, termination from employment, or training on Prohibited Conduct.

XII. APPEALS

Both the Complainant and the Respondent may appeal the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein or the determination of responsibility following a hearing or on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- 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;
- The Title IX Coordinator, Investigator, or Decision Maker 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; or

- Sanctions or Remedies imposed are clearly unreasonable in light of the finding made.

A Party may commence an appeal by notifying the Title IX Coordinator of their desire to appeal and by submitting a written statement to the Title IX Coordinator within five (5) business days of the issuance of the final determination of responsibility or the dismissal of the Formal Complaint. The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

The appeal statement will be limited to 2,500 words. Failure to submit an appeal and statement within the five (5) business days or any approved extension constitutes waiver of the right to appeal.

A copy of the appeal statement will be provided to the other Party, who, within five (5) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing Party's statement and the specific facts asserted by the appealing Party. The response will be limited to 2,500 words.

The Title IX Coordinator will submit the appeal and response, if any, to the appellate panel, ("Appeal Panel") which will be comprised of individuals appointed by the Title IX Coordinator. The panel members will not be the Title IX Coordinator, the Investigator, Decision Maker, or any Title IX team members assigned to the case that is being appealed.

The Appeal Panel will establish a reasonable schedule for issuing a written decision, typically no later than ten (10) business days after receipt of the non-appealing Party's submission or the time for submission has expired.

The Appeal Panel may affirm the decision or sustain any of the above-specified grounds for appeal, in which case the Appeal Panel may:

- reverse a decision or finding;
- change a sanction or remedy;
- remand a decision of dismissal to the Title IX Coordinator;
- remand a case to the original Decision Maker for clarification or reconsideration consistent with the Appeal Panel's decision, if doing so would assist with a timely, practicable, and efficient resolution of the case;
- remand a case for a new hearing to either the original Decision Maker or a newly assigned Decision Maker; or

- remand a case for a new or additional investigation, followed by an adjudication consistent with these procedures, to either the original Investigator or to a new Investigator.

If the Appeal Panel reverses a finding of not responsible and finds the Respondent responsible for Prohibited Conduct, the Appeal Panel must also determine and describe appropriate sanctions and remedies in their written decision. If the Appeal Panel calls for the admission of new evidence, if possible, it will remand the case to the Decision Maker from which it originated for a new hearing or review. Upon remand from the Appeal Panel, as necessary and possible, a Decision Maker may remand a case to the Investigator from which it originated for further investigation.

The decision of the Appeal Panel will be final and binding on all Parties.

XIII. TIME FRAMES

Moody seeks to resolve all reports of Prohibited Conduct pursuant to the following time frames

- Informal Resolution: typically completed within 30-60 calendar days.
- Formal Resolution: typically completed within 90-120 calendar days.

The Title IX Coordinator may extend the time frames for good cause. Good cause for extension may include the unavailability of the Parties or their Advisors, concurrent law enforcement investigation, the complexity of the allegations, or other extenuating circumstances. Any extension, and the reason(s) therefore, will be shared with the Parties, in writing.

XIV. TRAINING

The Title IX Coordinator, Investigators, Decision Makers, Appeal Panel members, and informal resolution facilitators, shall, at a minimum, receive all training and education required pursuant to Title IX, the Violence Against Women Act, and Illinois State Law.

XV. RECORD KEEPING

Moody will maintain the following records:

- Records of reports of Prohibited Conduct under this Policy and any actions taken in response to the reports, including the issuance of supportive measures and educational efforts;
- Records related to each Formal Resolution process;
- Records related to each Informal Resolution process;

- Materials used to train and educate the Title IX Coordinator, Investigator, Decision Makers, Appeal Panel members, and Facilitators of Informal Resolution.

This information will be used by the Title IX Coordinator to monitor patterns and areas of concern. In general, records will be kept for seven (7) years after the date the reported incident is resolved. Certain records may be retained longer in Moody's sole discretion, including for active employees.

XVI. CONFLICTS OF INTEREST

Moody personnel who administer this Policy and the related Complaint Resolution Procedures must be free of conflicts of interest and bias that could affect the outcome of a particular report or Formal Complaint. All Moody personnel involved in a particular matter are required to self-determine whether they have a conflict of interest or bias and, if so, report the issue to the Title IX Coordinator so that a different person may be assigned to the matter. If any Party believes that Moody personnel have a conflict of interest or bias with respect to a particular report or Formal Complaint, the Party should report the concern to the Title IX Coordinator within three (3) business days.

