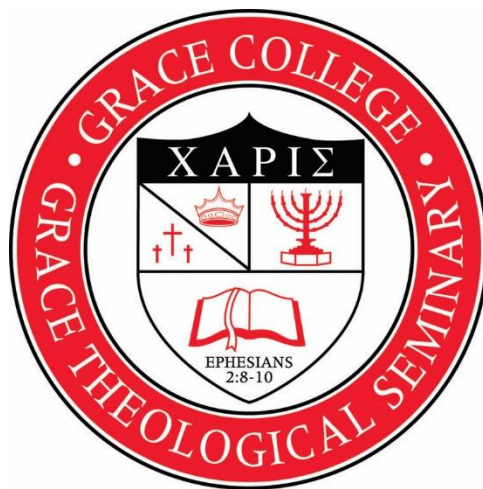


Grace College and Seminary  
**Nondiscrimination and Equity Policies and Procedures**

Effective 8/14/20

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## INTRODUCTION

Grace College and Seminary is committed to a safe environment for those who live, learn, work, and worship together in its community. Grace values practices that uphold integrity, respect, compassion, and fairness in all aspects of its work with students, employees, and friends of Grace. This manual, therefore, outlines the policies and procedures about both expected ethical conduct and situations in which there may have been violations of these values.

Grace reserves the right to act on incidents that occur on- and off-campus or online especially if these events involve Grace students, are sponsored by Grace, or could impact the mission, on-campus activities, or a substantial interest of Grace. Examples of these substantial interests include but are not limited to:

1. Actions that constitute a criminal offense as defined by federal or Indiana state law, including single or repeated violations of local, state, or federal law when committed in one of the school's locations;
2. Situations in which it appears the accused individual may present a danger or threat to the health or safety of others;
3. Situations that significantly impinge on the rights, property, or achievements of others, or breach peace or cause social disorder; and/or
4. Situations that are detrimental to the educational interest and mission of Grace College and Seminary.

Grace takes all complaints of discrimination, harassment, and inequity seriously and will make reasonable efforts to investigate all notices regardless of whether the Complainant or Respondent are still subject to its jurisdiction. Notices are acted on promptly and fairly and efforts are made to preserve the privacy of reports to the extent the law provides.

The processes for making reports for both [Discrimination](#) and for [Sexual Misconduct](#) are described in detail in this manual. Complaints can also be made using the institution's [Complaint Notification Form](#).

The [Title IX Coordinator](#) oversees the implementation of these policies and procedures, and inquiries about giving notice or the investigative process may be made to:

Carrie Yocum, Title IX Coordinator .....574-372-5100 x6491  
VP of Administration and Compliance  
Grace College and Seminary  
McClain 102  
200 Seminary Drive  
Winona Lake, IN 46590  
[yocumca@grace.edu](mailto:yocumca@grace.edu)

The following individuals have been designated to coordinate the efforts of Grace College and Seminary to comply with [Section 504](#) law and regulations related to disabilities:

*Employees:*

Norm Bakhit, Chief Human Resources Officer .....574-372-5100 x6074  
Human Resources  
Indiana Hall Suite 255  
[bakhitn@grace.edu](mailto:bakhitn@grace.edu)

*Students:*

Connie Burkholder, Coordinator of Disabilities Services ..... 574-372-5100 x6423  
Morgan Library  
Learning Center, Room 203  
[burkhoc@grace.edu](mailto:burkhoc@grace.edu)

For a list of employment or student policies and standards of conduct associated with nondiscrimination and equity, see [Appendix B: Related Policies](#).

For more information about making a report and how complaints will typically be investigated, see the Appendix C: [Complaint Investigation Chart](#).

## **NOTICES OF NONDISCRIMINATION**

### **General College Notice**

Grace College and Seminary is a private, not-for-profit, faith-based exempt organization as described in Section 501 (c) (3) of the Internal Revenue Code. In compliance with applicable federal and state laws, Grace College and Seminary does not discriminate on the basis of race, color, national origin, age, sex, or disability in its administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs and activities, or in employment.

The following person has been designated to handle inquiries regarding the Notice of Nondiscrimination:

Carrie Yocum, Title IX Coordinator and VP of Administration and Compliance  
Grace College and Seminary  
McClain 102  
200 Seminary Drive  
Winona Lake, IN 46590  
[yocumca@grace.edu](mailto:yocumca@grace.edu)  
574-372-5100 x6491

Inquiries may also be addressed to the U.S. Department of Education's Office for Civil Rights at 400 Maryland Avenue, SW, Washington, DC 20202-1100.

### **Applicable to Employees**

Grace College and Seminary makes employment opportunities available to all applicants and employees without regard to race, color, sex (except where sex is a bona fide occupational qualification), pregnancy, age, ancestry, national origin, disability, citizenship status, military status, genetic information, or any other legally protected category. Grace College and Seminary is a Christian religious-affiliated organization and, as such, is permitted religious exemptions set forth in Title VII of the Civil Rights Act of 1964.

(2/7/19)

## NONDISCRIMINATION POLICY

### **Policy**

As noted in its [Notices of Nondiscrimination](#), Grace is committed to providing a work and learning environment free of inappropriate conduct because of an individual's race, color, sex, religion, age (40 and older), national origin, ancestry, disability, or any other legally protected category.

Grace does not condone or tolerate any inappropriate behavior based on race, color, sex, pregnancy, age, religion, national origin, ancestry or disability, or any other legally protected category.

### **Scope**

This policy applies to any allegation of [Discrimination](#) against any member of the [Grace Community](#) including all employees and students, in all divisions (e.g., graduate, seminary, and undergraduate), in all delivery formats (e.g., online or residential), at all locations (e.g., on the Winona Lake campus and at other locations), and through their use of social media and technology (e.g., Facebook, Twitter, texting, email, etc.).

Grace reserves the right to determine whether to investigate complaints made by an individual who is not a member of the [Grace Community](#).

This nondiscrimination policy includes [Discrimination](#) based on a person's actual or perceived race, color, national origin, ethnicity, or ancestry. This includes [Discrimination](#) based on the country, world region, or place where a person or his or her ancestors come from; a person's limited English proficiency or English learner status; or a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics.

This policy does not limit protection to a certain age group, but there might be exceptions that permit age to be taken into account in accordance with the Office of Civil Rights. Grace College receives federal funds and, therefore, must provide aids, benefits, or services in a nondiscriminatory manner including (but not limited to) admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, and housing.

This policy includes [Discrimination](#) based on a person's actual or perceived disability, including those with physical or mental impairments that significantly impair one or more life activities and/or meet the federal government's other guidelines.

## **Anti-Harassment and Nondiscrimination**

Grace is committed to protecting employees and students from inappropriate conduct, including that of a sexual nature, whether by students, employees, or third parties such as visitors, vendors, suppliers, or members of the public. Grace asks all members of its community to help maintain work and educational environments free from inappropriate and offensive behavior of any type irrespective of whether the behavior is unlawful. All students, faculty, and staff are to report to the [Title IX Coordinator](#) or the Human Resources Department any conduct by or against any student, employee, volunteer, or third party that violates this policy.

Such conduct, which may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender, may not fully meet the definition of [Sexual Harassment](#) in accordance with the provisions of [Title IX](#) of the Higher Education Act, but is nonetheless inappropriate in the workplace and educational environment. [Sexual Harassment](#) is discussed in detail in the [Title IX Policy](#). Conduct that does not meet the definition of [Sexual Harassment](#) is described in the [Sexual Misconduct Policy](#).

### **Examples of Inappropriate Conduct**

Inappropriate conduct may include, among other things:

- Unsolicited and unwelcome comments or behavior of a sexual nature or that are demeaning to women or men as a group such as offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that interfere with a reasonable person's work or learning.
- Epithets, slurs, stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, sex, pregnancy, age, religion, national origin, ancestry, or disability.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex, pregnancy, age, religion, national origin, ancestry, or disability.

### **Public Expressions**

Regardless of whether it is done in their official capacity as a Grace representative or to voice a personal viewpoint, Grace employees who express themselves off campus or through social media in ways that may appear to violate Grace's lifestyle and ethical expectations or employee conduct, such as discriminatory or harassing remarks or threats of harm, may be disciplined according to the *Employee Handbook*.

Grace students who engage in activism or publicly voice support for or opposition to issues and actions should do so in a respectful and civil way according to the institution's *Peaceful Assembly* policy available in the student affairs office.

## DISABILITIES POLICY

### **Policy**

In accordance with [Section 504 of the Rehabilitation Act of 1973](#), Grace College and Seminary is committed to inclusion and equal access of individuals with disabilities in employment and education. No otherwise qualified person with a disability will, therefore, be denied access to, or the benefits of, or be subjected to [Discrimination](#) under any program or activity at Grace College and Seminary solely on the basis of disability.

### **Education**

The institution's Office of Student Disabilities Services offers reasonable accommodations and services for students with disabilities that will provide equal access to college and college-related activities.

It provides individualized support for students diagnosed with specific learning disabilities or for those with other disabilities who meet federal guidelines.

Although the college is mandated by [Section 504 of the Rehabilitation Act](#) and the ADA Amendments Act to provide these services, it is the intention of the Office of Student Disabilities Services to serve our students with disabilities in a Christ-like and respectful manner that assists them in developing their independence.

Reasonable accommodations are provided on an individual student basis after review of the documentation supporting a disability and accompanying functional limitations that is provided to the Coordinator of Student Disabilities Services. Reasonable accommodations are intended to allow students diagnosed with specific learning disabilities and those with other disabilities who meet federal guidelines (e.g., attention, health, hearing, learning, mobility, physical, psychiatric or vision) or those students with short-term health or medical issues, equal access to an education at Grace.

Students should contact the Coordinator of Student Disabilities Services in Morgan Library regarding disability law, coordination of services, and support in academics, community living, and student employment.

### **Employment**

Grace makes employment opportunities available to all applicants and employees without regard to race, color, sex (except where sex is a bona fide occupational qualification), pregnancy, age, ancestry, national origin, disability, citizenship status, military status, genetic information, or any other legally protected category. Grace is a Christian, religious-affiliated organization and, as such, acts in accordance with religious exemptions set forth in Title VII of the Civil Rights Act of 1964.



Human Resources takes appropriate steps to provide reasonable accommodations upon request to qualified individuals with disabilities so long as doing so does not cause an undue hardship to the institution. Employees who desire accommodations should provide a written description of their situation, needs, and request to human resources, which will discuss with them their report. This interactive process shall be used to determine what, if any, reasonable accommodation will be made.

Employees should contact the Human Resources' Benefits and Compensation Specialist in Indiana Hall to request accommodations in employment.

## DISCRIMINATION COMPLAINTS

Grace encourages all employees, students, and third parties to report concerns related to potential [Discrimination](#), [Retaliation](#), inappropriate behavior or comments, or conduct based on protected statuses such as disability, age, or race regardless of the other individual's position or identity.

All allegations of [Harassment](#) and [Discrimination](#) or [Retaliation](#) reported to the institution will be investigated promptly, thoroughly, and impartially in order to stop the prohibited conduct, prevent its recurrence, and address the effects of the conduct. Reports of alleged conduct in accordance with Title IX will be investigated according to [Title IX](#) procedures.

The following procedures may be adapted on an individual basis to best assure an effective process.

### **Procedure**

1. Although not required in order to make a formal complaint, individuals who believe that they have been subject to discriminatory conduct, or have witnessed this conduct, should promptly advise the offender that his or her behavior is unwelcome and request that it stop. Doing so may resolve the problem.
2. Grace recognizes, however, that an individual may prefer to not confront the offender and choose to pursue the matter using the following formal complaint procedure. Prompt reporting allows for timely intervention and constructive action to resolve actual or perceived incidents of harassment before working and learning relationships become irreparably harmed.
3. Although there is no fixed reporting period, grievances about [Discrimination](#) should be submitted to the Vice President of Administration and Compliance as soon as possible, preferably within 15 business days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
4. The complaint should be in writing using the [Complaint Notification Form](#), containing the name and address of the person filing it. The complaint must include the problem or action alleged to be discriminatory and the remedy or resolution sought.
5. Upon receiving the complaint, the Vice President of Administration and Compliance will assign an [Investigator](#) of the complaint based on the allegations and other factors (see Appendix C for [Complaint Investigation Procedures](#)). To the extent reasonably possible, this investigation will be sufficiently thorough and include interviews with the parties involved, interviews with [Witnesses](#) or those with priority knowledge about the complaint, and collection of [Evidence](#) relevant to the complaint on behalf of all interested persons.

6. Cooperation, truthfulness, and discretion in the investigation process is expected of all who participate, including both employees and students.
7. If at any time during the investigation it is determined that the complaint does not meet the definition of a policy violation, but is nonetheless inappropriate or unprofessional, the complaint may be dismissed or referred to human resources or student affairs for follow-up.
8. Through the investigation process, Grace will maintain the privacy of those involved and confidentiality to the extent possible to conduct a thorough and fair investigation and determine appropriate corrective action. At its conclusion, the Vice President of Administration and Compliance will maintain confidential files and records relating to formal and informal grievances for compliance related purposes.
9. The investigative process will conclude with an outcome letter, typically within 60 days after its filing, but which may be longer in complex cases. This written outcome will typically include the following:
  - a. The specific complaint
  - b. A summary of Grace's procedural response to the complaint
  - c. Grace's conclusion and actions taken
  - d. The right to appeal based on additional [Evidence](#) not reasonably available, due process or procedural error, or a conflict of interest that affected the outcome
10. The person filing the grievance may appeal the decision of the [Investigator](#) by writing to the Vice President of Administration and Compliance (or the President if the decision was by the Vice President of Administration and Compliance) within 15 business days of receiving the [Investigator's](#) decision. A written decision in response to the appeal will be issued no later than 15 business days after its filing. Any delays in the process will be communicated to the [Complainant](#).
11. Grace will make appropriate arrangements to ensure that accommodations, if needed, are provided to persons with disabilities or whose first language is not English to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters if reasonably available for the deaf or those with language needs, providing audio material for the blind, or assuring a barrier-free location for the proceedings. The disability services coordinator, Chief Human Resources Officer, or both will be responsible for such arrangements depending on the nature of and person making the complaint.

## **Sanctions for Discriminatory Behavior**

Grace reserves the right to take whatever measures it deems necessary in response to a report of Discrimination in order to protect the rights and personal safety of students, employees, and others in the [Grace Community](#). [Sanctions](#) are designed to stop the misconduct, prevent its recurrence, and provide remedies and supports within the mission of Grace College and Seminary and its obligations.

In determining sanctions for any person found responsible for violating this policy of nondiscrimination, the following are typically taken into account:

1. Nature, severity, and violence of conduct at issue
2. Impact on [Complainant](#)
3. Impact on the institution and community
4. Patterns of behavior, such as any previous, relevant disciplinary violations at Grace or criminal convictions
5. Whether the [Respondent](#) has accepted responsibility
6. Maintenance of a safe, responsive environment conducive to learning and working
7. Protection of the [Grace Community](#)
8. Any other mitigating, aggravating, compelling or relevant factors

[Sanctions](#) include, but are not limited to the following, which may be individualized depending on individual student or employee circumstances.

