LIPSCOMB ACADEMY

AMENDED AND RESTATED

SEXUAL HARASSMENT

AND

SEXUAL MISCONDUCT POLICY

January 1, 2025

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INTRODUCTION

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

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

All employees of the Institution who are not Confidential Resources (as hereinafter defined) are required to report promptly any and all alleged acts of Sexual Misconduct to the Title IX Coordinator. Any employee who becomes aware of any alleged act of Sexual Misconduct and fails to report promptly such alleged act may be subject to disciplinary action, including termination of employment, unless that employee is a Confidential Resource. Confidential Resources may not be required to report an alleged act of Sexual Misconduct to the Title IX Coordinator, depending on the circumstances. Students are encouraged, but not required, to report any alleged acts of Sexual Misconduct.

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

PURPOSE AND SCOPE OF POLICY

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

This policy applies to Sexual Misconduct by or of any member of the Institution Community that occurs in the United States (i) on Institution property, or (ii) at an event, location or circumstance that does not take place on Institution property, where the Institution exercised substantial control over both the Respondent and the context in which the Sexual Misconduct occurred. The Institution reserves the right to address other conduct that may pose a threat of danger to any member of the Institution Community through its Student Handbook and its Employee Handbook. For purposes of clarification, this policy generally does not govern Sexual Misconduct that occurs on Lipscomb University property or involves students and/or employees of Lipscomb University. Lipscomb University has a separate policy that generally governs such Sexual Misconduct. For Sexual Misconduct allegations that involve a student or employee of Lipscomb Academy and a student or employee of Lipscomb University, the Institution's Title IX Coordinator will determine which policy applies.

A Complainant or Third Party is encouraged to report Sexual Misconduct regardless of where the incident occurred, or who committed it. Even if the Respondent is not a member of the Institution Community, the alleged Sexual Misconduct did not occur on Institution property, or the alleged Sexual

Misconduct occurred outside the United States, the Institution will take prompt action to provide for the safety and well-being of the Complainant and the broader community.

NOTICE OF NON-DISCRIMINATION

The Institution is a private Christian university open to any qualified student without regard to race, religion, sex, age, color, national or ethnic origin, or disability. The Institution complies with all applicable federal and state nondiscrimination laws, and does not engage in prohibited discrimination on the basis of race, religion, sex, age, color, national or ethnic origin, or disability in the administration of its educational policies, programs and activities, including admissions policies, scholarships and loan programs, employment practices, and athletic and other school administered programs.

The Institution is affiliated with the fellowship of the Church of Christ. The Institution is controlled by a Board of Trustees and is operated within the Christian-oriented aims and ideals and religious tenets of the Church of Christ as taught in Holy Scripture. As a religiously controlled institution of higher education, the Institution is exempt from compliance with some provisions of certain civil rights laws and regulations with respect to discrimination.

The Institution is committed to establishing and maintaining a safe and nondiscriminatory environment for all members of the Institution Community. Sex discrimination is prohibited under Title VII of the Civil Rights Act of 1964 and is also prohibited by Title IX, which provides:

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

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

TITLE IX COORDINATOR

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

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

Kathy E. Hargis
Title IX Coordinator
Crisman Administration Building
One University Park Drive
Nashville, TN 37204
615-966-5661
hargiske@lipscomb.edu

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

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

DEFINITIONS

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

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

Complainant: Any individual who is allegedly a victim or survivor of activity that could constitute Sexual Misconduct. Where an individual is a minor under the age of 18, his or her parent or guardian may act for such individual as the Complainant. At the time of filing a Formal Complaint, a Complainant must be a current student or employee of the Institution, or attempting to become a student or employee of the Institution or otherwise participating or attempting to participate in the educational program or activities of the Institution. A parent or guardian of a person under the age of 18 may file a Formal Complaint on behalf of such person.

Confidential Resource: Any employee who is: a counselor for Lipscomb Academy (including in the Lipscomb Academy Office of Spiritual Formation or Counseling Services); a counselor in the Lipscomb Family Therapy Center; or a school nurse and is providing services as a counselor or nurse at the time they receive notice of an alleged act of Sexual Misconduct.

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

Under Tennessee law, and for purposes of this policy, Consent cannot be obtained (i) through Coercion or Force, (ii) from a minor under the age of 18, except where the parties are within four years of age of one another, (iii) from a person who suffers from a mental disease or defect that renders the person

incapable of appraising the nature of the person's conduct, (iv) from a person who is rendered temporarily incapable of appraising or controlling the person's conduct because of the influence of alcohol or drugs, or (v) from a person who is unconscious, asleep or otherwise physically or verbally unable to communicate unwillingness to do an act.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship is determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes committed by:

- A current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- A person who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- A person who shares a child in common with the victim; or
- Any other person against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Tennessee.