XVII. RELIGIOUS LIBERTY

Moody is a private, evangelical Christian Bible college that qualifies as a religious educational institution entitled to protection for religious liberty under the U.S. Constitution, Title IX, Title VII, and relevant state law. Nothing in this Policy will undermine the integrity of Moody's status as a religious educational institution. Therefore, conduct by a member of the Moody Community that is in conformity with Moody's Christian beliefs (as those beliefs are determined by Moody) will not be deemed to violate this Policy, notwithstanding the definitions of Prohibited Conduct. Furthermore, nothing in this Policy shall require Moody to take any action, or fail to take any action, inconsistent with its religious beliefs.

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

I. SCOPE OF THESE PROCEDURES

The procedures set forth below will guide the investigation and adjudication of Formal Complaints of Title IX Prohibited Conduct, as defined in Section VI(1).

II. INITIATION OF THE INVESTIGATION

An investigation under these procedures will be initiated at the Title IX Coordinator's direction after the filing of a Formal Complaint and the issuance of a Notice of Allegations to the Parties.

III. THE INVESTIGATION

1. Overview of the Investigation

The investigation is a neutral evidence-gathering process. During the investigation, the Parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either Party. Moody may continue an investigation without the participation of any Party.

2. The Investigator

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator may be a Moody employee or an external party.

3. Evidence Collection

a. Testimonial Evidence Collection: Investigative Interviews

Testimony is evidence. Thus, throughout the investigation, the Investigator will endeavor to interview the Parties and other individuals (witnesses) who have information that is relevant or directly related to the allegations in the Formal Complaint, including fact and expert witnesses identified by the Parties. The Investigator will provide written notice of the date, time, and location of the interview, with sufficient time for the participants to prepare. Investigative interviews may be conducted in person, or via telephone or video conference. Following the

investigative interview, the Investigator will prepare a full written summary of the interview ("Interview Summary").

If a Party or witness declines to participate in investigative interviews deemed necessary by the Investigator, the Party or witness, as the case may be, will be unable to provide testimony at the hearing absent a showing of good cause.

b. Non-Testimonial Evidence Collection

During the investigative interview process, the Investigator will gather other available evidence and information that is directly related to the allegations in the Formal Complaint, including, without limitation, electronic and other records of communications between the Parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Logs

The Investigator will maintain a log of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator will also maintain a log of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These logs will be made a part of the evidence file.

4. Review of the Draft Evidence File

a. The Draft Evidence File

At the conclusion of the investigation, the Investigator will compile all the evidence that is directly related to the allegations in the Formal Complaint, including the interview summaries, evidence that is both inculpatory and exculpatory, and evidence upon which the Investigator does not intend to rely. This compilation of evidence will be referred to as the "Draft Evidence File."

b. Review and Opportunity to Respond

Upon completion, the Investigator will share the Draft Evidence File with the Parties and their Advisors electronically, or by hard copy. The Parties will then be afforded ten (10) business days to review the Draft Evidence File and to submit an optional written response, which may include responses to the evidence and requests that the Investigator accept, seek, or obtain additional evidence or conduct follow up inquiries of the other Party or witnesses. The Parties' responses may also include challenges to the Investigators' assessment of relevance. Any responses submitted by the Parties will be shared with the other Party and made a part of the Final Evidence File (the "Final Evidence File").

c. Additional Evidence Collection

The Investigator will consider the written responses of the Parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in collection of additional evidence, such additional evidence will be included in the Draft Evidence File. The new evidence will be shared with the Parties and their Advisors electronically, or by hard copy. The Parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period. Any additional responses submitted will be shared with the other Party and made a part of the Final Evidence File.

d. Prohibition of Evidence Not Offered During the Investigation

In the absence of good cause, information that was able to be discovered through the exercise of due diligence that is not provided to the Investigator during the investigation or during this designated review and response period will not be considered in the hearing process or in the Written Determination of responsibility for a violation of the Policy

5. Final Evidence File and Final Investigative Report

At the conclusion of the investigation process and the review periods, as described in this Procedure, the Investigator will prepare a Final Evidence File and Final Investigative Report.