### **Student Sanctions**

1. Verbal warning
2. Sanction or warning letter
3. Disciplinary probation
4. Educational sanctions, such as writing a paper
5. Student Growth Contract
6. Institutional sanctions
7. Community or target restitution
8. Off-campus community service
9. Restriction of campus privileges
10. No contact directive (temporary, time-specific, or indefinite)
11. Required training or education
12. Impact statement
13. Required mentoring or accountability
14. Required counseling
15. Academic rescheduling
16. Residential re-location
17. Rescheduling or termination of campus employment

18. Campus separation directive (temporary, time-specific, or indefinite)
19. Suspension (or deferred suspension)
20. Specific re-admission requirements
21. Transcript notation
22. Withholding diploma
23. Revocation of degree
24. Expulsion
25. Other actions or restrictions

### **Employee Sanctions**

1. Verbal warning
2. Sanction or warning letter
3. Performance improvement plan
4. Community or target restitution
5. No contact directive (temporary, time-specific, or indefinite)
6. Required training or education
7. Impact statement
8. Required mentoring or accountability
9. Required counseling
10. Reassignment of supervisor or reporting structure
11. Reassignment or rescheduling of work, hours, and/or location
12. Restrictions on conditions of teaching, advising, or mentoring
13. Paid or unpaid administrative leave
14. Campus separation (temporary, time-specific, or indefinite)
15. Temporary salary reduction
16. Report to funder about violation of Sexual Harassment policy
17. Deferred or denied promotion
18. Demotion
19. Loss of annual pay increase
20. Suspension with pay
21. Suspension without pay
- 22. Termination**
- 23. Other actions or restrictions**

## NON-RETALIATION POLICY

### **Policy**

It is against the law for Grace College and Seminary to [Retaliate](#) against anyone who files a grievance or cooperates in the investigation of a grievance. Individuals participating in a whistleblowing or civil rights investigation are entitled to certain protections as a result of that participation. [Retaliation](#) is defined as:

1. Any adverse action, such as [Intimidation](#), [Threats](#), [Coercion](#), or any type of [Discrimination](#),
2. Taken against an individual participating in a protected activity because of the individual's informal or formal complaint or participation in a protected activity (subject to limitations imposed by the First Amendment and/or academic freedom),
3. For the purpose of interfering with any right or privilege secured by Title VI,
4. Or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this regulation

This includes whistleblowing and participation in an investigation of [Discrimination](#) or [Sexual Harassment](#) or [Misconduct](#) or support of someone involved in an investigation of [Discrimination](#) or [Sexual Harassment](#) or [Misconduct](#).

Grace considers any [Retaliation](#) by or to any [Complainant](#), [Respondent](#), [Witness](#), or third party or on their behalf; as well as adverse changes in work or academic environments or other adverse actions or [Threats](#) to fall within the scope of the policy.

### **Procedure**

1. Reports of [Retaliation](#) by or to an employee, student, [Witness](#) or other individual participating in the investigation of a civil rights complaint should be made as soon as possible to the Vice President of Administration and Compliance or the Chief Human Resources Officer for a prompt and equitable resolution of any allegations of Retaliation.
2. If there is imminent threat to the physical health and safety of the individual being retaliated against, call 911 and campus safety.
3. **Immediate remedies and supportive action.** In the event of [Retaliation](#), immediate action offered by the Vice President of Administration and Compliance or the Chief Human Resources Officer includes providing support for the physical and emotional safety of the individual being retaliated against, notifying any relevant parties, and preserving any evidence of [Retaliation](#) (e.g., texts or other social media posts, photos, or surveillance images). These measures could include a schedule change, transfer or leave of absence for employees; or housing or academic changes for students. Student

employees may have supportive remedies as both a student and an employee depending on the nature of the complaint.

- a. [Complainants](#) of [Retaliation](#) should not be involuntarily transferred or burdened, and supports and remedies should avoid any appearance of Retaliation on the part of the institution.
4. **Investigation.** An [Investigator](#), assigned by the Vice President of Administration and Compliance or the Chief Human Resources Officer, will obtain information about the complaint from available sources, including reports from those involved or witnessing the [Retaliation](#), and, for example, [Evidence](#) from the scene, documents, equipment, and social media.
- a. Investigators assigned should be free from bias and conflict of interest and have interpersonal skills to enable their ability to be neutral and fair so as to investigate objectively.
  - b. Investigators should maintain the privacy of those involved to the greatest extent possible to conduct a fair, equitable, and prompt investigation.
  - c. Information should only be shared with other employees or campus offices on a need to know basis and in compliance with FERPA regulations.
  - d. Investigators may be supervisors or upper-level administrators.
  - e. More than one Investigator, such as from campus safety or student affairs, may be assigned based on the nature of the complaint.
  - f. Investigators should keep clear, organized records of all action steps and findings during the investigation; maintain factual notes; and include all relevant information.
5. **Investigative report.** The Investigator(s) will provide a written report of the investigation process that includes:
- a. The parties involved
  - b. The incident being investigated including dates and summary of procedures (including interview names, dates, and duration)
  - c. Key factual information, Evidence reviewed, and sources referenced
  - d. Relevant policy violations
  - e. Conclusions regarding responsibility for violation of the Non-Retaliation and any related policy using the Preponderance of Evidence standard (i.e., more likely than not that a policy was violated) including any complaint that could not be substantiated
  - f. The completed investigative report is sent to the Vice President of Administration and Compliance who works in consultation with student affairs,

human resources, or other relevant office to review the report and determine any corrective action needed.

6. **Corrective action.** Corrective action for employees will be determined by the Vice President of Administration and Compliance in consultation with the Chief Human Resources Officer and/or the President. It may also include consultation with the vice president, supervisor, and campus safety as needed. Corrective action for students will be determined by a referral to the student conduct panel as outlined in the *Student Handbook*.
7. **Documentation.** The results of the investigation are maintained by the Vice President of Administration and Compliance as well as human resources or student affairs depending on the status of the [Respondent](#).



## **PERSONAL AND CONSENSUAL RELATIONSHIPS AT WORK**

The institution does not desire to direct personal, consensual, romantic, or dating relationships that do not interfere with the job performance of employees, the educational experience of students, or the mission, goals, and policies of the institution. Consensual, romantic, or dating relationships in which one party has a direct supervisory or evaluative role over the other, or has influence or authority over employment or educational conditions of the other party, however, are not permitted by the institution.

Romantic or dating relationships between individuals in unequal positions (e.g., employee and student, supervisor and employee) have inherent risks. The degree to which they are perceived as consensual, particularly in retrospect, may differ based on the degree of power each individual holds. Circumstances may change, and what once was considered consensual and welcome at the onset, may no longer be. Past consent, however, is never an acceptable defense for current investigations of sexual misconduct policy violations.

In all circumstances, employees are assumed to have the primary responsibility to report to human resources any personal relationship at the institution that could be a violation of this policy.

Ultimately, the institution urges all employees to exercise caution, good judgment, and wise decision making to protect against any actual or perceived impropriety, conflict, or unethical behavior in their personal relationships at work.

### **Interpretation and Exceptions**

The Chief Human Resources Officer is responsible for the implementation of this policy, counseling the employee, and, in consultation with the appropriate senior administrator, determining whether a romantic or dating relationship either violates or is an exception to this policy.

### **Employee Relationships with Other Employees**

Two employees must not engage in a romantic or dating relationship if one occupies a position in the same line of authority as the other and can initiate or participate in decisions involving a direct benefit to the other party. Such decisions include hiring, retention, transfer, promotion, wages, and leave requests.

Employees involved in a personal, consensual, romantic, or dating relationship with another employee, and the supervisors of those involved, must promptly report the relationship to human resources so that appropriate steps may be taken to avoid the potential for the personal relationship to adversely affect any of the parties involved.

Failure to report a dating or personal or romantic relationship between two employees may result in disciplinary action up to and including termination.

### **Employee Relationships with Students**

Grace values the professional boundaries that exist between employees and students while recognizing that personal and mentoring relationships may exist outside the workplace and classroom in which employees supervise, mentor, and evaluate students.

Although caution is highly encouraged in all circumstances involving personal relationships between employees and students, and personal relationships should never occur when there is an existing power, supervisory, or evaluative relationship, in some situations there is no discernable authority, power, influence, or evaluative role by the employee with the student.

Relationships that involve dating, financial transactions, or otherwise create the appearance of violating professional boundaries are nonetheless discouraged and deemed inadvisable by Grace. Employees should exercise extreme care in their conduct with students to maintain an atmosphere of trust and professionalism.

As noted previously, employees have the primary responsibility to notify human resources if they are involved in a dating or romantic relationship with a student so that appropriate steps can be taken to avoid that personal relationship adversely affecting the parties involved. Students should also notify student affairs of this relationship. Examples of these kinds of personal relationships include:

1. A recent graduate, now an employee, dating a current student.
2. A student employee interested in dating a co-worker or supervisor on-campus (including another student serving as a work supervisor).
3. A student in an off-campus learning experience for credit interested in dating an on-site supervisor or co-worker, such as in student teaching, an internship, or a practicum.

## TITLE IX

### Introduction

Members of Grace College and Seminary (Grace) have the right to be free from all forms of [Sexual Harassment](#), which impedes the realization of the Grace's mission as an evangelical Christian community of higher education which applies biblical values in strengthening character, sharpening competence and preparing for service. All members of [Grace's Community](#) are expected to conduct themselves in a manner that maintains an environment free from [Sexual Harassment](#). As such, Grace does not discriminate on the basis of sex and is committed to providing an educational environment free from sex discrimination.

As a recipient of federal funding, Grace is required to comply with [Title IX](#) of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (Title IX). Title IX is a federal civil rights law that prohibits [Discrimination](#) on the basis of sex — including pregnancy discrimination and [Sexual Harassment](#) — in educational programs and activities. Title IX's sex discrimination prohibition extends to claims of Discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

[Sexual Harassment](#) is defined broadly under this Title IX Sexual Harassment Policy (Policy). Sexual Harassment includes [Sexual Assault](#), [Sexual Harassment](#), [Non-Consensual Sexual Contact](#), [Non-Consensual Sexual Intercourse](#), [Sexual Exploitation](#), [Sexual Misconduct with a Minor](#), [Child Molesting](#), and sex discrimination, as defined below. Sexual Harassment is a violation of Grace's policy, state and federal civil rights laws, and may violate state and federal criminal laws. When an allegation of Sexual Harassment is brought to an appropriate individual's attention, and a Respondent is found to have violated this policy, Grace will issue appropriate sanctions to prevent future misconduct.

Grace reserves the right to take whatever measures it deems necessary in response to an allegation of [Sexual Harassment](#) in order to protect the rights and personal safety of students, employees, and other members of the [Grace Community](#). Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of Sexual Harassment will be deemed to be equally serious offenses, and Grace reserves the right to impose different [sanctions](#), ranging from verbal warning to expulsion, depending on the severity of the offense. When imposing sanctions, Grace will consider the concerns and rights of both the [Complainant](#) and the [Respondent](#).

*Note:* The Title IX Policy and the [Sexual Misconduct Policy](#) are related and should be read together.

## **Title IX Terms**

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The following definitions are specific to Title IX policy violations of [Sexual Harassment](#), [Sexual Assault](#), [Dating Violence](#), [Domestic Violence](#), and [Stalking](#) and will be applied to the investigative and determination processes associated with these complaints.

Additional definitions provided in [Appendix A](#) of this document may relate to any complaint of harassment, [Discrimination](#), or [Sexual Misconduct](#), including [Title IX](#) violations. In some cases, they are federal or administrative definitions used to further protect those experiencing harassment, Discrimination, and [sexual or other violence](#) and may be considered when making Title IX determinations.

### **Actual Knowledge**

Notice of [Sexual Harassment](#) or allegations of Sexual Harassment to a Grace's [Title IX Coordinator](#) or any designated official of Grace who has authority to institute corrective measures on behalf of Grace. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of Grace with Actual Knowledge is the [Respondent](#). The mere ability or obligation to report Sexual Harassment or to inform a student or employee about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of Grace. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. Designated officials are the Title IX Coordinator, President, and Associate Vice President and Dean of Students.

### **Complainant**

Any person who is reported to have experienced conduct prohibited by the [Sexual Harassment](#) or other [Discrimination](#) or harassment policy, regardless of whether that individual makes a report or participates in the review of that report by Grace, and regardless of whether that person is a member of the [Grace Community](#).

### **Consent**

Consent is clear, knowing, active (not passive), and voluntary (or affirmative, conscious, and voluntary) words or actions that give permission for specific [Sexual Activity](#) prior to engaging in and during an act. The following is guidance to determine consent:

- A. It is the obligation of the person initiating the sexual activity to obtain Consent.
- B. To give Consent, one must know what is being consented to, understand the scope of what is being consented to, not be a violation of public policy such as Hazing laws, include the capacity to give consent, and not be provided by one person on behalf of another.
- C. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.). See Incapacitation.

- D. Consent can be given by words or actions as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and a violation of this policy.
- E. Withdrawal of Consent can be manifested through conduct and need not be a verbal withdrawal of Consent (i.e., crying, pulling away, pushing away, not actively participating, laying there, uncomfortable or upset facial expression).
- F. Previous relationships or prior Consent does not alone imply future consent. This includes “blanket” Consent (i.e., permission in advance for any/all actions at a later time/place). In the cases of prior relationships, the manner and nature of prior communication between the two parties and the context of the relationship may have bearing on Consent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply Consent or preclude a finding of [Sexual Misconduct](#).
- G. Silence or an absence of resistance does not imply consent.
- H. Consent to engage in [Sexual Activity](#) with one person does not imply consent to engage in Sexual Activity with another.
- I. Consent to one form of Sexual Activity does not alone constitute Consent to another form of Sexual Activity.
- J. An individual cannot Consent who has been [Coerced](#), including being compelled by [Force](#), Threat of force, or deception; who is unaware that the act is being committed; or who is Coerced by a supervisory or disciplinary authority.
- K. Consent may not be given by an individual who has not reached the legal age of Consent under applicable law.

### **Dating Violence**

Violence threatened or committed by a person who is or has been in a social relationship of a romantic, sexual, dating, spousal, domestic, or other intimate relationship with the [Complainant](#) , and, consistent with [VAWA](#), where the existence of such a relationship shall be determined based on the statement of the Complainant and in consideration of the length of the relationship, type of relationship, and the frequency of interaction between the person involved in the relationship.

### **Decision Maker**

The administrator(s) who oversee(s) any hearing or appeal which takes place as part of the formal resolution process.

### **Domestic Violence**

- A. Except for the act of self-defense, conduct that would meet the definition of a felony or misdemeanor crime of violence committed by a family or household member against

another family or household member,

- i. A person with whom the [Complainant](#) shares a child in common,
  - ii. A person who is or has cohabitated with the Complainant as a spouse or intimate partner, or
  - iii. Individual similarly situated to a spouse under domestic or family violence law, or
  - iv. Anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred.
- B. Felony or misdemeanor crimes of violence include:
- i. Attempting to cause, threatening to cause, or causing physical harm to another;
  - ii. Placing that person in fear of physical harm;
  - iii. Causing that person to involuntarily engage in sexual activity by [Force](#), Threat of Force, or duress;
  - iv. Beating, torturing, mutilating, or killing an invertebrate animal without justification with the intent to [Threaten](#), [Intimidate](#), [Coerce](#), harass, or terrorize another person<sup>1</sup>.
- C. An individual need not be charged with or convicted of a criminal offense to be found responsible for Domestic Violence pursuant to this policy.

### **Formal Complaint**

A complaint filed by the [Complainant](#) or Grace that triggers Grace's full investigation and hearing process under [Title IX](#). A request for inaction does not constitute a formal complaint.

### **Grace Community**

Faculty, staff, students, student employees, graduate assistants, volunteers, suppliers/contractors, and visitors.

### **Informal Resolution**

Resolution facilitated through means other than the formal investigative process for [Complainants](#) and [Respondents](#) who both prefer to not go through an investigative resolution. Voluntary, remedies-based, and structured interaction between or among affected parties, it balances support and accountability without formal disciplinary action against a Respondent.