Fondling: The touching of the private body parts of another person (breasts, buttocks, or groin) for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

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

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

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

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

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

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

Responsible Employee: Any employee of the Institution who is not classified as a Confidential Resource.

Retaliation: Acts or attempts to retaliate or seek retribution against a Complainant, Respondent, Third Party, or any individual or group of individuals involved in a complaint, investigation, or resolution of an alleged violation of this policy. Retaliation can take many forms, including threats, intimidation, coercion, or discrimination.

Sexual Assault: An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes Rape, Sodomy, Fondling, Incest, and Statutory Rape.

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

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

Sexual Misconduct: Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Sodomy: Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

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

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of Consent.

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

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

PRIVACY

The Institution is committed to protecting the privacy of any and all individuals involved in an alleged violation of this policy. In any report, investigation or resolution of an alleged violation, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the law and with the need for a thorough review of the allegations.

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

Those members of the Institution Community who desire complete confidential assistance may do so by speaking with Confidential Resources. Information shared with Confidential Resources will not be shared with others without the Complainant's consent, unless there are circumstances posing imminent risk of harm to self or any member of the Institution Community. Because the content of discussions with Confidential Resources will not be reported to the Title IX Coordinator, such discussions do not serve as notice to the Institution to address any alleged violation of this policy. Information shared with individuals other than Confidential Resources is not legally protected from being disclosed. Nonetheless, the Institution takes requests for privacy and confidentiality seriously, while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for members of the Institution Community.

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

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

The Institution does not prohibit a Complainant, Respondent, or witness from discussing his or her own experience but encourages such individuals to respect the sensitive nature of allegations of Sexual Misconduct. A person's confidential information (including medical and academic information) obtained during the course of an investigation or proceeding under this policy should not be re-disclosed outside the investigation or proceeding. This restriction does not apply to information learned outside of an investigation or proceeding under this policy.

RETALIATION

Retaliation against any person for submitting a report or complaint, or testifying, assisting, or participating or refusing to participate in any manner in an investigation, proceeding, or informal resolution

under this policy is strictly prohibited. An individual reporting Sexual Misconduct is entitled to protection from any form of Retaliation following a report, even if the report is not later substantiated. Similarly, individuals accused of Sexual Misconduct and those who participate in an investigation conducted under this policy are entitled to protection from any form of Retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this policy shall not constitute Retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging Retaliation may be filed pursuant to the procedures described in this policy. Any individual who is found to have Retaliated against a person in violation of this policy may face corrective action up to and including dismissal for students and termination for employees. Complaints of Retaliation should be filed immediately with the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights.

AMNESTY FOR STUDENT CONDUCT VIOLATIONS

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

To encourage reporting of Sexual Misconduct, the Institution will provide Complainants, as well as bystanders and witnesses who cooperate with an investigation under this policy or who provide help to victims or likely victims of Sexual Misconduct, with immunity from being charged with violations of any other Institution policy in connection with any conduct related to an alleged violation of this policy, although this immunity does not apply to more serious allegations, such as physical abuse or illicit drug distribution. While violations of other policies cannot be completely overlooked, the Institution may provide referrals to counseling or may require educational assistance or other remedies in such cases. Although the Institution will provide individual Complainants, bystanders and witnesses with such immunity, student groups, such as clubs or sports teams, may be subject to disciplinary action under other Institution policies in connection with any conduct related to an alleged violation of this policy, if deemed appropriate or necessary for the safety and well-being of the Institution Community.

BYSTANDER INTERVENTION

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

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

RESOURCES

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

Confidential Resources

There are various Confidential Resources available within the Institution Community. These Confidential Resources will not disclose shared information without the individual's Consent unless there is imminent risk of harm to self or any member of the Institution Community. The Confidential Resources can be contacted as follows:

Lipscomb Academy Counseling Resources
615-966-5198

Lipscomb University Health Center Resources
615-966-6304

Lipscomb Academy Spiritual Formation Resources
615-966-6470

Lipscomb Family Therapy Center
615-966-5300

Outside Community Resources

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

Metro Police Department Dispatch Center
200 James Robertson Parkway
Nashville, Tennessee 37201
615-862-7400