a. The Final Evidence File

The Final Investigative File will include all the evidence that was contained in the Draft Evidence File and any responses submitted by the Parties during the evidence review period.

b. The Final Investigative Report

The Final Investigative Report will be prepared by the Investigator and will fairly summarize all of the relevant evidence obtained during the investigation. Relevance determinations are generally guided by the principles set forth below in Section V of this Procedure. The Final Investigative Report will also contain a timeline of all procedural steps taken by Moody from the time of the filing of the Formal Complaint to the conclusion of the investigation.

c. Submission of the Final Evidence File and Final Investigative Report to the Parties

The Final Evidence File and Final Investigative Report will be simultaneously provided to the Parties and their Advisors in electronic format or hard copy, at least ten (10) business days prior to a hearing. The Parties will have five (5) business days to submit a written response to the Final Evidence File and Final Investigative Report.

IV. THE HEARING

1. Overview

Upon conclusion of the Investigation, a hearing will be held to determine whether the Respondent is responsible for the alleged Prohibited Conduct in the Formal Complaint. As set forth in Section X of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the preponderance of the evidence. The hearing is a private proceeding. The only people present will be the Parties, their Advisors, the Decision Maker, witnesses (when invited to participate), and any staff necessary for conducting the hearing.

2. Hearing Participants

a. Decision Maker

Moody will designate the Decision Maker for the moderation of the hearing and determination of finding and sanction. This may take the form of a single Decision Maker or a three-member panel at the Title IX Coordinator's discretion. With a panel, one of the three members will be appointed as Chair (the "Hearing Chair") by the Title IX Coordinator and will be responsible to make discretionary decisions as the primary Decision Maker in the following subsections. The Decision Maker may not be the Title IX Coordinator, a facilitator of Informal Resolution, or the Investigator.

Upon receipt of the notice of the Decision Maker, the Parties will have three (3) business days to object to the appointment of a Decision Maker in accordance with Section XVI of this Policy, on the basis of demonstrated bias or conflict of interest.

b. The Parties

The Parties are permitted to participate in the entirety of the hearing, portions thereof, or they can decline to participate in the hearing entirely, and the Decision Maker will not draw an adverse inference against a Party based solely on their decision not to participate in all or some of the hearing proceedings.

In accordance with Section III(3)(a) of these Complaint Resolution Procedures, if a Party declined to participate in investigative interviews deemed necessary by the Investigator, the Party will not be permitted the opportunity to provide testimony at the hearing absent a showing of good cause.

If a Party who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was good cause for the non-participation, the Decision

Maker, in their discretion, may permit the Party to participate. If the Decision Maker permits the Party to participate in the hearing, the Decision Maker will first reschedule or adjourn the hearing for the Investigator to interview the Party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

c. Advisors

The Parties have the right to have an Advisor of their choice present at the hearing in accordance with Section VIII(3) of this Policy. If a Party does not have an Advisor of choice, the Title IX Coordinator will appoint an Advisor to that Party for the sole purpose of conducting cross examination of the other Party and witnesses. In the absence of their advisee, a Party's Advisor of choice or an Advisor appointed by the Title IX Coordinator may continue to participate in the hearing for the sole purpose of conducting cross examination.

Advisors may not speak on behalf of the Parties or otherwise participate in, or in any manner delay or disrupt the hearing. If an Advisor fails to comply with the Complaint Resolution Procedures or the established Rules of Decorum, Moody reserves the right to exclude the Advisor from further participation in the process. The Title IX Coordinator and/or appointed Decision Maker(s) is responsible for interpreting and applying this provision.

d. Witnesses

The Decision Maker will determine, in their sole discretion, which witnesses will be invited to participate at the hearing. Witnesses who are invited to participate in the hearing will be permitted to attend the hearing only when providing testimony. In accordance with Section III(3)(a) of these Complaint Resolution Procedures a witness who declined to participate in an investigative interview will not be permitted to provide testimony at the hearing absent a showing of good cause.