### **Investigator**

An individual assigned by the [Title IX Coordinator](#) to investigate the alleged [Sexual Harassment](#) and oversee the investigative hearing Investigators of complaints other than Sexual Harassment are also assigned by the Title IX Coordinator, but in consultation with other staff depending on the nature of the complaint.

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<sup>1</sup> cf. IC 16-41-6-2

## **Preponderance of Evidence**

The standard of proof permitted by the [Office of Civil Rights](#) to determine that a policy violation more likely than not occurred. This standard is used to determine policy violations for both students and employees. Terms such as “guilt,” “innocence,” and “burden of proof” are legal terms not used in this process of determining institutional policy and conduct violations.

## **Recipient**

A post-secondary institution that receives Federal financial assistance and, therefore, is obligated to respond to allegations of [Sexual Harassment](#) consistent with [Title IX’s](#) prohibition against sex discrimination.

## **Respondent**

Any member of the [Grace Community](#) who is reported to have engaged in conduct prohibited by these policies.

## **Retaliation**

Any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination or [Sexual Harassment](#) or other civil rights investigation.

For the purposes of this policy, Retaliation includes, but is not limited to, [Intimidation](#), [Threats](#), [Coercion](#), [Discrimination](#), or harassment by or to any [Complainant](#), [Respondent](#), [Witness](#), or third party, or on their behalf.

## **Sexual Exploitation**

Occurs when one person knowingly and purposely takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other [Sexual Harassment](#) offenses. It includes:

- A. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts [including genitalia, groin, breasts or buttocks] in a place where that person would have a reasonable expectation of privacy)
- B. Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals
- C. Going beyond the boundaries of [Consent](#) (e.g., allowing third parties to observe consensual sexual activity from a hidden location [e.g., a closet] or through electronic means [e.g., live streaming of images])
- D. Invasion of sexual privacy
- E. Knowingly transmitting a sexually transmitted infection (STI) to another

- F. Non-consensual pictures, video- or audio-recording of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent
- G. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without [Consent](#)
- H. Possession, use, and/or distribution of alcohol or other drug (e.g., Xanax, Ambien, Benadryl, Rohypnol ("Roofies"), Ketamine, GHB, etc.) for the purpose of compromising that person's ability to give affirmative Consent to any activity prohibited under this policy
- I. Prostituting another person

## Sexual Harassment

- A. Sexual Harassment includes [Sexual Assault](#), [Non-Consensual Sexual Contact](#), [Non-Consensual Sexual Intercourse](#), [Sexual Exploitation](#), [Sexual Misconduct with a Minor](#), [Child Molesting](#).
  - i. An employee of the [Recipient](#) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);
  - ii. Unwelcome conduct (e.g., touching, fondling, patting, pinching or bodily contact and any other contact that creates or tends to produce a hostile environment based on an individual's sex; indecent exposure; physical gestures; displaying sexually explicit photographs or objects that interfere with a reasonable person's work) or comments (e.g., offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex that are demeaning to women or men as a group) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  - iii. "[Sexual assault](#)" as defined in 20 U.S.C.1092(f)(6)(A)(v), "[dating violence](#)" as defined in 34 U.S.C. 12291(a)(10), "[domestic violence](#)" as defined in 34 U.S.C. 12291(a)(8), or "[stalking](#)" as defined in 34 U.S.C. 12291(a)(30).
  - iv. [Sexual Harassment](#) may be conduct that is verbal, written, online and/or physical and [Retaliatory](#) harassment.
  - v. Note that the [Office of Civil Rights](#) defined Sexual Harassment as giving ownership of the characterization of the experience to the [Complainant](#)<sup>2</sup>.
  - vi. Although some offensive behavior may not meet the definition of Sexual Harassment, such behavior may nonetheless be unprofessional in the workplace,

<sup>2</sup> Lake, P.F. (2018). *The Four Corners of Title IX Regulatory Compliance: A Primer for American Colleges and Universities*. Hierophant Enterprises, Inc., p. 31. See also, <https://www.justice.gov/sites/default/files/opa/legacy/2013/05/09/um-ltr-findings.pdf>



disruptive in the classroom, or violate other institutional policies and could warrant remedial actions and/or discipline according to the [Sexual Misconduct Policy](#) or employee, faculty, and student handbook and conduct policies.

## **Sexual Violence**

The U.S. Department of Education [Office of Civil Rights](#) defines sexual violence as physical sexual acts perpetrated against a person's will or when a person is incapable of giving [Consent](#)<sup>3</sup>.

## **Sexual Assault**

As defined by the Indiana Code, Sexual Assault includes the following:

### **A. Non-Consensual Sexual Contact**

Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without [Consent](#) and/or by [Force](#) or [Coercion](#). Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

### **B. Non-Consensual Sexual Intercourse**

Any sexual penetration, however slight, with any body part or object, by any individual upon another that is without Consent and/or by Force or Coercion. Sexual penetration includes: vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact.

### **C. Sexual Misconduct with a Minor**

A person at least 18 years of age who, with a child at least 14 years of age but less than 16 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.

### **D. Child Molesting**

Per Indiana Code, when a person at least 18 years of age who, with a child under 14 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person. Child molesting includes incest.

## **Stalking**

Stalking is a course of conduct, either explicit or implicit, directed at a specific person with the intent to place that person in reasonable fear of sexual battery, serious bodily injury, or death<sup>4</sup>; is unwelcome and would cause a reasonable person to fear for his or her safety or the safety

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<sup>3</sup> U.S. Dept. of Education, Office of Civil Rights (4/29/14). *Questions and Answers on Title IX and Sexual Violence*, p. 1.

<sup>4</sup> Indiana Code 35-45-10-5.

others or suffer substantial emotional distress; or repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another. For the purposes of this definition:

- A. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker 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.
- B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does necessarily, require medical or other professional treatment or counseling.

Stalking includes cyber-stalking, a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.<sup>5</sup>

### **Title IX Coordinator**

The designated college official with primary responsibility for coordinating Grace's compliance with [Title IX](#). This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that Grace responds appropriately, effectively, and equitably to all Title IX issues.

### **Title IX**

Title IX of the Education Amendments of 1972 states that 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 educational program or activity receiving federal financial assistance. Title IX violations are defined as [Sexual Assault](#), [Dating Violence](#), [Domestic Violence](#), and [Stalking](#).

### **Title IX Scope**

[Title IX](#) protects students, employees, and third parties in connection with all academic, educational, extracurricular, athletic, and other programs of the school and from the continuing effects of [Sexual Harassment](#) in the educational setting.

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<sup>5</sup> Adapted from <https://uvapolicy.virginia.edu/policy/HRM-041#Stalking>

## Policy Details

### **I. Policy**

Members of Grace College and Seminary (Grace) have the right to be free from all forms of [Sexual Harassment](#), which impedes the realization of the Grace's mission. All members of [Grace's Community](#) are expected to conduct themselves in a manner that maintains an environment free from Sexual Harassment. As such, Grace does not discriminate on the basis of sex and is committed to providing an educational and working environment free from sex discrimination.

### **II. Scope**

A. This Policy applies to all faculty, staff, students, student employees, graduate assistants, volunteers, suppliers/contractors/vendors, and visitors involved during the investigation of reports of [Sexual Harassment](#) and applies to all stages of the process from notification to disposition of the allegation.

B. Medium

- i. This policy applies to alleged Sexual Harassment in any medium. Sexual Harassment may manifest in many evolving forms including, but not limited to physical, verbal, and visual, whether in person or online in any format.

C. Jurisdiction

- i. Grace has a compelling obligation to address allegations and suspected instances of Sexual Harassment when it has [Actual Knowledge](#) that this policy has been violated. Grace must inform the Respondent of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the [Complainant](#) is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
- ii. Grace's disciplinary response may be limited if the [Respondent](#) is a visitor or other third-party or is not subject to Grace's jurisdiction.

D. Location

- i. This policy applies to alleged [Sexual Harassment](#) that takes place in a Grace educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which Grace exercised significant control over both the [Respondent](#) and the context in which the Sexual Harassment occurred.
- ii. Although not considered a [Title IX](#) violation, reports of Sexual Harassment that occur in locations outside the U.S. or in locations not controlled by Grace will be investigated as part of the [Sexual Misconduct Policy](#).

- iii. This policy also applies to alleged Sexual Harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a student organization that is officially recognized by Grace.
  - iv. In situations not covered above, but where the [Sexual Harassment](#) undermines the security of the [Grace Community](#) or the integrity of the educational process, or poses a serious threat to self or others, other applicable Grace procedures for general misconduct may be applied.
- E. This Policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the [Grace Community](#) who exercise their legitimate First Amendment rights.
- F. Policy Maintenance
- i. This Policy is managed by the [Title IX Coordinator](#) and Title IX Case Team.
  - ii. This Policy and the associated procedures will be revised by the Title IX Coordinator.

### **III. Receiving Supportive Measures**

- A. Members of the [Grace Community](#) impacted by [Sexual Harassment](#) are encouraged to use counseling and support services, listed in the [Resources](#) section.

### **IV. Employees with Authority to Institute Corrective Measures**

- A. Grace designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of [Sexual Harassment](#) conveys [Actual Knowledge](#) to Grace.
- B. The following employees have been designated by Grace as having the authority to initiate corrective measure on its behalf:
- i. [Title IX Coordinator](#)
  - ii. Associate Vice President and Dean of Students
  - iii. President of Grace College and Seminary
- C. When one of the above employees learns of alleged [Sexual Harassment](#), that employee should contact the Title IX Coordinator in the [Title IX Office](#) as soon as possible.

### **V. Employee Duty to Report**

*All Grace employees have reporting responsibilities to ensure that Grace can take appropriate action.*

- A. All regular full-time and part-time Grace employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of [Sexual Harassment](#). This obligation applies to student

employees who are resident assistants and campus safety officers unless outside the term(s) in which they are officially working.

- B. Any employee who receives a disclosure of [Sexual Harassment](#) (which includes [Sexual Assault](#)) or becomes aware of information that would lead a reasonable person to believe that a Sexual Harassment may have occurred involving anyone covered under this Policy, must report all known information immediately. These individuals must report the incident within five workdays of becoming aware of such information.
- C. Employees are not required to report disclosures of information regarding [Sexual Harassment](#) pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from Grace:
  - i. At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
  - ii. To student resident assistants and campus safety officers outside the term(s) in which they are officially working; or
  - iii. During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- D. Contacting the [Title IX Coordinator](#) to share all known information will satisfy the employee duty to report.
- E. Employees, including those with privileged communication, may have additional reporting obligations provided by law and/or other Grace policies.
- F. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.
- G. The following categories of employees are exempt from the duty to report [Sexual Assault](#), [Sexual Misconduct](#) and other [Sexual Harassment](#), due to their legal or professional privilege of confidentiality or their designation by Grace as a confidential reporter:
  - i. Professional and pastoral counselors
    - a) A professional counselor is a person whose official responsibilities include providing mental health counseling to students at Grace and who is functioning within the scope of that license or certification and their university employment.
      - 1. This definition applies even to professional counselors who are not employees of Grace but are under contract to provide counseling at Grace.
      - 2. This also includes an individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who is licensed or certified (e.g., a graduate counselor-

trainee acting under the supervision of a professional counselor at Grace).

- b) A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at Grace.
  - c) In this context, the campus chaplain who is functioning as a pastor in a local church attended by Grace students or a campus counselor who is also working as a part-time instructor would not be exempt from the reporting obligations in those specific roles.
- ii. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their Grace employment.
  - iii. Administrative staff who provide assistance in the health and counseling center such as front desk workers.
  - iv. At Grace, therefore, the following employees are exempt from the duty to report Sexual Harassment:
    - a) Professional counselors employed or interning in the Grace College Health and Counseling Center
    - b) Administrative staff in the Grace College Health and Counseling Center
    - c) Grace College Dean of Chapel and Community Life (chaplain)
    - d) Grace College campus nurse
    - e) Grace College athletic trainer
  - v. Individuals who do not live locally but desire confidential guidance and support may contact the director of Grace's counseling center for assistance in seeking confidential resources.
  - vi. Because content of discussions with confidential resources is not reported to the [Title IX Office](#), such discussions do not serve as notice to Grace College to address the alleged [Sexual Harassment](#).
  - vii. Confidential sources as noted above should inform students of their right to file both a [Title IX complaint](#) with Grace and a separate complaint with local law enforcement. In addition to informing students about campus resources for counseling, medical, residence life, and academic support, these individuals should also indicate that they are available to assist students in filing such complaints. They should also explain that Title IX includes protections against [Retaliation](#), and that school officials will not only take steps to prevent Retaliation, but also take strong responsive action if it occurs.

- viii. In order to identify patterns or systemic problems related to [Sexual Violence](#), Grace collects aggregate data only about Sexual Violence incidents from confidential sources. These sources report only limited, general information permitted by the individual about these incidents such as the nature, date, time, and general location of the incident. Confidential sources take care to avoid reporting personally identifiable information about a student and should consult with students regarding what information needs to be withheld to protect their identity.

## **VI. Reporting Allegations of Sexual Harassment**

- A. Although there is no time limit to making a report of [Sexual Harassment](#), in order to preserve evidence, maximize Grace's ability to conduct a prompt, fair, and thorough investigation, provide remedies and support, determine any disciplinary action, and prevent further harm to those at risk, individuals are encouraged to report alleged Sexual Harassment immediately to the Title IX Office.
- B. Any person may report Sexual Harassment. By way of example, this includes:
  - i. Students
  - ii. Employees
  - iii. Parents
  - iv. Any Grace Community member or other individual who is directly involved in, observes, or reasonably believes that Sexual Harassment may have occurred.
- C. Reports can be made to the Title IX Coordinator in the following ways:
  - i. In-Person: Carrie Yocum, McClain 102, Grace College and Seminary
  - ii. Mail: Carrie Yocum  
Grace College and Seminary  
200 Seminary Drive  
Winona Lake, IN 46590
  - iii. Phone: 574-372-5100 x6491
  - iv. Email: yocumca@grace.edu
- D. Making a report to Grace and to law enforcement are mutually exclusive events. Making a report to Grace does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report to Grace; however, individuals may request assistance from the [Title IX Coordinator](#) or designee to notify law enforcement.
  - i. Grace may independently notify law enforcement, however, if it determines that the physical health or safety of the [Complainant](#) or [Respondent](#), [Witnesses](#), or

the [Grace Community](#) are at risk regardless of whether the [Complainant](#) notifies law enforcement.

- ii. If the Complainant makes a police report, the Title IX office may choose to not wait on the outcome of a police or criminal investigation to complete its own investigation.
- E. Grace will investigate, to the greatest extent possible, anonymous or confidential reports of conduct violating this policy.