Nashville General Hospital at Meharry
1818 Albion Street
Nashville, Tenessee37208
615-341-4000

Tennessee Coalition to End Domestic & Sexual Violence
2 International Plaza Drive, Suite 425
Nashville, Tennessee 37217
800-289-9018

Sexual Assault Center
101 French Landing Drive
Nashville, Tennessee 37228
615-259-9055
www.sacenter.org
Crisis & Support Line 800-879-1999

National Domestic Violence Hotline
800-799-SAFE (7233)

CONFLICTS OF INTEREST

No person shall serve as Title IX Coordinator, investigator, decision-maker, appellate officer, or person to convene an informal resolution process who has a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. Before assigning an investigator, decision-maker, appellate officer, or person to convene an informal resolution process for any matter under this policy, the Title IX Coordinator and/or his or her designees shall determine whether such person has a relationship with either the Complainants or the Respondents that would create a conflict of interest or bias. If such a conflict of interest or bias exists, the Title IX Coordinator and/or his or her designees shall assign a different qualified person who does not have such a conflict of interest or bias.

TRAINING

The Institution will provide training for the Title IX Coordinator, investigators, decision-makers, appellate officers and any person who convenes an informal resolution process on:

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

The Title IX Coordinator and/or his or her designee will also provide training to investigators on issues of relevance so they are equipped to create investigative reports that fairly summarize the relevant evidence. Materials used to train the Title IX Coordinator, investigators, decision-makers, appellate officers and any person who convenes an informal resolution process shall be maintained by the Title IX Coordinator for seven (7) years and shall also be posted on the Institution's website.

REPORTING

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

All individuals are strongly encouraged to report alleged incidents of Sexual Misconduct immediately to the Institution's School Resource Officer, Lipscomb University's Office of Security and

Safety and/or to local law enforcement. The School Resource Officer or Lipscomb University's Office of Security and Safety personnel will assist and advise regarding the importance of preserving evidence for the proof of a criminal offense and advise to whom the alleged offense should be reported. All individuals will have access to Institution and community resources regardless of whether or not they decide to report an incident to local law enforcement. Except where the Complainant is younger than 13 years old, the Institution will generally respect a Complainant's choice to report or not report an incident to local law enforcement, unless the Institution determines that there is an overriding issue with respect to the safety or welfare of the Institution Community.

Reporting Incidents Involving Minors or Suspected Child Abuse

Under Tennessee law, all persons must report any suspected case of child abuse or neglect. Any person who knowingly fails to make a report of suspected child abuse commits a crime and may be subject to a fine not to exceed $2,500.

All Institution employees must immediately report any suspected child abuse or neglect to the Tennessee Department of Children's Services ("DCS"). The source of abuse does not need to be known in order to make a report.

Any individual must make a direct report regarding suspected child abuse or neglect as follows:

- If a child is in immediate danger, call 911
- If a child is not in immediate danger, call DCS at 877-237-0004 or report online at *https://apps.tn.gov/carat/*

False Reports

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

Anonymous Reporting

Any individual may make an anonymous report concerning an alleged violation of this policy at any time to the Title IX Coordinator through the contact information provided above, or the anonymous reporting resource identified in this paragraph. Such a report should identify an alleged victim, if possible, so that the Title IX Coordinator may offer the alleged victim Supportive Measures and discuss options for filing a Formal Complaint. If an alleged victim is not identified, the reporter should disclose his or her name and any requested action. Depending on the extent of information available about the incident or the individuals involved, however, the Institution's ability to respond to an anonymous report may be limited. The Institution's anonymous reporting resource can be found by clicking "Report an Incident" at the bottom of Lipscomb University's website, *www.lipscomb.edu*.

When any alleged violation of this policy is reported anonymously, the Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including providing Supportive Measures, and/or filing a Formal Complaint.

RESOLUTION OF ALLEGED VIOLATIONS

Reports

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

In communicating with the Complainant about Supportive Measures, the Title IX Coordinator and/or his or her designee(s) may also make a prompt assessment of any imminent risk of harm to the Complainant(s) or to the Institution Community to determine any steps that may be necessary to address those risks. These steps may include removal of a Respondent from the Institution's educational programs or activities on an emergency basis if the Institution undertakes an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. The Institution will provide written notice to any Respondent who is subject to emergency removal. A student Respondent who is subject to emergency removal may challenge that removal by providing the Title IX Coordinator with a written opposition to such emergency removal within three (3) days of notification of removal. The Title IX Coordinator will identify a senior administrator to decide any such challenge. The senior administrator need not meet with the student Respondent and may decide the challenge based on the written record. The senior administrator's decision will be final. The Institution may place a non-student employee Respondent on administrative leave during the pendency of a Formal Complaint.