If a witness who declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was good cause for the nonparticipation, the Decision Maker, in their discretion, may permit the witness to participate. If the Decision Maker permits the witness to participate in the hearing, the Decision Maker will first reschedule or adjourn the hearing for the Investigator to interview the Party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

e. Hearing Facilitators

The orderly administration of hearings will be supported by Hearing Facilitators, who are individuals either internal or external to Moody and appointed by the Title IX Coordinator. The Title IX Coordinator may not serve as a Decision Maker in the matter but may serve as a Hearing

Facilitator if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a Designee may fulfill this role.

3. Notice of Hearing

The Title IX Coordinator will notify the Parties in writing of the date, time, and location/format of the hearing. The notice will include the charges at issue; a brief summary of the alleged Prohibited Conduct; and the applicable Complaint Resolution Procedures under this Policy. All efforts will be made to provide the Notice of Hearing no later than seven (7) business days prior to the hearing and to schedule the hearing as soon as practicable.

Either Party may request to have a hearing rescheduled. The request may be granted at the discretion of the Title IX Coordinator. Absent extenuating circumstances, requests to reschedule must be submitted at least five (5) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason. Given the number of individuals involved in a hearing, and the attendant difficulty of scheduling and rescheduling them in a timely manner, it may not be possible to accommodate all scheduling requests. The Title IX Coordinator may also reschedule a hearing, without a request by the Parties, when there is reasonable cause to do so.

4. Hearing Format

The hearing will be live and will provide the Parties an opportunity to address the Decision Maker in person. Participants may be physically present in the same geographic location, or at Moody's discretion, some or all of the hearing may be conducted remotely, using virtual platforms (i.e., video conferencing). Upon request to the Title IX Coordinator, a Party may participate in the hearing remotely. Such requests for remote participation should be made at least two (2) business days in advance of the scheduled hearing.

5. Pre-Hearing Conferences

Prior to the hearing, the Hearing Facilitator and the Decision Maker will meet with the Parties and their Advisors, separately, for the purposes of conducting a pre-hearing conference. At the pre-hearing conference, the Decision Maker will review these Complaint Resolution Procedures, the rules of decorum, and the proposed hearing schedule. The Parties will be permitted to ask questions. The Decision Maker will not discuss matters of evidence with the Parties during the pre-hearing conference.

6. Impact/Mitigation Statements

The Parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The Parties may submit the statement to the Title IX Coordinator up until the start of a hearing. The statements are distributed to the Decision Maker and the Parties

only if the Decision Maker finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the Parties with a copy of the Decision Maker's written decision.

7. Hearing Procedures

Typically, the format of the hearing will be as follows:

a. Opening Prayer
b. Opening Instructions

The hearing will begin with opening instructions by the Decision Maker or the Hearing Chair (if by Panel). The Parties will be afforded the opportunity to ask questions about the format of the hearing and these procedures at the conclusion of the opening instructions.

c. Cross Examination

The Decision Maker will determine the order of question and answer. The Decision Maker will question the Party or witness first, followed by cross examination of a Party by the other Party's Advisor. In the case of witness testimony, the Decision Maker will question the witness first, followed by cross examination of the witness, first by Complainant's Advisor and next, by the Respondent's Advisor.

During cross examination, the Party's Advisor will be permitted to ask the opposing Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent, or witness responds to a question by a Party's Advisor, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Decision Maker retains authority to ask questions at any time during testimony, including during cross examination by the Advisors.

d. Closing Remarks

At the conclusion of testimony, the Decision Maker/Chair will conclude the proceedings with brief closing remarks.

8. Determination Regarding Responsibility and Notice of Outcome

The Decision Maker will determine whether the Respondent is responsible for the alleged Prohibited Conduct by a majority vote (if by Panel) based upon a preponderance of the evidence standard. The Decision Maker retains discretion regarding the weight or credibility to assign the

evidence. If the Decision Maker makes a finding of responsibility, the Decision Maker will determine the appropriate sanctions and remedies, in accordance with Section XI of this Policy by a majority vote. The Decision Maker may consult with other Moody officials, in its discretion, when determining the appropriate sanctions and remedies to issue. In matters where a finding of responsibility is made, the Decision Maker will consider the Impact/Mitigation statements of the Parties prior to determining sanctions.