## **VII. Amnesty for Complainant and Witnesses**

- A. The health and safety of the [Grace Community](#) is of utmost importance. Grace understands that sometimes reports of Sexual Harassment include the admission of the use of drugs and/or alcohol (either voluntary or involuntary) or other conduct violations by some or all of the parties involved, including [Witnesses](#), at the time of the reported misconduct and that individuals may be hesitant to report this use for fear of consequences for their own behavior.
- i. *Students:* Although other conduct and community lifestyle violations are not condoned by the college, reporting [Sexual Assault](#) or interpersonal violence are strongly encouraged; therefore, any person who, acting in good faith, discloses any incident or knowledge of [Sexual Harassment](#) to one of the institution's designated officials will not be subject to disciplinary action for violations of its conduct and community lifestyle policies occurring in connection with the report.
    - a. The institution may, however, respond educationally or with other remedies rather than punitively to the use of drugs and/or alcohol or other community lifestyle violations.
  - ii. *Employees:* Grace reserves the right to determine whether to pursue a policy violation by employees other than the [Respondent](#); therefore, employees may be hesitant to report [Sexual Harassment](#) or [Discrimination](#) they have experienced. In order to encourage reports, Grace may choose to deal with these policy violations in ways other than corrective action up to an including termination, such as through educational or developmental sanctions.
- B. If there are situations of cross-complaints, Grace reserves the right to impose disciplinary sanctions to one or both parties found responsible for policy violations. Drug, alcohol, or other conduct policy violations, however, will always be considered when sanctions are determined for any [Respondent](#) found responsible for the [Sexual Misconduct](#). The use of drugs, alcohol, or related substances is not an acceptable defense to a report filed under this policy.

## **VIII. Confidentiality and Requests for Inaction**

- A. Grace recognizes the importance of confidentiality and privacy. Information received in connection with the reporting, investigation, and resolution of allegations will be treated



as private to the extent possible and will only involve individuals whom Grace determines are necessary to conduct an appropriate investigation resolution processes, to provide assistance and resources to parties, to perform other appropriate Grace functions, or when Grace is required to provide information under the law.

- B. See the [Resources](#) section for a list of confidential support, non-confidential support, and medical resources.
- C. If an incident is disclosed or reported to Grace and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that Grace prohibits [Retaliation](#) and explain the steps Grace will take to prevent and respond to Retaliation if the individual participates in a resolution process. The [Title IX Coordinator](#) or designee will evaluate the request to determine whether Grace can honor the request while still providing a safe and nondiscriminatory environment.
- D. A decision to proceed despite an individual's request not to will be made on a case-by-case basis after an individualized review, and the [Complainant](#) will be notified if such a decision is made. If Grace proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.
  - i. In granting requests for inaction, Grace will take steps to reduce the effects of the alleged [Sexual Harassment](#) and prevent its recurrence without initiating formal action against the alleged [Respondent](#) or revealing the identity of the [Complainant](#). Examples include providing increased monitoring, supervision, or security at locations or activities where the misconduct reportedly occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on [Sexual Harassment](#); and conducting climate surveys regarding [Sexual Harassment](#).
- E. Every reasonable effort will be made to maintain the privacy of all parties involved in the investigative process; however, the [Complainant](#) and [Respondent](#) will be advised of the [Witnesses](#) interviewed during a formal resolution process.
- F. Information released to the reporting or responding party in response to a request to inspect their educational record will include the redaction of the personally identifying information of other Grace students who participated in the investigative process.
- G. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.
- H. Whether the [Complainant](#) or the [Respondent](#), Grace's primary relationship is to the student and not to the parent so will maintain the privacy of the student unless that student gives written permission to disclose information. In the event of major safety, medical, disciplinary, or academic jeopardy, however, students are strongly encouraged to inform their parents. Grace will inform or communicate with parents about the details of the claims made by or against their student when that student gives written permission to do so or in a life-threatening situation as permitted by FERPA. Additionally, any email contact the [Title IX Office](#) has with a parent or guardian includes the student as well.

## **IX. Retaliation**

- A. [Retaliation](#) is prohibited by Grace policy and law. Grace will not tolerate Retaliation in any form against any individual who makes an allegation, files a report, serves as a [Witness](#), assists a [Complainant](#), or participates in an investigation of discrimination or harassment.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.
- C. Allegations of Retaliation should be reported to the [Title IX Coordinator](#).
- D. See the procedure for investigating complaints of [Retaliation](#) within this manual.

## **X. Investigation and Resolution Options**

### **A. Initial Assessment**

- i. The [Title IX Coordinator](#) or designee reviews all reports of [Sexual Harassment](#) under this policy for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; Grace's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the [Complainant](#) to participate in an investigation or other resolution.
- ii. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate the options to the parties.

### **B. Informal Resolution**

Informal resolution may be utilized in some circumstances if Grace deems appropriate and both parties agree to it.

### **C. Investigative Resolution**

The [Title IX Office](#) may resolve a report of [Sexual Harassment](#) through investigative resolution when the alleged Sexual Harassment, if true, would be prohibited under applicable Grace policy. In instances when informal resolution is inappropriate, when the party requests, or when Grace requires formal investigation, Grace will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

## **XI. Remedies**

- A. When Grace makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged [Sexual Harassment](#), prevent its recurrence, and remedy the discriminatory effects on the [Complainant](#) and others as appropriate.
- B. Corrective Actions/Sanctions

- i. Grace reserves the right to take whatever measures it deems necessary in response to a report of [Sexual Misconduct](#) in order to protect the rights and personal safety of students, [employees](#), and others in the [Grace Community](#). [Sanctions](#) are designed to stop the misconduct, prevent its recurrence, and provide remedies and supports within the mission of Grace College and Seminary and its [Title IX](#) obligations.
- ii. Not all forms of [Sexual Harassment](#) are deemed equally serious offenses and Grace reserves the right to impose different [Sanctions](#) up to and including expulsion (students) or termination (employees) depending on the severity of the offense.
- iii. When the [Respondent](#) is a student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
  - a) Student employees may be subject to corrective action and sanctions under student and/or employee policies depending on the nature of the case. For instance, a student employee who is dismissed from Grace may also be subject to employment termination or other corrective actions.
  - b) In determining sanctions for any person found responsible for violating this policy of [Sexual Harassment](#), the following are typically considered:
    - Nature, severity, and violence of conduct at issue
    - Impact on [Complainant](#)
    - Impact on the institution and community
    - Patterns of behavior, such as any previous, relevant disciplinary violations at Grace or criminal convictions
    - Whether the Respondent has accepted responsibility
    - Maintenance of a safe, responsive environment conducive to learning and working
    - Protection of the [Grace Community](#)
    - Any other mitigating, aggravating, compelling or relevant factors
  - c) [Sanctions](#) include but are not limited to the following, which may be individualized for students depending on their particular circumstances:

#### **Student Sanctions**

- Verbal warning
- Sanction or warning letter
- Disciplinary probation
- Educational sanctions, such as writing a paper
- Student Growth Contract
- Institutional sanctions

- Community or target restitution
  - Off-campus community service
  - Restriction of campus privileges
  - No contact directive (temporary, time-specific, or indefinite)
  - Required training or education
  - Impact statement
  - Required mentoring or accountability
  - Required counseling
  - Academic rescheduling
  - Residential re-location
  - Rescheduling or termination of campus employment
  - Campus separation directive (temporary, time-specific, or indefinite)
  - Suspension (or deferred suspension)
  - Specific re-admission requirements
  - Transcript notation
  - Withholding diploma
  - Revocation of degree
  - Expulsion
  - Other actions or restrictions
- iv. When the [Respondent](#) is an [Employee](#), corrective actions may be taken pursuant to the Corrective Action/Work Rules Policy, Student Employment Discipline and Termination Policy, and/or Faculty Termination and Non-Renewal of Employment Policy. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
- v. [Sanctions](#) include but are not limited to the following, which may be individualized for employees depending on their particular circumstances:

#### **Employee Sanctions**

- Verbal warning
- Sanction or warning letter
- Performance improvement plan
- Community or target restitution
- No contact directive (temporary, time-specific, or indefinite)
- Required training or education
- Impact statement
- Required coaching, mentoring or accountability
- Required counseling
- Reduction in supervisory and leaderships responsibilities
- Reassignment of supervisor or reporting structure
- Reassignment or rescheduling of work, hours, and/or location

- Restrictions on conditions of teaching, advising, or mentoring
- Paid or unpaid administrative leave
- Campus separation (temporary, time-specific, or indefinite)
- Changes in salary
- Report to funder about violation of Sexual Harassment policy
- Deferred or denied promotion
- Demotion
- Loss of annual pay increase
- Suspension with pay
- Suspension without pay
- Termination
- Other actions or restrictions

C. Any corrective actions or sanctions will not take effect until any appeals have been completed.

D. Interim Supportive Measures

- i. Supportive measures will be made available to both the [Complainant](#) and [Respondent](#) whether or not a [Formal Complaint](#) is filed or a report made to law enforcement to ensure equal access to Grace's education and employment programs and activities. The [Title IX Coordinator](#) or designee will conduct an individualized assessment and will review requests from the Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent. Supportive measures may include, but are not limited to:
  - a) Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services
  - b) Academic support including extensions of time and other course-related adjustments
  - c) Change in work or housing locations
  - d) Assistance with academic petitions
  - e) Modification of work or class schedules
  - f) No contact directives
  - g) Change in reporting relationship
  - h) Consideration of leave requests
  - i) Safe rides or safe escorts by campus safety personnel
  - j) Increased security and monitoring of certain areas of campus

- ii. Pending action on the notices of possible violations, Grace does not automatically alter the status of the [Respondent](#), including his/her right to be present on campus, attend classes, or report to work.
  - a) A Respondent who is an [Employee](#) at Grace can be put on administrative leave during the period of any investigation
  - b) A Respondent who is a student at Grace may be removed from educational activities following an individualized safety and risk analysis that determines the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis
- iii. The [Title IX Coordinator](#) or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other Grace employees with a need to know.
- iv. Grace will maintain as confidential any supportive measures provided to the [Complainant](#) or Respondent to the extent that maintaining such confidentiality would not impair the ability of Grace to provide the supportive measures.

#### E. Other Remedial Measures

- i. When Grace is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, Grace may take other remedial measures as appropriate to remedy the effects of the alleged [Sexual Harassment](#) and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- ii. Remedial measures may include and are not limited to:
  - a) Providing training on Sexual Harassment;
  - b) Increasing security in a designated space;
  - c) Changing policy or procedure; and
  - d) Conducting climate checks.

#### F. Campus Directives and Protective Orders

Grace does not issue protective orders; however, it does issue no-contact and campus separation directives and no-trespass letters, all of which may be initiated by student affairs, campus safety, or the [Title IX Office](#). No-trespass letters issued by Grace are delivered by local law enforcement to the recipient.

[Complainants](#) may seek an order of protection, restraining order, or other similar lawful court order, but is not required to do so. Grace or the local victim's service center can assist parties in understanding their legal options. Information can be requested from Grace's campus safety or Title IX offices. Grace will comply with and enforce lawful protective orders.

## **XII. False Allegations**

- A. It is a violation of this Policy for anyone to make a false allegation of [Sexual Harassment](#). The absence of a finding of a policy violation is not equivalent to finding that the [Complainant](#) acted in bad faith.
- B. Individuals who knowingly or with malicious intent provide false information when reporting Sexual Harassment or during an investigation of Sexual Harassment may be subject to disciplinary action consistent with the student, [Employee](#), and faculty handbooks, up to and including suspension, dismissal, or expulsion from Grace.

## **XIII. Process Abuse**

- A. No member of the Grace community may:
  - i. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this Policy;
  - ii. Make, in bad faith, materially false statements in or related to a process covered by this Policy;
  - iii. Disrupt or interfere with the orderly conduct of any proceeding conducted under this Policy; or
  - iv. Fail to comply with any directive, sanction, or corrective action issued pursuant to this Policy.

## **XIV. Vendors**

When [Sexual Harassment](#) cases include [Respondents](#) who are vendors or other business associates of Grace, the institution reserves the right to end or alter such business relationships in order to protect the safety of the [Grace Community](#).

## **XV. Requests from Another Institution**

- A. If a student is found responsible for violating this Policy and applies to transfer to another institution, as permitted by the FERPA, Grace may disclose, without that student's consent, from the student's education records the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense.
- B. Typically, Grace first seeks to obtain the consent of the student before releasing this information, but may release information without the student's consent after evaluating the nature and seriousness of the violation using the factors discussed previously in the

“Remedies” section. Further, Grace typically releases this information in response to a request from the other institution, but may initiate this release if the community risk factors warrant it and Grace is aware of the other institution.

- C. As permitted by FERPA, the disclosure of the final results includes the name of the [Respondent](#), the violation committed, and any [Sanction](#) imposed against the Respondent unless the Respondent consents to additional disclosures. “Sanctions” are defined as consequences and disciplinary action taken by the institution including the date of its imposition and duration. “Disclosure of the violation committed” means the policy or code sections violated and essential findings supporting the conclusion that the policy was violated.
- D. The disclosure will not include the name of any other student, including a [Complainant](#), bystander, or [Witness](#), without the written consent of that other student.

## **XVI. Training**

- A. All faculty, staff, student employees, graduate assistants, and students are required to take annual online training as directed by Grace on topics such as diversity, sensitivity, bullying, and violence in the workplace; [Title IX](#), [Sexual Misconduct](#), and [Sexual Violence](#); community lifestyle expectations; and institutional policies and procedures about how and when to make a report about Sexual Harassment and other Sexual Misconduct.
- B. Additionally, the [Title IX Coordinator](#), [Investigators](#), and [Decision Makers](#) engage in continuing education and attend annual training that includes topics such as the law, best practices, investigation skills and considerations, and trauma-informed interviewing.
- C. Various segments of the institution may also receive supplemental, in-person training, such as athletics, confidential sources, resident directors, campus safety staff, and faculty related to their specific roles on campus. In addition to their own mandatory harassment training, Grace’s on-campus vendors are also trained about the Title IX process at Grace.
- D. Students and student leaders are educated annually to promote the awareness of [Sexual Assault](#) and [Sexual Misconduct](#), including those that are the subject of this Policy; how to report such offenses; and how to provide support to a student who has experienced a physical or sexual offense. All incoming students are assigned online training regarding [Sexual Harassment](#) and related topics in the Freshman Foundations course. Additionally, campus leaders, such as RAs and Growth Group leaders, also receive training by the [Title IX Office](#).
- E. Printed materials about Title IX and accessing help are available to all campus employees and to students. These same printed materials are also available at locations on campus such as the athletics office, student affairs, the health and counseling center, the disabilities office, campus safety, career services, the chaplain’s office, and with resident directors. They are also available on the campus portal.



## **Procedure**

### **I. Initial Assessment**

- A. Upon receiving a report, the [Title IX Coordinator](#) will provide information to the [Complainant](#) on the availability of supportive measures, the right to file a [Formal Complaint](#), and how to file a Formal Complaint either through an individual meeting or a written statement. Grace will be limited in its ability to formally investigate anonymous complaints.
- B. The Title IX Coordinator or designee reviews all reports of [Sexual Harassment](#) under this Policy for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; Grace's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the [Complainant](#) to participate in an investigation or other resolution.
- C. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.
- D. If the Complainant or Grace elects to file a Formal Complaint, the Title IX Coordinator will provide written notice to the Respondent within ten days including:
  - i. The actual allegations of facts that constitute Sexual Harassment and any [Evidence](#) that supports this;
  - ii. That there is a presumption of innocence in their favor;
  - iii. That all parties are entitled to an advisor of their choice;
  - iv. That all parties can inspect and review evidence; and,
  - v. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

### **II. Dismissal of a Complaint**

- A. In the event that prior to, or in the course of, an investigation, Grace determines that the allegations fail to meet the definition of [Sexual Harassment](#) or did not occur while in the United States and under Grace's educational program or activity, the investigation and [Formal Complaint](#) will be dismissed.
- B. Grace reserves the right to dismiss the Formal Complaint and stop the investigation if:
  - i. The [Complainant](#) notifies the [Title IX Coordinator](#) in writing that they wish to withdraw their Formal Complaint;
  - ii. The [Respondent](#) is no longer enrolled in or employed by Grace; or

- iii. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g., lack of participation in the investigative process by parties or [Witnesses](#) or the passage of time).
- C. [Formal Complaints](#) that are dismissed may still be resolved through the [Sexual Misconduct investigation procedures](#) described elsewhere in this manual.
- D. If Grace dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.
- E. Written notification of the reason for the dismissal will be sent to both parties.

