APPENDIX A
Campus and Malone-Related Sexual Misconduct Policy

Malone is committed to the person of Jesus Christ and to the concept that the principles and practices set forth in the Holy Scriptures should enhance and be evident in the life of every person who embraces the Christian faith. Because of this, and for the benefit of our students and employees, Malone maintains high standards of conduct by employees and students, while on Malone property, or in connection with Malone activities or programs whether or on off campus. Any sexual harassment, assault, rape or other sexual misconduct, by or against students or employees, either on Malone property or time, or in connection with any Malone-related business, program or activity, is strictly forbidden and will not be tolerated.

Malone reserves the right to take appropriate disciplinary action against any student or employee determined by Malone to have engaged in sexual misconduct, whether or not the criminal justice system prosecutes or convicts such individual. Any such disciplinary action, up to and including student dismissal or employment termination, will be taken after a review of the pertinent facts, pursuant to applicable Malone policies and procedures.

Sexual misconduct is non-consensual sexual conduct, such as, but not limited to, intentional touching (either of the victim, or a forcing of the victim to touch, directly or through clothing) of another person's genitals, breasts, thighs, buttocks or other sexually-related areas; rape (non-consensual sexual intercourse, whether by a stranger or acquaintance; attempted rape; non-consensual oral sex or anal intercourse); or non-consensual sexual penetration with an object or substance. Non-consensual acts are those committed by force, intimidation, or through exploitation of the victim's mental or emotional incapacity or physical helplessness or vulnerability, or otherwise without the victim's lawful, voluntary consent.

Verbal misconduct, without any accompanying physical contact, such as described above, is not generally defined as sexual misconduct for the purpose of this policy. However, such verbal misconduct may constitute sexual harassment, which also is prohibited under Malone regulations and is specifically addressed in other materials of Malone. Complaints related to sexual or other unlawful harassment initially should be reported in the same manner as sexual misconduct complaints, but thereafter such matters may be processed in accordance with appropriate Malone unlawful harassment policy.

According to guidelines published by the Equal Employment Opportunity Commission, unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature, or based on gender or sex when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
Unlawful sexual harassment may include, without limitation, verbal slurs, negative stereotyping, hostile or demeaning acts (including jokes or teasing) and written or graphic material, that shows animosity, aversion or disparagement toward an individual or group, based upon sex or gender. Malone will not permit or condone unlawful sexual harassment of or by any employee or student of Malone, on Malone property, business or activity, or in connection with Malone employment.

Further information regarding Malone Unlawful Harassment Policy can be found below.

Misconduct covered by Federal, state, or local law may overlap with activities covered by the rules of Malone. However, criminal law and the rules of Malone operate independently in various respects, and they are not necessarily substitutes for each other. Thus, Malone may enforce its own rules and policies, whether or not criminal proceedings are commenced or anticipated; and Malone may use information received from third parties, such as law enforcement agencies and the courts, to determine whether rules of Malone have been broken. Membership or participation in the Malone community does not exempt anyone from Federal, state, or local law, but rather results in additional obligations to abide by regulations of Malone.

A student or employee accused of sexual misconduct has the right to receive notice of the alleged misconduct and violated standard(s). Such accused also will be given an opportunity to hear the evidence against him or her and to present a response. Malone is not required to allow an attorney to present the student's or employee's case, or to have any formal role in the disciplinary process or in any related grievance proceedings. An action by Malone against any student or employee for sexual misconduct may be commenced on the basis of a reasonable belief that a violation of Malone rules or standards has occurred. Such reasonable belief may be based upon a written, signed complaint by the aggrieved party and/or by another person, appropriately investigated. The accused have equivalent opportunities to have others present during Malone disciplinary proceedings. The accuser and accused also are both entitled to learn the outcome of such proceedings.

Students and employees at all times should be aware of their option to report Malone-related sexual misconduct to Malone and/or to law enforcement agencies. Furthermore, they should be aware of available local institutions, such as the Stark County Rape Crisis Center, for immediate assistance in cases of rape or sexual assault.