The Decision Maker will issue a written determination of findings that will include the procedural steps taken during the investigation, the specific Prohibited Conduct for which the Respondent was found responsible and not responsible with identification of the allegations potentially constituting Title IX Prohibited Conduct, the findings of fact and the rationale for the Decision Maker's determinations regarding both responsibility and sanctions, whether remedies designed to restore or preserve equal access to Moody's Education Programs and Activities will be provided by Moody to the Complainant, sanctions and remedies if the Respondent is found responsible, and instructions and time limits for appeals.

The written determination may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision Maker deems appropriate. Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision Maker's Written Determination.

9. Hearing Record

A video/audio recording will be made of all hearings, but not of deliberations. The Parties may view and listen to the recording of the hearing. Access will be facilitated in a manner deemed appropriate by the Title IX Coordinator. Individuals appearing before the Decision Maker, whether as a Party or witness, are prohibited from recording any portion of the hearing. The Decision Maker is also prohibited from recording any portion of the hearing.

The Decision Maker has access to the hearing record. The hearing record will include: the recording and any written transcript of the hearing, the Decision Maker's final determination, the final evidence file and investigative report, the Parties' Impact/Mitigation Statements, if there is a determination of responsibility, and information concerning any prior misconduct by the Respondent.

V. EVIDENTIARY CONSIDERATIONS

1. Relevance

Evidence is relevant if it has any tendency to make any material fact more or less probable. Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

a. Prior Sexual History of Complainant

Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior are considered irrelevant 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.

b. Prior or Subsequent Conduct

Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this Policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

c. Mental Health Condition, Treatment, or Diagnosis

Generally, during both the investigation and any hearing to determine responsibility, evidence of the party's mental health diagnosis or treatment is irrelevant.

d. Privilege

The Investigator and Decision Maker will not allow, rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. Newly Offered Evidence

If, after the issuance of the Final Evidence File and Final Investigative Report and prior to the issuance of the Decision Maker's decision, including at the hearing, a Party or the Investigator seeks to present a witness or introduce evidence not offered prior to the hearing and not disclosed to the Investigator, the Decision Maker may grant admission of the evidence only upon a showing of good cause, which may include that the evidence could not have reasonably been discovered with due diligence.

Where the Decision Maker permits a Party to introduce a newly discovered witness or evidence, the Decision Maker will reschedule or adjourn the hearing for the Investigator to investigate the newly discovered witness or evidence and, if appropriate, to amend the Final Evidence File and Final Investigative Report.

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

I. SCOPE OF THESE PROCEDURES

The procedures set forth below will guide the investigation and adjudication of Formal Complaints of Non-Title IX Prohibited Conduct, as defined in Section VI(2).

II. INITIATION OF THE INVESTIGATION

An investigation under these procedures will be initiated at the Title IX Coordinator's direction after the filing of a Formal Complaint and the issuance of a Notice of Allegations to the Parties.

III. THE INVESTIGATION

1. Overview of the Investigation

The investigation is a neutral evidence-gathering process. During the investigation, the Parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either Party. Moody may continue an investigation without the participation of any Party.

2. The Investigator

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator may be a Moody employee or an external party.

3. Evidence Collection

a. Testimonial Evidence Collection: Investigative Interviews

Testimony is evidence. Thus, throughout the investigation, the Investigator will endeavor to interview the Parties and other individuals (witnesses) who have information that is relevant or directly related to the allegations in the Formal Complaint. The Investigator will provide written notice of the date, time, and location of the interview, with sufficient time for the participants to prepare. Investigative interviews may be conducted in person, or via telephone or video

conference. Following the investigative interview, the Investigator will prepare a full written summary of the interview ("Interview Summary").

If a Party or witness declines to participate in investigative interviews deemed necessary by the Investigator, the Party or witness, as the case may be, will be unable to provide testimony within the written hearing absent a showing of good cause.

b. Non-Testimonial Evidence Collection

During the investigative interview process, the Investigator will gather other available evidence and information that is directly related to the allegations in the Formal Complaint, including, without limitation, electronic and other records of communications between the Parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Logs

The Investigator will maintain a log of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator will also maintain a log of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These logs will be made a part of the evidence file.