### III. Informal Resolution

- A. Informal resolution may be utilized in some circumstances if a [Formal Complaint](#) is filed.
- B. The use of an informal resolution process is limited in a number of ways:
  - i. Informal resolution is unavailable if the [Respondent](#) is an [Employee](#) of Grace.
  - ii. Informal resolution may only be used if any and all parties to an investigation agree to it.
  - iii. Informal resolution may not be appropriate as determined by Grace, including but not limited to, the following circumstances:
    - a) Other complaints about the same individual
    - b) History of violence from arrests/records from a previous school
    - c) Further violence threatened by the Respondent
    - d) Increased risk of additional violence under similar circumstances, such as a pattern of violence at a given location, at the same event, or with a certain group
    - e) Whether [Sexual Violence](#) was perpetrated with a weapon
    - f) Age of the Complainant or Respondent
    - g) Ability to provide a safe and nondiscriminatory environment for the [Grace Community](#)
- C. In all cases, Grace will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, Grace will inform the [Complainant](#) of options, including the option to begin the investigative resolution process.
- D. Grace will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training in order to facilitate resolution of the [Formal Complaint](#).

- E. Informal resolution can take any form that the parties agree upon. The [Title IX Coordinator](#) or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:
- i. *Facilitated Dialogue*: A structured and facilitated conversation between two or more individuals, including, but not limited to the [Complainant](#) and the [Respondent](#), which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
  - ii. *Shuttle Mediation*: An indirect version of the facilitated dialogue.
  - iii. *Circle of Accountability*: A facilitated interaction between the Respondent and Grace faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.
  - iv. *Restorative Justice*: A facilitated, cooperative interaction between the Complainant, Respondent, and/or other parties to restore the harm caused by prohibited conduct and which leads to transformation in people, relationships, and community. In general, it involves active responsibility and making amends.
- F. Depending on the type of informal resolution chosen, it may be possible for a Complainant to maintain anonymity throughout the informal resolution process.
- G. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate campus staff or resource, extensions of no contact directives, or counseling sessions) may be agreed upon.

#### **IV. Formal Resolution & Hearings**

- A. The [Title IX Office](#) may resolve a report of Sexual Harassment through its formal resolution process when the alleged [Sexual Harassment](#), if true, would be prohibited under applicable Grace policy. In instances when informal resolution is inappropriate, when any party requests, or when Grace requires formal investigation, Grace will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.
- B. Investigation
- i. Following the filing of a [Formal Complaint](#), an [Investigator](#) will be assigned to the case by the [Title IX Coordinator](#). During the investigation, the Investigator will seek to meet separately with the [Complainant](#), [Respondent](#), and any relevant [Witnesses](#) who may have information relevant to the incident. The Investigator may also gather or request other relevant information or Evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify Witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. All investigations are done by a member of the Title IX Office.

- ii. Although both the [Complainant](#) and [Respondent](#) are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
- iii. [Formal Complaints](#) of [Sexual Harassment](#) may be consolidated were the allegations to arise out of the same facts or circumstances.
- iv. During the investigation process, parties have an equitable right to:
  - a) Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
  - b) A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
  - c) Present relevant information to the Investigator, including evidence and witnesses;
  - d) Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
  - e) Have an advisor of their choosing, or through appointment by Grace, including an attorney, advocate, or other support person who is not a potential [Witness](#) in the [investigation](#) or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
  - f) [Investigators](#) who are adequately trained to investigate cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- v. Grace must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
- vi. Grace will not restrict the ability of a [Complainant](#) or [Respondent](#) to discuss the allegations under investigation or to gather and present relevant evidence.
- vii. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or [Witness](#).
- viii. Following the completion of the investigation, the [Investigator](#) will complete an investigative report on the allegations contained in the [Formal Complaint](#). Before the report is finalized, the Investigator will send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. Grace must include all [Evidence](#) directly related to the allegations, even if the Investigator does not intend to rely on that Evidence in making a determination of responsibility. The parties then have at least ten days to provide a written

response, which the [Investigator](#) will consider before finalizing the investigative report. The finalized report is then circulated for no less than ten days before a hearing is held.

### C. Hearings

- i. All hearings are overseen by a [Decision Maker\(s\)](#). All Decision Maker(s) have received special training on how to be impartial and are assigned to cases by the [Title IX Coordinator](#) to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
- ii. The [Respondent](#) is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.
- iii. The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- iv. Credibility determinations may not be based on a person's status as a [Complainant](#), Respondent, or [Witness](#).
- v. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, Grace will provide an advisor for them.

### D. Advisors

- i. Each Complainant and Respondent may select an advisor of their choice to be present for all meetings through final determination and may choose to change advisors during the process. An advisor is required for the [Complainant](#) and the Respondent during the cross-examination hearing, but is not required for other meetings and interviews.
- ii. Parties are asked to notify the [Title IX Coordinator](#) of their advisor in advance of any meeting, preferably at least one day, and timely notice if they are requesting one be appointed or if the advisor is changed. At the onset of the initial meeting in which the advisor is present, the Title IX [Investigators](#) will clarify each person's role and answer administrative questions.
- iii. Advisors may help the party prepare for meetings and are expected to act ethically, with integrity, and in good faith. Advisors are expected to maintain the privacy of any records their party authorizes to be shared with them. The institution may restrict the role of any advisor who does not respect the sensitive nature of the investigative process or fails to meet the institution's privacy expectations.

- iv. Advisors are not permitted to audio, video, or otherwise record any interview.
- v. Title IX [Investigators](#) reserve the right to ask an advisor to leave the interview if she or he is disruptive to the interview. The meeting will typically continue without the advisor present. Subsequently, the investigators will determine whether the advisor can be reinstated, replaced by another advisor, or whether the party forfeits the right to an advisor for the remainder of the process.
- vi. Advisors should not be otherwise involved in the investigation and resolution process, such as serving as a [Witness](#). Attorneys may be retained by any party at their own expense. Although they may consult privately with the parties involved, attorneys who attend interviews may function in a support role only and not speak directly to or question the Title IX Investigators unless invited to do so.
- vii. All parties are expected to speak on their own behalf without representation by their advisor. Advisors may not make presentations to the Title IX Investigators. Advisors may confer quietly with their parties or do so in writing if needed. Longer consultations should be conducted during a break. Additionally, the institution does not guarantee equal advisory rights for each party. For example, although the institution will provide an advisor to either or both parties, it is not obligated to provide an attorney to any party who cannot afford one when the other party is.
- viii. The institution does not typically schedule meetings to accommodate an advisor's schedule, but will consider reasonable provisions to include an advisor who cannot be present in person for the investigation.

#### E. Questioning & Cross-Examinations

- i. The [Decision Maker\(s\)](#) may question individual parties and [Witnesses](#).
- ii. Parties will have the opportunity to cross-examine the party or Witness, including questions challenging credibility. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by at the live hearing. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.
- iii. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or [Witness'](#) absence from the live hearing or refusal to answer cross-examination or other questions.

- iv. If, at any point during the hearing, the [Decision Maker\(s\)](#) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- v. Hearings may be conducted in-person or virtually through the use of technology at Grace’s discretion. However, if either the [Complainant](#) or [Respondent](#) asks to be in separate rooms, Grace must grant this request and provide appropriate technology to allow for simultaneous participation.
- vi. All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

#### F. Resolution

- i. The [Decision Maker\(s\)](#) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing as soon as possible after the hearing. In all cases, the Decision Maker(s) will send the parties a final outcome letter within ten days of the conclusion of the hearing. The Decision Maker(s) forms all conclusions by examining all [Evidence](#) from the investigation and the hearing. Their conclusion is based on the [Preponderance of Evidence](#) standard: If the [Evidence](#) indicates that it is more likely than not that [Respondent](#) committed the alleged act(s), then Respondent will be found responsible for violating this policy.
- ii. The Decision Maker(s)’s written decision must include the following information:
  - a) Identification of the allegations potentially constituting [Sexual Harassment](#);
  - b) A description of the procedural steps taken from the receipt of the [Formal Complaint](#) through the determination, including any notifications to the parties, interviews with parties and Witnesses, site visits, methods used to gather other Evidence, and hearings held;
  - c) Findings of fact supporting the determination;
  - d) Conclusions regarding the application of Grace’s code of conduct to the facts;
  - e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary [Sanction](#) imposed upon the [Respondent](#), and whether remedies designed to restore or preserve equal access to Grace’s education program or activity will be provided; and
  - f) The procedures and permissible bases for either party to appeal.

- iii. In making a final determination, findings of responsibility for each allegation are determined in the following ways:
  - a) *Substantiated*: It is more likely than not that the [Respondent](#) is responsible for violating the policy.
  - b) *Unsubstantiated*: There is insufficient [Evidence](#) to conclude that it is more likely than not that the Respondent is responsible for violating the Policy. A finding that the allegation is unsubstantiated does not indicate that the complaint was improper, knowingly false, or not made in good faith.
- iv. Making a final determination and any associated sanctions is dictated by individual circumstances such as whether the Respondent is a student or [Employee](#), the [Decision Maker\(s\)](#) may consult with other Grace officials, such as the Title IX Coordinator, VP and Dean of Students, President, or the Respondent's supervisor.

## V. Appeals Process

- A. If either party disagrees with the outcome of the Decision Maker(s)'s determination, they may file a written appeal with the [Title IX Coordinator](#) within ten days of receiving the Decision Maker(s)'s written decision.
- B. Appeals may be filed due to:
  - i. A procedural irregularity that affected the outcome.
  - ii. New [Evidence](#) being discovered that was not reasonably available at the time of the determination or dismissal.
  - iii. 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 of the [Investigator\(s\)](#) or [Decision-Maker\(s\)](#).
- C. The appeal Decision Maker, who is not the Title IX Coordinator or the Investigator, will examine all evidence in order to determine if the appeal has merit. The appeal Decision Maker will make an unbiased, objective conclusion as to the appeal's merit, issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to both parties within five days of the written appeal. The appeal Decision Maker's decision will be final.

## VI. Recordkeeping

- A. Grace shall maintain all records relating to [Formal Complaints](#) of [Sexual Harassment](#), as well as all training materials used under this Policy, for seven years.

### TITLE IX OFFICE

The Title IX Office is comprised of a [Coordinator](#), [Investigators](#), [Decision Makers](#), and advisors who receive annual training on issues related to [Sexual Assault](#) and [Misconduct](#) and how to conduct investigations and hearings in ways that protect the parties involved and promote accountability. The Title IX Coordinator is a designated Grace employee with primary



responsibility for coordinating Grace’s compliance with [Title IX](#). This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that Grace responds appropriately, effectively, and equitably to all Title IX issues.

[Title IX Coordinator](#)

Dr. Carrie Yocum, VP of Administration and Compliance .....574-372-5100 x6491  
McClain 102 (office)  
[yocumca@grace.edu](mailto:yocumca@grace.edu)

If any of the parties involved raise issues related to potential conflicts of interest of any [Investigator](#), advisor, [Decision Maker](#), or appeal panel member, this conflict should be reported to the Title IX Coordinator. If the Title IX Coordinator is the person alleged to have a conflict of interest, the report may be filed with Grace’s president, who will appoint another individual.

Dr. Bill Katip, President  
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200 Seminary Drive  
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574-372-5100 x6391  
[katipwj@grace.edu](mailto:katipwj@grace.edu)

**Office of Civil Rights**

Call the Office for Civil Rights (OCR) at 1-800-421-3481 to report any educational [Discrimination](#) on the basis of race, sex, disability, etc., request information on civil rights compliance programs, procedures for filing Discrimination complaints, or access to civil rights regulatory and policy documents.

Contact information and inquiries may also be obtained on the OCR [web page](#) of the U.S. Department of Education.

The OCR office for Indiana is located at:

Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: 312-730-1560  
FAX: 312-730-1576; TDD: 800-877-8339  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## RESOURCES AND SUPPORT ON- AND OFF-CAMPUS

Grace’s Health and Counseling Center, located in the Gordon Health and Wellness Center, provides counseling, support, and assistance for students who experienced conduct that is the subject of this Policy regardless of whether the incident happened on campus, was perpetrated by another Grace student or [Employee](#), or whether a they choose to make a [Formal Complaint](#) or participate in the investigative process.

The institution’s counseling center provides direct counseling support to local students who experienced [Sexual Misconduct](#) or to others who are local and affected by the conduct. The health center provides nursing services including assessment, triage, and referral for health and medical needs resulting from [Sexual Assault](#).

In addition, the Grace Health and Counseling Center provides more information about local resources for students and witnesses attending the Winona Lake campus and assists in making referrals for employees or commuter, online, and other Grace students who desire counseling, support, or information in their local communities.

Local, off-campus [advocates](#) are available at the Winona Lake Police Department or the prosecuting attorney’s office in Warsaw, Indiana. They offer assistance in a crisis, information and referrals, and personal advocacy to those who experience or are affected by violent crimes.

Written information is available upon request from the [Title IX Office](#) for students and employees about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other service services available at Grace and in the community.

### Safety and Law Enforcement

Grace College Campus Safety (McClain) .....	574-269-5344
Winona Lake Police Department .....	911 or 574-267-8622
1310 Park Ave, Winona Lake, IN 46590	
Warsaw Police Department .....	911 or 574-372-9511
2191 Ft Wayne St, Warsaw, IN 46580	
Kosciusko County Sheriff’s Department .....	574-267-5667
221 West Main St, Warsaw, IN 46580	

### Grace College – Health and Mental Health

Grace College Counseling Center (GHWC).....	574-372-5100 x6472
Grace College Counselor (GHWC).....	574-372-5100 x6774
Grace College Director of Counseling (GHWC) .....	574-372-5100 x6069
Grace College Health Center (GHWC).....	574-372-5100 x6472
Grace College Employee Assistance Program (Bowen Ctr) ...	800-342-5652
Grace College Nurse (GHWC).....	574-372-5100 x6426
Grace College RD on call (cell phone) .....	574-635-5737
Grace College Student Disabilities Services .....	574-372-5100 x6423

**Grace College – Student Assistance**

Grace College Academic Support Services Coordinator .....574-372-5100 x6427  
Grace College Designated School Officer (I-20s) .....574-372-5100 x6139  
Grace College Financial Aid Office .....574-372-5100 x6162  
Grace College Residence Life Director .....574-372-5100 x6473  
Grace College Student Diversity and Inclusion Assoc Dean ..574-372-5100 x6477

**Local Assistance – Medical Treatment**

Kosciusko Community Hospital .....574-267-3200  
2101 East DuBois Drive, Warsaw, IN 46580  
Ft. Wayne Sexual Assault Treatment Center hotline.....260-423-2222  
1420 Kerrway Ct, Fort Wayne, IN 46805 - [Patient Resources](#)  
Lutheran Health Network .....574-269-8338  
1210 Provident Drive, Warsaw, IN 46580  
Parkview Hospital – Warsaw .....574-372-0000  
1355 Mariners Drive, Warsaw, IN 46582

**Local Assistance – Mental Health Counseling**

Grace College Employee Assistance Program (Bowen Ctr) ...800-342-5652  
Bowen Center – 24-hour emergency service .....800-342-5653  
Bowen Center – Warsaw .....574-267-7169  
850 North Harrison, Warsaw, IN 46580

**Area Assistance – Victim Services**

Beaman Home – Warsaw .....877-725-9363  
603 Parker St, Warsaw, IN 46581  
Center for Nonviolence.....260-456-4112  
235 W. Creighton Ave., Ft. Wayne, IN 46807  
Ft. Wayne Sexual Assault Treatment Center hotline.....260-423-2222  
2270 Lake Ave #201, Fort Wayne, IN 46805 ([Patient Resources](#))  
Rape Crisis Hotline, Ft. Wayne Women’s Bureau .....888-311-7273  
Victim Advocate – Winona Lake Police Department (desk) ..574-385-2323  
1310 Park Avenue, Winona Lake, IN 46590  
Victim Assistance Program (prosecutor’s office).....574-372-2419  
121 North Lake Street, Warsaw, IN 46580

**Hotlines and Resources – National**

Domestic Violence (TTY and Spanish).....1-800-799-SAFE (7233)  
Sexual Assault (RAINN) .....1-800-656-HOPE (4673)  
Substance Abuse (SAMHSA – English and Spanish).....1-800-662-HELP (4357)  
Suicide Prevention (TTY and Spanish).....1-800-273-TALK (8255)

For a comprehensive list of national resources for [Sexual Assault](#) survivors and their loved ones, click [here](#) for the following:

1. General information for victims
2. Child abuse and sexual abuse
3. Domestic, dating, and intimate partner violence
4. Incest
5. Stalking
6. Survivors with disabilities
7. College students
8. Male survivors of sexual assault
9. LGBTQ survivors
10. Human trafficking
11. Military resources
12. Legal resources
13. Medical and physical health
14. Mental health
15. Suicide and self-harm
16. Sexual assault prevention
17. International or Americans abroad

## SEXUAL MISCONDUCT (NON-TITLE IX) POLICY

*Note:* The [Sexual Misconduct Policy](#) and the [Title IX Policy](#) are related and should be read together.