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

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

Supportive Measures, Remedies and Accommodations

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

records of any Supportive Measures taken in response to a report or Formal Complaint of Sexual Misconduct for seven (7) years.

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

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

- Access to counseling services and assistance in setting up initial appointments, both on or off campus;
- Imposition of a campus no-contact order or mutual restrictions on contact between the parties;
- Extension of deadlines or other course-related adjustments, including rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule or transferring sections, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- Relocation of office space;
- Limiting an individual or organization's access to certain Institution facilities or activities pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, buildings or activities;
- Providing medical services through health center resources;
- Providing academic support services;
- Increasing security and monitoring of certain areas of the campus; and
- Any other remedy that can be tailored to the involved individuals to achieve the goal of this policy without unreasonably burdening the other party.

Optional, Informal Resolution

Any time after filing a Formal Complaint but prior to the determination by the decision-maker, either the Complainant or Respondent may request a meeting seeking optional, informal resolution. Optional, informal resolution is not available: (1) where a student Complainant alleges Sexual Assault against any Respondent; or (2) where a student Complainant alleges Sexual Misconduct by an employee of the Institution. If such a meeting is requested by a party, the Title IX Coordinator will provide both parties a written notice disclosing: the allegations; a copy of this policy which details the requirements of this optional, informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; that prior to reaching a resolution any party has the right to withdraw from the optional informal resolution process and resume the grievance process with respect to the Formal Complaint; and any consequences that may result from participating in the optional informal resolution process, including the records that will be maintained or could be shared.

If both parties provide written consent to proceeding with optional informal resolution, the Title IX Coordinator shall proceed with facilitating optional informal resolution.

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

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

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

The Title IX Coordinator will maintain records of any informal resolution meeting for seven (7) years. Records from an optional informal resolution process that is started but ended by either party prior to reaching an informal resolution agreement may not be used by either party in a later determination of responsibility on a Formal Complaint under this policy.

Formal Complaint

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

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

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

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

Dismissal of a Formal Complaint

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

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

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

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

Investigation

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

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

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

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

The investigator(s) will provide the parties with written notice of the date, time, location, and participants for all investigative interviews or other meetings with the parties, with sufficient time for the party to prepare to participate.

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

Prior to completing the investigation, the investigator(s) may meet again with the Complainant and/or Respondent separately to give an overview of the steps taken during the investigation, to ask the Complainant and the Respondent for names of any additional person(s) with whom the investigator(s) should speak, and to request any additional information relevant to the investigation. After completing the

investigation, and prior to completing the investigative report, the investigator(s) will provide to each party, and to each party's respective advisor, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, in an electronic or hard copy format, including all interview memoranda, and all other documentary or other evidence directly related to the allegations raised in the Formal Complaint, regardless of whether the investigator intends to rely on such evidence in the investigative report. The format in which the evidence is provided will be determined in the discretion of the Title IX Coordinator, and data security safeguards may be used when issuing such evidence. The parties shall have ten (10) calendar days to submit a written response to the evidence, which the investigator(s) shall consider prior to completion of the investigative report. The parties and their advisors may review the evidence solely for the purposes of this process and may not photograph or disseminate the evidence. The investigator(s) will review any responses to the evidence provided by the parties to determine whether any additional investigation is needed. If additional evidence, including additional witness testimony, is gathered by the investigator(s) after the evidence has been shared with the parties, the investigator(s) will promptly share such additional evidence with the parties.

Investigative Report

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

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

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

The investigative report will be shared with the parties and their respective advisors, if any, in an electronic or hard copy for their review and written response at least ten (10) days prior to the determination by the decision-maker detailed below. The format in which the investigative report is provided will be determined in the discretion of the Title IX Coordinator, and data security safeguards may be used when issuing such report.

Advisors

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

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

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

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

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

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

Both parties must advise the Title IX Coordinators of the identity of their advisor at least two (2) business days before the date of their first meeting or interview under this policy. The parties must provide subsequent timely notice to the Title IX Coordinator if they change advisors at any time.