Student or employee sexual misconduct which occurs on Malone property or time, may be cause for disciplinary action against a student or employee, up to and including termination or expulsion, as appropriate, if such conduct has occurred in connection with any Malone business, program or activity, or if it reacts adversely upon the safety, well-being or other legitimate interests of Malone, its employees or students.

A student or employee accused of sexual misconduct has the right to remain silent. However, such silence may be a basis for determination of a violation of Malone's rules, whether or not such misconduct may support a finding of criminal guilt. If a criminal action has been filed, Malone may still proceed with its case, advising the employee or student that he or she may remain silent if so desired.

Sexual misconduct complaints received by Malone are determined by Malone officials or groups which deal with other such complaints as appropriate.

In addition to pursuing criminal action and/or lodging an appropriate complaint through Malone administration, a student or employee who is a victim of sexual misconduct may bring civil suit against the accused for monetary damages and other relief.

Both the accuser and accused have the following rights: to receive an explanation of Malone investigative and hearing process; to have a fair, partial and relatively speedy hearing; to have someone accompany them throughout the hearing; to know ahead of time the names of witnesses to be called at the hearing; to testify (or not to testify) on their own behalf; to be informed in a timely manner about the outcome of the hearing; to have a closed hearing, unless otherwise agreed by Malone, and an appropriate appeal process. Also, the accused and accuser are bound by rules of confidentiality regarding the investigative and hearing process.

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Furthermore, the accuser has the rights: not to have irrelevant past sexual history discussed during the hearing; to remain silent for the entire proceeding and to inspect evidence presented; to make a victim impact statement if the accused has been found to violate Malone standards; and not to have his or her identity revealed outside the confidential proceedings, without consent, except to those with a legitimate need to know such information or as otherwise required or permitted by law.

The accused has the right to an explanation of the charges, to be presumed innocent, and to remain silent or to testify on his or her behalf.

Written protocol for receiving and processing reports of sexual misconduct:
1. Each accuser should submit a detailed written, signed complaint as soon as is reasonably possible, in order to enhance Malone's ability to conduct a full and fair investigation. Written reports can be sent to Joy Braithwaite, CFO and Title IX Coordinator. There are also two deputy coordinators that reports can be sent to. For students, this written report can be submitted to Chris Abrams, Vice President for Student Development. For employees, this written report can be sent to Michael Fairless, Director of Human Resources and Assistant Equal Employment Opportunity Manager.

2. Upon receipt, the written complaint will then be reviewed by appropriate Malone officials.

3. A reasonably thorough and appropriately confidential investigation will be conducted involving the accuser and the accused.

4. Appropriate action will be taken as a result of the investigation.

Malone University compliance with the 2013 Violence Against Women's Act Amendments to the Clery Act (Campus Sexual Violence Elimination Act)

1. Malone University ("Malone") strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking, by or against any Malone student or employee, on Malone property or time, or in connection with any Malone-related business, program or activity. For the purposes of such prohibitions, the following definitions apply:

(a) “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the pertinent jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under pertinent domestic or family violence laws.

(b) “Dating Violence” means violence committed by a person who 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 in consideration of the following factors: the length and type of the relationship, and the frequency of interaction between the persons involved in the relationship.

(c) “Stalking” means engaging in a course of conduct, directed at a specific person, that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

2. Malone compiles and reports required information regarding such offenses, along with information about other offenses requiring such report, in accordance with the Campus Sexual Violence Elimination Act (the 2013 Violence Against Women's Act, amending the Clery Act). Statistics about other Malone campus-related crimes are reported annually to the United States Department of Education and made available to Malone students and employees, as required by the Campus Security Act and Clery Act, for the above-described offenses, and for crimes of murder, manslaughter, sex offenses, robbery, burglary, aggravated assault, arson, motor vehicle theft, on-campus arrests by police and/or campus disciplinary actions for alcohol or drug violations and weapon violations, illegal weapon violations and for hate crimes. Hate crimes fall within the above categories, involving bodily injury, or reported to campus security
or local police, including larceny theft, simple assault, intimidation or destruction/damage/vandalism of property, when motivated by the perpetrator's bias or prejudice based on the victim's race, gender, gender identity, religion, sexual orientation, national origin or disability.