4. Evidence File and Investigative Report

At the conclusion of the fact gathering process, the Investigator will prepare an Evidence File and Investigative Report.

a. The Evidence File

The Investigative File will include all the evidence that is directly related to the allegations in the Formal Complaint, including the interview summaries, evidence that is both inculpatory and exculpatory, and evidence upon which Moody does not intend to rely.

b. Final Investigative Report

The Final Investigative Report will be prepared by the Investigator and will fairly summarize all the relevant evidence obtained during the investigation. Relevance Determinations are generally guided by the principles set forth below in Section V of this Procedure. The Final Investigative Report will also contain a timeline of all procedural steps taken by Moody from the time of the filing of the Formal Complaint to the conclusion of the investigation.

c. Submission of the Final Investigative Report and Evidence File to the Parties

The Investigative Report and Evidence File will be simultaneously provided to the Parties and their Advisors in electronic format or hard copy. The Parties will have five (5) business days to submit a written response to the Final Investigative Report and Evidence File. The Parties' written response may include responses to the evidence and requests that the Investigator accepts, seeks, or obtains additional evidence or conducts follow up inquiries of the other Party or witnesses. The Parties' responses may also include challenges to the Investigators' assessment of relevance.

d. Additional Evidence Collection

The Investigator will consider the written responses of the Parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in collection of additional evidence, such additional evidence will be included in the Evidence File. The new evidence will be shared with the Parties and their Advisors electronically, or by hard copy. The Parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period.

e. Prohibition of Evidence Not Offered During the Investigation

In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation or during this designated review and response period will not be considered in the determination of responsibility for a violation of the Policy and will not be considered during the hearing process.

IV. THE HEARING

1. Overview

After the review and response period has ended, a written hearing will be held to determine whether the Respondent is responsible for the Prohibited Conduct alleged in the Formal Complaint. The written hearing consists of a Decision Maker, designated by the Title IX Coordinator, reviewing the Evidence File, Final Investigative Report, and any responses by the Parties along with applicable Moody policies and relevant federal, state, and local law, rules, and ordinances to determine if a Policy violation occurred. As set forth in Section X of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence.

2. Notice of Decision Maker

The Title IX Coordinator will provide to the parties written notice of the identity of the Decision

Maker at least five (5) business days prior to the written hearing. Upon receipt of the notice of the Decision Maker, the Parties will have three (3) business days to object to the appointment of a Decision Maker in accordance with Section XVI of this Policy, on the basis of demonstrated bias or conflict of interest.

3. Impact/Mitigation Statements

The Parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The Parties may submit the statement to the Title IX Coordinator within five (5) business days after receiving the Final Investigative Report and Evidence File. The statements are distributed to the Decision Maker and the Parties only if the Decision Maker finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the Parties with a copy of the Decision Maker's written decision.

4. Determination Regarding Responsibility and Notice of Outcome

The Decision Maker will determine whether the Respondent is responsible for the alleged Prohibited Conduct based upon a preponderance of the evidence standard. The Decision Maker retains discretion regarding the weight or credibility to assign the evidence. If the Decision Maker makes a finding of responsibility, the Decision Maker will determine the appropriate sanctions and remedies, in accordance with Section XI of this Policy. The Decision Maker may consult with other Moody officials, in its discretion, when determining the appropriate sanctions and remedies to issue.

In matters where a finding of responsibility is made, the Decision Maker will consider the Impact/Mitigation statements of the Parties prior to determining sanctions.

The Decision Maker will issue a written determination of findings that will include the procedural steps taken during the investigation, the specific Prohibited Conduct for which the Respondent was found responsible and not responsible with identification of the allegations potentially constituting Non-Title IX Prohibited Conduct, the findings of fact and the rationale for the Decision Maker's determinations regarding both responsibility and sanctions, whether remedies designed to restore or preserve equal access to Moody's Education Programs and Activities will be provided by Moody to the Complainant, sanctions and remedies if the Respondent is found responsible, and instructions and time limits for appeals.

The written determination may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision Maker deems appropriate. Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision Maker's Written Determination.