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

Determination Concerning Responsibility

Appointment of Decision-Maker

The Title IX Coordinator and/or his or her designee will appoint a decision-maker to make a determination of responsibility under this policy. The decision-maker will be a senior administrator of the Institution, or may be, in the discretion of the Title IX Coordinator and/or his or her designee, a third party specially appointed for this purpose. After appointing the decision-maker, the Title IX Coordinator and/or his or her designee shall provide the decision-maker with: the evidence directly related to the allegations that has been shared with the parties by the investigator(s); any written responses provided by the parties to the evidence; the investigative report; and any written responses provided by the parties to the investigative report.

The Title IX Coordinator and/or his or her designee shall provide the parties with the name of the decision-maker in advance of preparation of the written determination of responsibility. The parties shall have two (2) calendar days after receiving such notice to object to the decision-maker on the basis that the

party believes that the decision-maker has a conflict of interest or bias. If either party objects to the decision-maker, the Title IX Officer and/or his or her designee shall determine whether to appoint a different decision-maker. If a replacement decision-maker is appointed, the parties shall have two (2) calendar days after receiving notice of any replacement decision-maker to object on the basis that the replacement decision-maker has a conflict of interest or bias.

Providing Written, Relevant Questions in Response to Investigative Reports

No later than five (5) calendar days after receiving the final investigative report, the parties shall provide to the Title IX Coordinator any written, relevant questions that a party wants asked of any party or witness. The Title IX Coordinator shall provide such questions to the decision-maker who shall pose such questions, if relevant, to the appropriate party or witness. Questions or evidence are relevant if they (1) make a fact that is of consequence in determining the matter more or less likely than it would be without the evidence; or (2) reflect on the credibility of a testifying party or witness in a material way. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

The decision-maker will provide each party with the answers received from the other party and witnesses in response to the relevant written questions. The parties will then have two (2) days to provide written, follow-up questions to the other party or witnesses. Such follow-up questions may only be posed to individuals to whom initial written questions were posed and must be in response to the answers received to the initial written questions. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

Written Determination Regarding Responsibility

After receiving answers, if any, to follow-up questions from the parties, the decision-maker will issue a written determination regarding responsibility, using a preponderance of the evidence standard (i.e., whether it is more likely than not that Sexual Misconduct occurred). The decision-maker will make an objective evaluation of all relevant evidence presented, including both inculpatory and exculpatory evidence. The decision-maker may not base credibility determinations on a person's status as a Complainant, Respondent, or witness. The written determination will include:

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

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

Disciplinary Action

In the event the decision-maker determines that the Respondent is responsible for an act of Sexual Misconduct or other violation under this policy, he or she may impose any appropriate sanction that he or she determines to be fair in consultation with the Title IX Coordinator and any other appropriate Institution officials. The disciplinary sanctions for a student Respondent may include, without limitation:

- Detention;
- Loss of privileges;
- In-school suspension;
- Off-campus suspension;
- Behavioral agreement;
- Dismissal;
- No trespass order; and
- Withholding diploma.

The disciplinary sanctions for an employee Respondent may include, without limitation:

- Educational sanction;
- Loss of privileges;
- No contact order;
- Campus restrictions;
- Written warning;
- Probation;
- Documentation in the employee's personnel file;
- Suspension from employment (with or without pay); or
- Termination of employment.

The designated senior administrator(s) will oversee the application of any disciplinary action.

Appeal Rights

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

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

- The emergence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- A claim that some procedural aspect of this policy was not properly followed and that irregularity affected the outcome of the matter; or

- The Title IX Coordinator, investigator(s) or 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.

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

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

Records

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

Timelines and Extensions

When a Formal Complaint is filed, the Institution shall endeavor to complete the grievance process, from the filing of a Formal Complaint, through a written determination by the decision-maker, within 120 calendar days. The Institution shall endeavor to render a decision on any appeal within 30 calendar days of receiving all written submissions by the parties. The Institution shall endeavor to complete an informal resolution process within 90 calendar days. If parties begin an informal resolution process that is stopped at the request of a party or concludes without resolution, requiring the Formal Complaint process to start again, the investigator(s) will provide the parties with a new time period for completion of the grievance process, which shall be less than 120 calendar days from the stoppage or conclusion of the informal resolution process.

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

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This Amended and Restated Sexual Harassment and Sexual Misconduct Policy was adopted as of August 14, 2020 and further amended and restated as of October __, 2024. The policies and procedures set

forth in this Amended and Restated Sexual Harassment and Sexual Misconduct Policy are subject to amendment at any time by Lipscomb University without prior notice. Members of the Institution Community are encouraged to check the Institution's website for updated versions of this policy. If any applicable government regulations change in a way that impacts this policy, this policy will be interpreted and construed in a manner to comply with such government regulations then in effect.