3. Malone has established programs in an effort to prevent domestic violence, dating violence, sexual assault, stalking, and hate crimes. One example is “Take Back the Night” which is offered annually to all students and employees.

4. Malone also has created procedures to be followed when such offenses have been reported, including investigative, evidentiary, disciplinary and appeal processes, and the utilization of a preponderance of evidence standard, or other proof burden, as appropriate.

5. Malone utilizes and coordinates various policies in connection with Malone's compliance with the Clery Act Amendments, including, but not limited to, the Campus and Malone-related Sexual Misconduct Policy and Institutional Response to Violations of Community Standards (and related discipline, sanctions, hearings and appeals), as well as policies such as the Substance Use and Abuse Policy for Employees and Students, and policies and procedures regarding Anti-Violence, Surveillance, Search and Monitoring, Unlawful Harassment, Safety and Security Information, and Guide to Campus Safety.

6. Malone will make appropriate provision for safe options for bystander intervention to prevent harm or otherwise intervene in observing actual or potential domestic or dating violence, sexual assault or stalking of another person.

7. Malone will continue to provide education and training regarding the warning signs of abusive behavior and/or potential attack avoidance, for students, faculty and staff.

8. Malone will continue to provide for sanctions and/or protective measures pending or following Malone's determination of the commission of Malone or campus-related rape, acquaintance rape, domestic or dating violence, sexual assault or stalking.

9. Malone will continue to specify the persons/positions to whom alleged offenses covered under these materials should be reported.

10. Malone will further stress the importance of preserving evidence related to offenses of the types in question.

11. Victims will be provided with an option to notify proper law enforcement authorities, including on-campus and local police, or to refrain from such notice.

12. Victims of such offenses will continue to be assisted by appropriate Malone campus authorities in notifying law enforcement authorities, if the victim so chooses.

13. Further appropriate attention will be given to Malone's responsibilities, and victims' rights, concerning protection, no contact and restraining orders or similar lawful orders by criminal or civil courts in connection with the offenses in question.

14. Malone will maintain procedures for disciplinary action cases related to domestic or dating violence, sexual assault or stalking, including the following:
   (a) Provision for prompt, fair and impartial investigation and resolution of such matters.
   (b) Regular training of Malone personnel/officials conducting investigations and resolution proceedings, including how to conduct such investigations and related hearing processes, while protecting the victim's safety and promoting accountability.
   (c) Providing the accuser and the accused with "substantially the same opportunities" to have others present during disciplinary proceedings -- including the opportunity to be accompanied by a chosen person at a related meeting or proceeding. NOTE: This does not mean that either the accuser or the accused will have the right to have an attorney present at or participating in Malone proceedings without the consent of Malone.
   (d) Malone will maintain policies for notifying the accuser and the accused in writing (if reasonably feasible), at or about the same time, of the outcome of disciplinary proceedings.
rights of the respective parties regarding appeals from disciplinary proceeding results, any change
in results before they become final, and when such results have become final.
(e) Malone will maintain ongoing policies regarding reasonable protection of the confidentiality of victims, including how publicly available record keeping may be accomplished without the inclusion of victim-identifying information, as feasible and permitted by law.
(f) Malone will provide appropriate notification of students and employees regarding counseling, mental health, victim advocacy, legal assistance and other services that will be made available to victims, on and off campus and in the community.
(g) Victims of offenses in question will be given written notification about their options for and available assistance in changing academic, living, transportation and working situations, if so requested by the victim, if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
(h) A student or employee who has reported to Malone that he or she has been a victim of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on or off campus, will be provided with a written explanation of the student's or employee's rights and options, as appropriate.