V. EVIDENTIARY CONSIDERATIONS

1. Relevance

Evidence is relevant if it has any tendency to make any material fact more or less probable. Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

a. Prior Sexual History of Complainant

Evidence and questions about the Complainants sexual predisposition or prior sexual behavior are considered irrelevant 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.

b. Prior or Subsequent Conduct

Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this Policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

c. Mental Health Condition, Treatment, or Diagnosis

Generally, during both the investigation and any hearing to determine responsibility, evidence of the party's mental health diagnosis or treatment is irrelevant.

d. Privilege

The Investigator and Decision Maker will not allow, rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. Newly Offered Evidence

If, after the issuance of the Evidence File and Investigative Report and prior to the issuance of the Decision Maker's written determination, a Party or the Investigator seeks to present a witness or introduce evidence not previously offered and not disclosed to the Investigator, the Decision

Maker may grant admission of the evidence only upon a showing of good cause, which may include that the evidence could not have reasonably been discovered with due diligence.

Where the Decision Maker permits a Party to introduce a newly discovered witness or evidence, the Decision Maker will allow for the Investigator to investigate the newly discovered witness or evidence and, if appropriate, to amend the Evidence File and Investigative Report.

Appendix C: Resources for Support

Confidential Resources

Chicago, Illinois On-Campus Resources

Health Service
Smith 2nd Floor
312-329-4417
healthservice@moody.edu

Counseling Services
Smith 3rd Floor
312-329-4194
counselingservices@moody.edu

Moody Bible Institute Ombudsman
Person to be appointed by president

Chicago, Illinois Off-Campus Resources

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

Cook County Domestic Violence Resources
Richard Daley Center, Room 1001
50 West Washington Street
Chicago, IL 60602
312-603-5031
www.cookcountyclerkofcourt.org

Plymouth, Michigan Campus Resources

InterSessions Counseling Clinic
Dr. John Restum
41550 E Ann Arbor Trail
Plymouth, MI 48170
734-207-5207
434-207-9581 x328
john.restum@moody.edu

Spokane, Washington Campus Resources

Moody Aviation Confidential Resource
Jodi Appleby
6719 E Rutter Ave #68
Spokane, WA, 99212
jodi.appleby@moody.edu

Spokane, Washington Off-Campus Resources

Genesis Institute
1220 N. Howard St.
Spokane, WA 99201
Tel: 509-467-7913
http://genesisinstitute.org/

National Resource

RAINN (Rape, Abuse & Incest National Network)
24-hour National Sexual Assault Hotline:
(800) 656-HOPE - Chat online at hotline.rainn.org.

Community Resources

Chicago, Illinois Off-Campus Resources

Cook County Domestic Violence Courthouse
555 West Harrison
Chicago, IL 60607
312-325-9500 or 312-325-9467
Additional Resources:
www.cookcountyclerkofcourt.org

Clerk of the Circuit Court Cook County
Richard Daley Center, Room 1001
50 West Washington Street
Chicago, IL 60602
312-603-5030
www.cookcountyclerkofcourt.org

Spokane, WA Campus Off-Campus Resources

Sexual Assault & Family Trauma (SAFeT) Response Center
24hr Hotline: (509) 624-7273
Office: (509) 747-8224
http://www.lcsnw.org/spokane/SAFeT.html

Plymouth, Michigan Campus Off-Campus Resources

WC SAFE (Wayne County Sexual Assault Forensic Examiners Program)
2727 Second Avenue, Suite 120
Detroit, Michigan 48201
Office: 313-964-9701
Crisis Pager: 313-430-8000

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

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

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

External Agencies

Chicago, Illinois Campus:

Office for Civil Rights Denver Reg. Office
U.S. Department of Education
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Email: OCR.Denver@ed.gov
http://www.ed.gov/

Chicago Rape Crisis Hotline
Telephone: 1-888-293-2080
https://ywcachicago.org/

Plymouth, Michigan Campus:

Office for Civil Rights Denver Reg. Office
U.S. Department of Education
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Email: OCR.Denver@ed.gov
http://www.ed.gov/

Spokane, Washington Campus:

Office for Civil Rights Seattle Office
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Telephone: 206-607-1600
FAX: 206-607-1601; TDD: 800-877-8339
Email: OCR.Seattle@ed.gov

National Suicide Prevention Hotline

988 or 1-800-273-8255
https://988lifeline.org/

US National Domestic Violence Hotline

800-799-7233

Resources for Employees

Chicago, Illinois Campus:

Equal Employment Opportunity Commission
Chicago District Office
230 S. Dearborn St., Suite 1866
Chicago, Illinois 60604
1-800-669-4000
TTY: 1-800-669-6820
www.eeoc.gov