### Policy Details

#### I. Policy

Members of Grace College and Seminary (Grace) have the right to be free from all forms of [Sexual Misconduct](#), which impedes the realization of the Grace's mission. All members of [Grace's Community](#) are expected to conduct themselves in a manner that maintains an environment free from Sexual Misconduct. As such, Grace does not [Discriminate](#) on the basis of sex and is committed to providing an educational and working environment free from Sexual Misconduct.

#### II. Scope

- A. This Policy applies to all faculty, staff, students, student employees, graduate assistants, volunteers, suppliers/contractors/vendors, and visitors involved during the investigation of reports of Sexual Misconduct and applies to all stages of the process from notification to disposition of the allegation.
- B. Medium
  - a. This Policy applies to alleged [Sexual Misconduct](#) in any medium. Sexual Misconduct may manifest in many evolving forms including, but not limited to physical, verbal, and visual, whether in person or online in any format.
- C. Jurisdiction
  - a. Grace has a compelling obligation to address allegations and suspected instances of Sexual Misconduct when it has [Actual Knowledge](#) that this policy has been violated. Grace will inform the [Respondent](#) of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the [Complainant](#) is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
  - b. Grace's disciplinary response may be limited if the Respondent is a visitor or other third-party or is not subject to Grace's jurisdiction.
- D. Location
  - a. This Policy applies to alleged [Sexual Misconduct](#) (a) that does not meet the definition of [Sexual Harassment](#), (b) that takes place in a Grace educational program or activity including those outside the United States, and (c) in locations,

events, or circumstances over which Grace exercised significant control over both the [Respondent](#) and the context in which the misconduct occurred.

- b. This Policy also applies to alleged [Sexual Misconduct](#) that occurs off-campus, including virtual spaces, in any building owned or controlled by a student organization that is officially recognized by Grace.
  - c. In situations not covered above, but where the Sexual Misconduct undermines the security of the [Grace Community](#) or the integrity of the educational process, or poses a serious [Threat](#) to self or others, other applicable Grace procedures for general misconduct may be applied.
- E. This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the Grace Community who exercise their legitimate First Amendment rights.
- F. Policy Maintenance
- a. This Policy is managed by the [Title IX Coordinator](#) and Title IX Case Team.
  - b. This Policy and the associated procedures will be revised by the Title IX Coordinator.

### **III. Receiving Supportive Measures**

- A. Members of the [Grace Community](#) impacted by [Sexual Misconduct](#) are encouraged to use counseling and support services, listed in the [Resources](#) section.

### **XVII. Employees with Authority to Institute Corrective Measures**

- A. Grace designates certain employees who have the authority to institute corrective measures on its behalf. Under this Policy, their knowledge of Sexual Misconduct conveys [Actual Knowledge](#) to Grace.
- B. The following employees have been designated by Grace as having the authority to initiate corrective measure on its behalf:
  - i. Title IX Coordinator
  - ii. Associate Vice President and Dean of Students
  - iii. President of Grace College and Seminary
- C. When one of the above employees learns of alleged [Sexual Misconduct](#), that [Employee](#) should contact the [Title IX Coordinator](#) in the [Title IX Office](#) as soon as possible.
- D. All regular full- and part-time Employees of Grace have a responsibility to report knowledge of an alleged Sexual Misconduct policy violation to one of the designated employees above. Student resident assistants and campus safety officers also have a responsibility to report to a designated official as part of their obligation by the institution to report other instances of misconduct that violate Grace policies.

- E. [Employees](#) may have additional reporting obligations provided by law.

## **XVIII. Employee Duty to Report**

*All Grace employees have reporting responsibilities to ensure that Grace can take appropriate action.*

- A. All regular full-time and part-time Grace employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of [Sexual Misconduct](#). This obligation applies to student employees who are resident assistants and campus safety officers outside the term(s) in which they are officially working.
- B. Any Employee who receives a disclosure of Sexual Misconduct or becomes aware of information that would lead a reasonable person to believe that a Sexual Misconduct may have occurred involving anyone covered under this Policy, must report all known information immediately. These individuals must report the incident within five workdays of becoming aware of such information.
- C. Employees are not required to report disclosures of information regarding Sexual Misconduct pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from Grace:
  - i. At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
  - ii. To student resident assistants and campus safety officers outside the term(s) in which they are officially working; or
  - iii. During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- D. Contacting the [Title IX Coordinator](#) to share all known information will satisfy the employee duty to report.
- E. Employees, including those with privileged communication, may have additional reporting obligations provided by law and/or other Grace policies.
- F. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.
- G. The following categories of employees are exempt from the duty to report [Sexual Assault](#), [Sexual Misconduct](#), and other [Sexual Harassment](#), due to their legal or professional privilege of confidentiality or their designation by Grace as a confidential reporter:
  - i. Professional and pastoral counselors

- a) A professional counselor is a person whose official responsibilities include providing mental health counseling to students at Grace and who is functioning within the scope of that license or certification and their university employment.
  - 1. This definition applies even to professional counselors who are not employees of Grace but are under contract to provide counseling at Grace.
  - 2. This also includes an individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who is licensed or certified (e.g., a graduate counselor-trainee acting under the supervision of a professional counselor at Grace).
- b) A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at Grace.
- c) In this context, the campus chaplain who is functioning as a pastor in a local church attended by Grace students or a campus counselor who is also working as a part-time instructor would not be exempt from the reporting obligations in those specific roles.
- ii. Other [Employees](#) with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their Grace employment.
- iii. Administrative staff who provide assistance in the health and counseling center such as front desk workers.
- iv. At Grace, therefore, the following employees are exempt from the duty to report [Sexual Misconduct](#):
  - a) Professional counselors employed or interning in the Grace College Health and Counseling Center
  - b) Administrative staff in the Grace College Health and Counseling Center
  - c) Grace College Dean of Chapel and Community Life (chaplain)
  - d) Grace College campus nurse
  - e) Grace College athletic trainer
- v. Individuals who do not live locally but desire confidential guidance and support may contact the director of Grace's counseling center for assistance in seeking confidential resources.



- vi. Because content of discussions with confidential resources is not reported to the [Title IX Office](#), such discussions do not serve as notice to Grace College to address the alleged [Discrimination](#) or harassment.
- vii. Confidential sources as noted above should inform students of their right to file both a [Title IX Formal Complaint](#) with Grace and a separate complaint with local law enforcement. In addition to informing students about campus resources for counseling, medical, residence life, and academic support, these individuals should also indicate that they are available to assist students in filing such complaints. They should also explain that [Title IX](#) includes protections against [Retaliation](#), and that school officials will not only take steps to prevent Retaliation, but also take strong responsive action if it occurs.
- viii. In order to identify patterns or systemic problems related to [Sexual Violence](#), Grace collects aggregate data about Sexual Violence incidents from confidential sources. These sources report only general information permitted by the individual about these incidents such as the nature, date, time, and general location of the incident. Confidential sources take care to avoid reporting personally identifiable information about a student and should consult with students regarding what information needs to be withheld to protect their identity.

**XIX. Reporting Allegations of Sexual Misconduct**

- A. Although there is no time limit to making a report of [Sexual Misconduct](#), in order to preserve evidence, maximize Grace’s ability to conduct a prompt, fair, and thorough investigation, provide remedies and support, determine any disciplinary action, and prevent further harm to those at risk, individuals are encouraged to report alleged Sexual Misconduct immediately to the [Title IX Office](#).
- B. Any person may report Sexual Misconduct. By way of example, this includes:
  - i. Students
  - ii. Employees
  - iii. Parents
  - iv. Any Grace Community member or other individual who is directly involved in, observes, or reasonably believes that Sexual Misconduct may have occurred.
- C. Reports can be made to the Title IX Coordinator in the following ways:
  - i. In-Person: Carrie Yocum, McClain 102, Grace College and Seminary
  - ii. Mail: Carrie Yocum  
Grace College and Seminary  
200 Seminary Drive

Winona Lake, IN 46590

- iii. Phone: 574-372-5100 x6491
- iv. Email: yocumca@grace.edu

- D. Making a report to Grace and to law enforcement are mutually exclusive events. Making a report to Grace does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report to Grace; however, individuals may request assistance from the [Title IX Coordinator](#) or designee to notify law enforcement.
  - i. Grace may independently notify law enforcement, however, if it determines that the physical health or safety of the [Complainant](#) or [Respondent](#), [Witnesses](#), or the [Grace Community](#) are at risk regardless of whether the Complainant notifies law enforcement.
  - ii. If the Complainant makes a police report, the [Title IX Office](#) may choose to not wait on the outcome of a police or criminal investigation to complete its own investigation.
- E. Grace will investigate, to the greatest extent possible, anonymous or confidential reports of conduct violating this policy.

## **XX. Amnesty for Complainant and Witnesses**

- A. The health and safety of the [Grace Community](#) is of utmost importance. Grace understands that sometimes reports of [Sexual Assault](#) or [Misconduct](#) include the admission of the use of drugs and/or alcohol (either voluntary or involuntary) or of other conduct violations by some or all of the parties involved, including [Witnesses](#), at the time of the reported harassment and that individuals may be hesitant to report this use for fear of consequences for their own behavior.
  - i. *Students:* Although community lifestyle violations are not condoned by Grace, reporting [Sexual Misconduct](#) or interpersonal violence is strongly encouraged despite the possible admission of drug and/or alcohol use; therefore, any person who, acting in good faith, discloses any incident or knowledge of Sexual Misconduct to one of the institution's designated officials will not be subject to disciplinary action for violations of its conduct and community lifestyle policies occurring in connection with the report.
  - ii. The institution may, however, respond educationally or with other remedies rather than punitively to the use of drugs and/or alcohol or other community lifestyle violations.
  - iii. *Employees:* Because Grace reserves the right to determine whether to pursue a policy violation by [Employees](#) other than the [Respondent](#), employees may also

be hesitant to report [Sexual Misconduct](#) or [Discrimination](#) they have experienced. In order to encourage reports, Grace may choose to deal with these policy violations in ways other than termination, such as through educational, supervisory, or professional development means.

- B. If there are situations of cross-complaints, Grace reserves the right to impose disciplinary [Sanctions](#) to one or both parties found responsible for a Sexual Misconduct violation. Drug and alcohol use, however, will always be considered when sanctions are determined for any [Respondent](#) found responsible for the Sexual Misconduct. The use of drugs, alcohol, or related substances is never an acceptable defense to a report filed under this policy.

#### **XXI. Confidentiality and Requests for Inaction**

- A. Grace recognizes the importance of confidentiality and privacy. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private to the extent possible and will only involve individuals whom Grace determines are necessary to conduct an appropriate investigation resolution processes, to provide assistance and resources to parties, to perform other appropriate Grace functions, or when Grace is required to provide information under the law.
- B. See the [Resources](#) section for a list of confidential support, non-confidential support, and medical resources.
- C. If an incident is disclosed or reported to Grace and the individual requests that no investigation be conducted or disciplinary action be taken, the [Title IX Coordinator](#) or designee will explain that Grace prohibits [Retaliation](#) and explain the steps Grace will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether Grace can honor the request while still providing a safe and nondiscriminatory environment.
- D. If the [Complainant](#) requests that his or her name not be disclosed to the [Respondent](#) or that no investigation or disciplinary action be pursued, it may limit the [Title IX Office's](#) ability to meaningfully investigate a particular matter including pursuing [Sanctions](#) against the Respondent. A decision to proceed despite an individual's request not to will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If Grace proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.

The Title IX Office will determine whether the institution can honor a request for confidentiality while still providing a safe and nondiscriminatory environment for the [Grace Community](#), including the student or [Employee](#) who reported the [Sexual Misconduct](#) using factors such as but not limited to:

- i. Increased risk of additional violence by the [Respondent](#), for example:
  - a) Other complaints about the same individual

- b) History of violence from arrests/records from a previous school
    - c) [Threats](#) of further violence by the [Respondent](#)
  - ii. Increased risk of additional violence under similar circumstances, such as a pattern of violence at a given location, at the same event, or with a certain group
  - iii. Whether [Sexual Violence](#) was perpetrated with a weapon
  - iv. Age of the [Complainant](#) or Respondent
  - v. Whether Grace has other means to obtain [Evidence](#), such as security cameras or personnel, bystanders or other [Witnesses](#), or physical or social media Evidence
  - vi. Ability to provide a safe and nondiscriminatory environment for the [Grace Community](#)
- E. In granting requests for inaction or confidentiality, Grace will take steps to reduce the effects of the alleged [Sexual Misconduct](#) and prevent its recurrence without initiating formal action against the alleged [Respondent](#) or revealing the identity of the [Complainant](#). Examples include providing increased monitoring, supervision, or security at locations or activities where the Sexual Misconduct reportedly occurred; providing training and education materials for students and [Employees](#); revising and publicizing the school’s policies on Sexual Misconduct; and conducting climate surveys regarding Sexual Misconduct.
- F. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.
- G. Whether the [Complainant](#) or the [Respondent](#), Grace’s primary relationship is to the student and not to the parent so will maintain the privacy of the student unless that student gives written permission to disclose information. In the event of major safety, medical, disciplinary, or academic jeopardy, however, students are strongly encouraged to inform their parents. Grace will inform or communicate with parents about the details of the claims made by or against their student when that student gives written permission to do so or in a life-threatening situation as permitted by FERPA. Additionally, any email contact the [Title IX Office](#) has with a parent or guardian includes the student as well.

## **XXII. Retaliation**

- A. [Retaliation](#) is prohibited by Grace policy and law. Grace will not tolerate Retaliation in any form against any individual who makes an allegation, files a report, serves as a [Witness](#), assists a [Complainant](#), or participates in an investigation of [Discrimination](#) or harassment.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.
- C. Allegations of Retaliation should be reported to the [Title IX Coordinator](#).
- D. See the procedure for investigating complaints of [Retaliation](#) within this manual.