Illinois Department of Human Rights
555 W. Monroe Street, 7th Floor
Chicago, Illinois 60661
312-814-6200 (Chicago)
217-785-5100 (Springfield)
TDD: 312-263-1579
www.state.il.us/dhr

Plymouth, Michigan Campus:

Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226
313-774-0020
Fax: 313-226-4610

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

Spokane, Washington Campus:

Equal Employment Opportunity Commission
Seattle Field Office
909 1st Ave., #400
Seattle, WA 98104
Phone Number: 800-669-4000
Fax: 206-684-0332

Washington State Human Rights Commission (FEPA)
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504
1-800-233-3247
Fax: 360-586-2282

Reporting to Law Enforcement Authorities

Call 911 as soon as possible if someone is in immediate danger or needs immediate medical attention. If you believe that you have experienced or witnessed Sexual Harassment and Sexual Violence, you may file a police report directly with your local police department, you may seek assistance from Moody's Public Safety Department or Title IX Coordinator to make a police report, or you may decline to notify authorities. Moody's Public Safety Department may be reached by calling 312-329-HELP (4357), by emailing public.safety@moody.edu, or in person in the Lower Level of Crowell Hall. A police report may be filed utilizing the contact information listed below:

Chicago, Illinois Campus

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

Plymouth, Michigan Campus

Plymouth Police Department
City Hall
201 S Main
Plymouth, MI 48170
734-453-1234 ext. 219
Call 911 for Emergencies
Call 734-453-8600 for Non-Emergencies

Spokane, Washington Campus

Spokane C.O.P.S.
1100 West Mallon Avenue
Spokane, WA 99260
Call 911 for Emergencies
Call Crime Check at 509-456-2233 for Non-Emergencies

Reporting to Resources for Child Abuse Protections

Chicago, IL

Illinois Department of Children and Family Services (DCFS)
Hotline: 800-252-2873

Plymouth, MI

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

Spokane, WA

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

Addendum No. 1
Chicago Municipal Code Addendum to
The Moody Bible Institute of Chicago Sexual Harassment and Sexual Violence Response Policy

This Addendum (this "Addendum"), effective as of June 24, 2022, is a supplement to and modifies The Moody Bible Institute of Chicago ("Moody") Sexual Harassment and Sexual Violence Response Policy dated January 27, 2022, as may be amended and supplemented from time to time, (collectively, the "Policy") to the extent required by amendments to the Municipal Code of Chicago, which are effective July 1, 2022. For the purposes of compliance with the Municipal Code of Chicago, if there is any inconsistency between the terms of this Addendum and the Policy, the terms of this Addendum shall control for any conduct subject to the jurisdiction of the City of Chicago, Illinois.

1. **Enhanced Definition of Sexual Harassment** - Moody's definition of Non-Title IX Sexual Harassment now explicitly includes the following, as defined by Municipal Code of Chicago 6-010-02:

"Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;, or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual;, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

2. **Written Policy Requirements and Posted Written Notice Requirements -** Under Moody's Policy:
    a. Sexual Harassment, as defined in this Addendum is illegal in Chicago.
    b. Retaliation for reporting Sexual Harassment is illegal in Chicago.
    c. Moody has the following training requirements:
        i. All employees participate in sexual harassment prevention training annually;
        ii. Employees shall participate in a minimum of one hour of sexual harassment prevention training annually;
        iii. Anyone who supervises or manages employees shall participate in a minimum of two hours of sexual harassment prevention training annually; and
        iv. All employees must participate in one hour of bystander training annually.
    d. Examples of prohibited conduct that constitute Sexual Harassment are found in Section VI of Moody's Policy.
    e. Information on how to report an allegation of sexual harassment is contained in Section VIII of Moody's Policy.
    f. Legal services, including governmental, available to employees who may be victims of Sexual Harassment are found in Appendix C of Moody's Policy and also include: Chicago Commission on Human Relations **In person:** 740 N. Sedgwick, 4th floor, Chicago, IL 60654; **Online**: www.chicago.gov/cchr **By Email**: ccchrfilings@cityofchicago.org
    g. Moody's Policy will be available in an employee's primary language within the first calendar week of starting employment. Additionally, Moody will display a poster advising of the prohibition on sexual harassment where employees can see it.