### **XXIII. Investigation and Resolution Options**

#### **A. Initial Assessment**

- i. The [Title IX Coordinator](#) or designee reviews all reports of [Sexual Misconduct](#) under this Policy for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; Grace's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the [Complainant](#) to participate in an investigation or other resolution.
- ii. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate the options to the parties.

#### **B. Informal Resolution**

Informal resolution may be utilized in some circumstances if Grace deems appropriate and both parties agree to it.

#### **C. Investigative Resolution**

The [Title IX Office](#) may resolve a report of Sexual Misconduct through investigative resolution when the alleged Sexual Misconduct, if true, would be prohibited under applicable Grace policy. In instances when informal resolution is inappropriate, when the party requests, or when Grace requires formal investigation, Grace will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

### **XXIV. Remedies**

- A. When Grace makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged [Sexual Misconduct](#), prevent its recurrence, and remedy the discriminatory effects on the [Complainant](#) and others as appropriate.
- B. Corrective Actions/Sanctions
  - i. Grace reserves the right to take whatever measures it deems necessary in response to a report of Sexual Misconduct in order to protect the rights and personal safety of students, employees, and others in the Grace Community. [Sanctions](#) are designed to stop the misconduct, prevent its recurrence, and provide remedies and supports within the mission of Grace College and Seminary and its [Title IX](#) obligations.
  - ii. Not all forms of [Sexual Misconduct](#) are deemed equally serious offenses and Grace reserves the right to impose different [Sanctions](#) up to and including expulsion (students) or termination ([Employees](#)) depending on the severity of the offense.

- iii. When the [Respondent](#) is a student, potential [Sanctions](#) include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
- a) Student employees may be subject to corrective action and sanctions under Student and/or [Employee](#) policies depending on the nature of the case. For instance, a student employee who is dismissed from Grace may also be subject to employment termination or other corrective actions.
  - b) In determining sanctions for any person found responsible for violating this policy of [Sexual Misconduct](#), the following are typically considered:
    - Nature, severity, and violence of conduct at issue
    - Impact on [Complainant](#)
    - Impact on the institution and community
    - Patterns of behavior, such as any previous disciplinary violations at Grace or criminal convictions
    - Whether the [Respondent](#) has accepted responsibility
    - Maintenance of a safe, responsive environment conducive to learning and working
    - Protection of the campus community
    - Any other mitigating, aggravating, compelling or relevant factors
  - c) [Sanctions](#) include, but are not limited to the following, which may be individualized for students depending on their particular circumstances:

#### **Student Sanctions**

- Verbal warning
- Sanction or warning letter
- Disciplinary probation
- Educational sanctions, such as writing a paper
- Student Growth Contract
- Institutional sanctions
- Community or target restitution
- Off-campus community service
- Restriction of campus privileges
- No contact directive (temporary, time-specific, or indefinite)
- Required training or education
- Impact statement
- Required mentoring or accountability
- Required counseling
- Academic rescheduling
- Residential re-location

- Rescheduling or termination of campus employment
  - Campus separation directive (temporary, time-specific, or indefinite)
  - Suspension (or deferred suspension)
  - Specific re-admission requirements
  - Transcript notation
  - Withholding diploma
  - Revocation of degree
  - Expulsion
  - Other actions or restrictions
- iv. When the [Respondent](#) is an [Employee](#), corrective actions may be taken pursuant to the Corrective Action/Work Rules Policy, Student Employment Discipline and Termination Policy, and/or Faculty Termination and Non-Renewal of Employment Policy. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
- v. [Sanctions](#) include, but are not limited to the following, which may be individualized for employees depending on their particular circumstances:

#### **Employee Sanctions**

- Verbal warning
- Sanction or warning letter
- Performance improvement plan
- Community or target restitution
- No contact directive (temporary, time-specific, or indefinite)
- Required training or education
- Impact statement
- Required coaching, mentoring or accountability
- Required counseling
- Reduction in supervisory and leadership responsibilities
- Reassignment of supervisor or reporting structure
- Reassignment or rescheduling of work, hours, and/or location
- Restrictions on conditions of teaching, advising, or mentoring
- Paid or unpaid administrative leave
- Campus separation (temporary, time-specific, or indefinite)
- Changes in salary
- Report to funder about violation of Sexual Harassment policy
- Deferred or denied promotion
- Demotion
- Loss of annual pay increase
- Suspension with pay
- Suspension without pay

- Termination
- Other actions or restrictions

C. Any corrective actions or sanctions will not take effect until any appeals have been completed.

D. Interim Supportive Measures

- i. Supportive measures will be made available to both the [Complainant](#) and [Respondent](#) whether or not a [Formal Complaint](#) is filed or a report made to law enforcement to ensure equal access to Grace's education and employment programs and activities. The [Title IX Coordinator](#) or designee will conduct an individualized assessment and will review requests from the Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent. Supportive measures may include, but are not limited to:
  - a) Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services
  - b) Academic support including extensions of time and other course-related adjustments
  - c) Change in work or housing locations
  - d) Assistance with academic petitions
  - e) Modification of work or class schedules
  - f) No contact directives
  - g) Change in reporting relationship
  - h) Consideration of leave requests
  - i) Safe rides or safe escorts by campus safety personnel
  - j) Increased security and monitoring of certain areas of campus
- ii. Pending action on the notices of possible violations, Grace does not automatically alter the status of the Respondent, including his/her right to be present on campus, attend classes, or report to work.
  - a) A [Respondent](#) who is an [Employee](#) at Grace can be put on administrative leave during the period of any investigation
  - b) A Respondent who is a student at Grace may be removed from educational activities following an individualized safety and risk analysis that determines the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a student is



removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis

- iii. The [Title IX Coordinator](#) or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other Grace [Employees](#) with a need to know.
- iv. Grace will maintain as confidential any supportive measures provided to the [Complainant](#) or [Respondent](#) to the extent that maintaining such confidentiality would not impair the ability of Grace to provide the supportive measures.

#### E. Other Remedial Measures

- i. When Grace is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, Grace may take other remedial measures as appropriate to remedy the effects of the alleged [Sexual Misconduct](#) and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- ii. Remedial measures may include and are not limited to:
  - a) Providing training on Sexual Misconduct;
  - b) Increasing security in a designated space;
  - c) Changing policy or procedure; and
  - d) Conducting climate checks.

#### F. Campus Directives and Protective Orders

- i. Grace does not issue protective orders; however, it does issue no-contact and campus separation directives and no-trespass letters, all of which may be initiated by student affairs, campus safety, or the [Title IX Office](#). No-trespass letters issued by Grace are delivered by local law enforcement to the recipient.
- ii. [Complainants](#) may seek an order of protection, restraining order, or other similar lawful court order, but is not required to do so. Grace or the local victim's service center can assist parties in understanding their legal options. Information can be requested from Grace's campus safety or Title IX Offices. Grace will comply with and enforce lawful protective orders.

### **XXV. False Allegations**

- A. It is a violation of this policy for anyone to make a false allegation of [Sexual Misconduct](#). The absence of a finding of a policy violation is not equivalent to finding that the [Complainant](#) acted in bad faith.

- B. Individuals who knowingly or with malicious intent provide false information when reporting [Sexual Misconduct](#) or during an investigation of Sexual Misconduct may be subject to disciplinary action consistent with the student, employee, and faculty handbooks, up to and including suspension, dismissal, or expulsion from Grace.

#### **XXVI. Process Abuse**

- A. No member of the [Grace Community](#) may:
  - i. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this Policy;
  - ii. Make, in bad faith, materially false statements in or related to a process covered by this Policy;
  - iii. Disrupt or interfere with the orderly conduct of any proceeding conducted under this Policy; or
  - iv. Fail to comply with any directive, [Sanction](#), or corrective action issued pursuant to this Policy.

#### **XXVII. Third Parties**

Grace reserves the right to determine whether complaints of [Sexual Misconduct](#) made by individuals not affiliated with Grace constitute sufficient risk to the [Grace Community](#) to warrant further investigation, considering factors such as location, availability of [Witnesses](#), and passage of time in making that determination.

#### **XXVIII. Vendors**

When [Sexual Misconduct](#) cases include [Respondents](#) who are vendors or other business associates of Grace, the institution reserves the right to end or alter such business relationships in order to protect the safety of the [Grace Community](#).

#### **XXIX. Requests to Inspect the Investigative Report**

- A. Grace is obligated and committed to respecting the privacy of those involved in the investigation including the [Complainant](#) and [Respondent](#), [Witnesses](#), bystanders, and others with priority knowledge who are interviewed. Because the investigative report is not standard in all student educational records, additional steps are taken to assure the privacy of these records for all involved in the investigation.
- B. Requests to inspect the investigative record will otherwise be processed according to the institution's FERPA (Family Educational Rights and Privacy Act) policy, including redaction of personally identifying information about other students involved in the investigation. The FERPA policy is available on the institution's [website](#) or in the registrar's office.

### **XXX. Requests from Another Institution**

- A. If a student is found responsible for violating this [Sexual Misconduct Policy](#) and applies to transfer to another institution, as permitted by the FERPA, Grace may disclose, without that student's consent, from the student's education records the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense.
- B. Typically, Grace first seeks to obtain the consent of the student before releasing this information, but may release information without the student's consent after evaluating the nature and seriousness of the violation using the factors discussed previously in the "Sanctions for Sexual Misconduct" section. Further, Grace typically releases this information in response to a request from the other institution, but may initiate this release if the community risk factors warrant it and Grace is aware of the other institution.
- C. As permitted by FERPA, the disclosure of the final results includes the name of the [Respondent](#), the violation committed, and any [Sanction](#) imposed against the Respondent unless the Respondent consents to additional disclosures. "Sanctions" are defined as consequences and disciplinary action taken by the institution including the date of its imposition and duration. "Disclosure of the violation committed" means the policy or code sections violated and essential findings supporting the conclusion that the policy was violated.
- D. The disclosure will not include the name of any other student, including a [Complainant](#), bystander, or [Witness](#), without the written consent of that other student.

### **XXXI. Training**

- A. All faculty, staff, student employees, graduate assistants, and students are required to take annual online training as directed by Grace on topics such as diversity, sensitivity, bullying, and violence in the workplace; [Title IX](#), [Sexual Misconduct](#), and [Sexual Violence](#); community lifestyle expectations; and institutional policies and procedures about how and when to make a report about Sexual Harassment and other Sexual Misconduct.
- B. Additionally, the [Title IX Coordinator](#), [Investigators](#), and [Decision Makers](#) engage in continuing education and attend annual training that includes topics such as the law, best practices, investigation skills and considerations, and trauma-informed interviewing.
- C. Various segments of the institution may also receive supplemental, in-person training, such as athletics, confidential sources, resident directors, campus safety staff, and faculty related to their specific roles on campus. In addition to their own mandatory harassment training, Grace's on-campus vendors are also trained about the Title IX process at Grace.
- D. Students and student leaders are educated annually to promote the awareness of [Sexual Assault](#) and [Sexual Misconduct](#), including those that are the subject of this Policy;

how to report such offenses; and how to provide support to a student who has experienced a physical or sexual offense. All incoming students are assigned online training regarding [Sexual Harassment](#) and related topics in the Freshman Foundations course. Additionally, campus leaders, such as RAs and Growth Group leaders, also receive training by the [Title IX Office](#).

- E. Printed materials about Title IX and accessing help are available to all campus employees and to students. These same printed materials are also available at locations on campus such as the athletics office, student affairs, the health and counseling center, the disabilities office, campus safety, career services, the chaplain's office, and with resident directors. They are also available on the campus portal.

## **Procedure**

### **I. Initial Assessment**

- A. Upon receiving a report, the [Title IX Coordinator](#) will provide information to the [Complainant](#) on the availability of supportive measures, the right to file a [Formal Complaint](#), and how to file a Formal Complaint either through an individual meeting or a written statement. Grace will be limited in its ability to formally investigate anonymous complaints.
- B. The Title IX Coordinator or designee reviews all reports of [Sexual Misconduct](#) under this policy for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; Grace's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.
- C. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.
- D. If the Complainant or Grace elects to file a [Formal Complaint](#), the [Title IX Coordinator](#) will provide written notice to the [Respondent](#) within ten days including:
  - i. The actual allegations of facts that constitute [Sexual Misconduct](#) and any [Evidence](#) that supports this;
  - ii. That there is a presumption of innocence in their favor;
  - iii. That all parties are entitled to an advisor of their choice;
  - iv. That all parties can inspect and review Evidence; and,
  - v. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

### **II. Dismissal of a Complaint**

- A. In the event that prior to, or in the course of, an investigation Grace determines that the allegations fail to meet the definition of [Sexual Misconduct](#), did not occur while under Grace’s educational program or activity, or Grace did not have substantial control over the [Respondent](#), the investigation and [Formal Complaint](#) may be dismissed.
- B. Grace also reserves the right to dismiss the Formal Complaint and stop the investigation if:
  - i. The [Complainant](#) notifies the [Title IX Coordinator](#) in writing that they wish to withdraw their Formal Complaint;
  - ii. The Respondent is no longer enrolled in or employed by Grace; or
  - iii. Specific circumstances prevent the school from gathering sufficient [Evidence](#) to reach a determination about allegations (e.g., lack of participation in the investigative process by parties or [Witnesses](#) or the passage of time).
- C. [Formal Complaints](#) that are dismissed may still be resolved through other conduct or employment procedures described in the student, [Employee](#), and faculty handbooks.
- D. If Grace dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this Policy’s appeals process.
- E. Written notification of the reason for the dismissal will be sent to both parties.

## VII. Informal Resolution

- A. Informal resolution may be utilized in some circumstances if a [Formal Complaint](#) is filed.
- B. The use of an informal resolution process is limited in a number of ways:
  - i. Informal resolution may be unavailable if the [Respondent](#) is an [Employee](#) of Grace.
  - ii. Informal resolution may only be used if any and all parties to an investigation agree to it, including the Title IX Coordinator in consultation with others such as the president or human resources.
  - iii. Informal resolution may not be appropriate as determined by Grace, including but not limited to, the following circumstances:
    - a) Other complaints about the same individual
    - b) History of violence from arrests/records from a previous school
    - c) Further violence threatened by the [Respondent](#)
    - d) Increased risk of additional violence under similar circumstances, such as a pattern of violence at a given location, at the same event, or with a certain group
    - e) Whether [Sexual Violence](#) was perpetrated with a weapon
    - f) Age of the [Complainant](#) or [Respondent](#)

- g) Ability to provide a safe and nondiscriminatory environment for the [Grace Community](#)
- C. In all cases, Grace will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, Grace will inform the [Complainant](#) of options, including the option to begin the investigative resolution process.
- D. Grace will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training in order to facilitate resolution of the [Formal Complaint](#).
- E. Informal resolution can take any form that the parties agree upon. The [Title IX Coordinator](#) or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:
  - i. *Facilitated Dialogue*: A structured and facilitated conversation between two or more individuals, including, but not limited to the [Complainant](#) and the [Respondent](#), which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
  - ii. *Shuttle Mediation*: An indirect version of the facilitated dialogue.
  - iii. *Circle of Accountability*: A facilitated interaction between the Respondent and Grace faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.
  - iv. *Restorative Justice*: A facilitated, cooperative interaction between the Complainant, Respondent, and/or other parties to restore the harm caused by prohibited conduct and which leads to transformation in people, relationships, and community. In general, it involves active responsibility and making amends.
- F. Depending on the type of informal resolution chosen, it may be possible for a [Complainant](#) to maintain anonymity throughout the informal resolution process.
- G. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate campus staff or resource, extensions of no contact directives, or counseling sessions) may be agreed upon.

## VIII. Formal Resolution

- A. The [Title IX Office](#) may resolve a report of [Sexual Misconduct](#) through its formal resolution process when the alleged Sexual Misconduct, if true, would be prohibited under applicable Grace policy. In instances when informal resolution is inappropriate, when any party requests, or when Grace requires formal investigation, Grace will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

## B. Investigation

- i. Following the filing of a [Formal Complaint](#), an [Investigator](#) will be assigned to the case by the [Title IX Coordinator](#). During the investigation, the Investigator will seek to meet separately with the [Complainant](#), [Respondent](#), and any relevant [Witnesses](#) who may have information relevant to the incident. The Investigator may also gather or request other relevant information or [Evidence](#) when available and appropriate. Both the Complainant and Respondent will be asked to identify Witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. All investigations are done by a member of the [Title IX Office](#).
- ii. Although both the [Complainant](#) and [Respondent](#) are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
- iii. [Formal Complaints](#) of [Sexual Misconduct](#) may be consolidated were the allegations to arise out of the same facts or circumstances.
- iv. During the investigation process, parties have an equitable right to:
  - a) Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
  - b) A process with reasonably prompt timeframes, with extensions for good cause, as described in the procedure section below;
  - c) Present relevant information to the [Investigator](#), including [Evidence](#) and [Witnesses](#);
  - d) Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
  - e) Have an advisor of their choosing, or through appointment by Grace, including an attorney, advocate, or other support person who is not a potential Witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
  - f) Investigators who are adequately trained to investigate cases of alleged [Sexual Misconduct](#), are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- v. Grace will provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.

- vi. Grace will not restrict the ability of a [Complainant](#) or [Respondent](#) to discuss the allegations under investigation or to gather and present relevant evidence.
- vii. Credibility determinations will not be based on a person's status as a [Complainant](#), [Respondent](#), or [Witness](#).
- viii. Following the completion of the investigation, the [Investigator](#) will complete an investigative report on the allegations contained in the Formal Complaint.
  - a. Before the report is finalized, the Investigator will make it available to each party to review.
  - b. The parties then have five days to provide a written response, which the Investigator will consider before finalizing the investigative report.
  - c. As part of their written response, the parties may provide a list of questions they would like asked of Witnesses before the report is finalized.

#### C. Decision Maker(s)

- i. All [Decision Maker\(s\)](#) have received special training on how to be impartial and are assigned to cases by the [Title IX Coordinator](#) to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
- ii. The [Respondent](#) is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation.
- iii. The Decision Maker(s) will not require, allow, rely upon, or otherwise use [Evidence](#) that constitutes, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- iv. Credibility determinations may not be based on a person's status as a [Complainant](#), Respondent, or [Witness](#).
  - i. The Decision Maker(s) will be provided the investigative report and all relevant Evidence to deliberate a decision.

#### D. Advisors

- i. Each [Complainant](#) and [Respondent](#) may select an advisor of their choice to be present for all meetings through final determination and may choose to change advisors during the process.
- ii. Parties are asked to notify the [Title IX Coordinator](#) of their advisor in advance of any meeting, preferably at least one day, and timely notice if they are requesting one be appointed or if the advisor is changed. At the onset of the initial meeting in which the advisor is present, the Title IX [Investigators](#) will clarify each person's role and answer administrative questions.
- iii. Advisors may help the party prepare for meetings and are expected to act ethically, with integrity, and in good faith. Advisors are expected to maintain the



privacy of any records their party authorizes to be shared with them. The institution may restrict the role of any advisor who does not respect the sensitive nature of the investigative process or fails to meet the institution's privacy expectations.

- iv. Advisors are not permitted to audio, video, or otherwise record any interview.
- v. [Investigators](#) reserve the right to ask an advisor to leave the interview if she or he is disruptive to the interview. The meeting will typically continue without the advisor present. Subsequently, the Investigators will determine whether the advisor can be reinstated, replaced by another advisor, or whether the party forfeits the right to an advisor for the remainder of the process.
- vi. Advisors should not be otherwise involved in the investigation and resolution process, such as serving as a [Witness](#). Attorneys may be retained by any party at their own expense. Although they may consult privately with the parties involved, attorneys who attend interviews may function in a support role only and not speak directly to or question the [Investigators](#) unless invited to do so.
- vii. All parties are expected to speak on their own behalf without representation by their advisor. Advisors may not make presentations to the Title IX Investigators. Advisors may confer quietly with their parties or do so in writing if needed. Longer consultations should be conducted during a break. Additionally, the institution does not guarantee equal advisory rights for each party. For example, although the institution will provide an advisor to either or both parties, it is not obligated to provide an attorney to any party who cannot afford one when the other party is.
- viii. The institution does not typically schedule meetings to accommodate an advisor's schedule, but will consider reasonable provisions to include an advisor who cannot be present in person for the investigation.

#### E. Questioning and Further Investigation

- ii. The [Decision Maker\(s\)](#) may question individual parties and [Witnesses](#).
- iii. If at any point the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend or delay a decision pending additional investigation or fact finding, then reconsider the [Evidence](#) in a timely manner.
- iv. Any additional investigative procedures and interviews conducted by the Decision Maker(s) will be documented and maintained as part of the investigate file.

#### F. Resolution

- i. The [Decision Maker\(s\)](#) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate in writing the final determination of responsibility decision as soon as possible after a decision, but typically not longer than five days. The Decision Maker(s) forms all conclusions by

examining all [Evidence](#) from the investigation. Their conclusion is based on the [Preponderance of Evidence](#) standard: If the Evidence indicates that it is more likely than not that [Respondent](#) committed the alleged act(s), then Respondent will be found responsible for violating this policy.

- ii. The [Decision Maker\(s\)'s](#) written decision must include the following information:
  - a) Identification of the allegations potentially constituting [Sexual Misconduct](#);
  - b) A description of the procedural steps taken from the receipt of the [Formal Complaint](#) through the determination, including any notifications to the parties, interviews with parties and [Witnesses](#), site visits, methods used to gather other [Evidence](#), and hearings held;
  - c) Findings of fact supporting the determination;
  - d) Conclusions regarding the application of Grace's code of conduct to the facts;
  - e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary [Sanction](#) imposed upon the [Respondent](#), and whether remedies designed to restore or preserve equal access to Grace's education program or activity will be provided; and
  - f) The procedures and permissible bases for either party to appeal.
- iii. In making a final determination, findings of responsibility for each allegation are determined in the following ways:
  - a. *Substantiated*: It is more likely than not that the [Respondent](#) is responsible for violating the policy.
  - b. *Unsubstantiated*: There is insufficient [Evidence](#) to conclude that it is more likely than not that the Respondent is responsible for violating the Policy. A finding that the allegation is unsubstantiated does not indicate that the complaint was improper, knowingly false, or not made in good faith.
- iv. Making a final determination and any associated [Sanctions](#) is dictated by individual circumstances such as whether the [Respondent](#) is a student or [Employee](#), the [Decision Maker\(s\)](#) may consult with other Grace officials, such as the [Title IX Coordinator](#), VP and Dean of Students, President, or the Respondent's supervisor.

#### G. Appeals Process

- i. If either party disagrees with the outcome of the [Decision Maker\(s\)'s](#) determination, they may file a written appeal with the [Title IX Coordinator](#) within ten days of receiving the Decision Maker(s)'s written decision.

- ii. Appeals may be filed due to:
  - a) A procedural irregularity that affected the outcome.
  - b) New [Evidence](#) being discovered that was not reasonably available at the time of the determination or dismissal.
  - c) 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 of the [Investigator\(s\)](#) or [Decision Maker\(s\)](#).
- iii. The appeal [Decision Maker](#), who is not the [Title IX Coordinator](#) or the [Investigator](#), will examine all evidence in order to determine if the appeal has merit. The Decision Maker will make an unbiased, objective conclusion as to the appeal's merit, issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to both parties within five days of the written appeal. The appeal Decision Maker's decision will be final.

#### **IX. Recordkeeping**

- A. Grace shall maintain all records relating to [Formal Complaints](#) of [Sexual Misconduct](#), as well as all training materials used under this Policy, for seven years.

## APPENDIX A: HARASSMENT AND DISCRIMINATION TERMS

The following definitions relate to any complaint of harassment, [Discrimination](#), or [Sexual Misconduct](#). In some cases, they are federal or administrative definitions used to further protect those experiencing harassment, Discrimination, and sexual or other violence and may be considered when making [Title IX](#) determinations.

Terms specific to Title IX violations of [Sexual Harassment](#), [Sexual Assault](#), [Dating Violence](#), [Domestic Violence](#), and [Stalking](#) are defined in the [Title IX Policy](#) and will be applied to the investigative and determination processes associated with these complaints.

### **Age of Consent**

The age of consent in Indiana is 16; however, Indiana has a “Romeo and Juliet law” that permits 14 and 15- year-olds to engage in non-forced sexual activity with peers who are under the age of 21 and no more than 4 years older than themselves<sup>6</sup>.

### **Age Discrimination Act of 1975**

The Age Discrimination Act prohibits [Discrimination](#) on the bases of age in programs or activities receiving Federal financial assistance. Specifically, that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to Discrimination under any program or activity receiving Federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements. The Age Discrimination Act is enforced by the Civil Rights Center, which administers and enforces policies of the Department of Labor.

### **Assault**

An intentional act that causes someone to have reasonable fear of imminent bodily harm. For cases involving actual bodily harm, see “Battery.” Aggravated assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Physical assault will be addressed under the [Title IX Policy](#) if it involves sexual or gender-based harassment, [Dating](#) or [Domestic](#) Violence or is part of a course of conduct under the “[Stalking](#)” definition.

### **Battery**

Intentional and wrongful physical contact with a person causing injury or offensive touching. Battery includes rape, whether or not accompanied by force, “date rape” or “acquaintance rape.” (See also “Domestic Battery”).

### **Bias**

Bias refers to language and/or behaviors that explicitly or implicitly target individuals or groups because of, but not limited to, others’ actual or perceived identity (e.g., color, disability, ethnicity, gender, gender identity and expression, national origin, race, religion, sexual

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<sup>6</sup> Indiana Code 35-42-4-9

orientation, national origin, age, marital status, personal appearance, sexual orientation, family responsibility, matriculation, or political affiliation).

Bias incidents may be a single or ongoing instance of behavior, action, or practice that marginalizes, mocks, demeans, intimidates, or [Threatens](#) individuals or groups based on their actual or perceived membership in a protected class.

The expression of an idea or point of view may be offensive or inflammatory to some, but may not necessarily be a bias-related incident. Grace values freedom of expression and the open exchange of ideas and, in particular, the expression of controversial ideas and differing views is a vital part of academic discourse. While this value of openness protects controversial ideas, it does not protect harassment or expressions of bias or hate aimed at individuals who violate the expectations of conduct by employees and students.

### **Bullying**

Overt, unwanted, repeated and/or severe, aggressive behavior intended to harass, ridicule, humiliate, [Intimidate](#), control or diminish another person physically or mentally, or cause harm to the individual or bystanders, and that is not speech or conduct otherwise protected by the First Amendment. It causes harm and may include aggressive communication, humiliation, or manipulation as well as isolation, dehumanization, and disempowerment. Bullying creates an objectively hostile environment that:

1. Places the other person in reasonable fear of harm,
2. Has a substantially detrimental effect on the other person's physical or mental health,
3. Has the effect of substantially interfering with the other person's academic performance or work, *OR*
4. Has the effect of substantially interfering with the other person's ability to participate in or benefit from the institution's educational programs.

Bullying is *not* interpersonal conflict, disagreements, misunderstandings, incivility, rudeness, or unprofessionalism<sup>7</sup>.

### **Coercion**

Coercion is the implicit or explicit application of pressure that unreasonably interferes with one's ability to exercise free will. This includes [Intimidation](#), implied [Threats](#), cajoling, or unreasonable pressure for [Sexual Activity](#) or to compel someone to do something against their will by the use of psychological pressure, physical force, or Threats of severely damaging consequences, including undue inducement or any form of force, fraud, constraint, deceit, or duress<sup>8</sup>. Decisions to not participate in a form of sexual intercourse or sexual contact, to stop participating, or to not go beyond a certain sexual interaction is coercive if the pressure is unreasonable. In determining whether coercion was used, the institution will consider the frequency, duration, and intensity of the pressure and the degree of isolation of the person

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<sup>7</sup> cf. IC 21-39-2-2.1

<sup>8</sup> cf. IC 16-41-6-2

being pressured. Coercion is more than an effort to persuade or attract another person to engage in [Sexual Activity](#). Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain consent from another.

### **Disability Harassment**

The U.S. Department of Education defines Disability Harassment as unwelcome conduct based on a student's actual or perceived disability. Disability Harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability-motivated physical threats, attacks, or other hateful conduct. It includes [Intimidation](#) or abusive behavior based on disability that creates a hostile environment by interfering with or denying an individual's participation in or receipt of benefits, services, or opportunities in the institution's educational or employment programs.

### **Disciplinary Probation**

As defined by the *Student Handbook*, a conditional student status for a designated time period during which additional violations of community life standards will be treated more severely. Specifics associated with disciplinary probation are outlined in the handbook.

### **Discrimination**

Unfavorable treatment or actions (harassment) that deprive other members of the [Grace Community](#) of educational or employment access, benefits, or opportunities on the basis of race, color, national origin, age, sex, disability, or other legally protected category.

### **Domestic Battery**

A person commits domestic battery if they knowingly or intentionally<sup>9</sup>:

1. Touch a family or household member in a rude, insolent, or angry manner or
2. In a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member, OR
3. Cause bodily injury.

### **Employee**

For the purposes of Duty to Report policies, an "Employee" is defined as regular full-time and part-time employees of Grace Schools. Student employees may be subject to employee [Sanctions](#) if found responsible for a policy violation.

### **Evidence**

Information upon which a reasonable individual might rely when investigating responsibility for a policy violation. Evidence may include copies of texts, images, or other content from social media accounts; surveillance footage; documents; audio or video recordings; other physical Evidence; or relevant information that will help with the investigation of the complaint.

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<sup>9</sup> IC 35-42-1-3

## **Equity**

The quality of being fair or impartial.

## **Force**

Violence, [Threats](#), compulsion, [Physical Violence](#), or constraint exerted by any means that overcomes free will, overcomes resistance, or produces [Consent](#). [Sexual Activity](#) that is Forced is by definition [non-consensual](#), but non-consensual Sexual Activity is not by definition Forced.

## **Formal Investigation**

The process by which [Investigators](#) conduct interviews, collect [Evidence](#) and information, and typically implement safety measures related to reports that may result in a conclusion of a policy violation and [Sanctions](#). These investigations include those related to [Title IX](#) violations of [Dating](#) or [Domestic](#) violence, [Sexual Assaults](#), or [Stalking](#); reports of a [Discriminatory](#) or hostile environment; or reports that pose serious risk to the [Complainant](#) or [Grace Community](#), but may occur in other situations as determined by the [Title IX Office](#) or other [Investigator](#).

## **Gender-Based Harassment**

The U.S. Department of Education defines Gender-Based Harassment as unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical [Threats](#), attacks, or other hateful conduct.

## **Hate Crimes**

As of this current version of the *Nondiscrimination and Equal Opportunity Policy*, the State of Indiana does not have a Hate Crimes law. Federal law mandates, however, that colleges annually report certain crimes that occur on campus or near campus (i.e., the Clery Act<sup>10</sup>). These crimes must be reported as Hate Crimes if there is evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. Hate Crimes that are reported through this federal process are murder, sex offenses (both forcible or nonforcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter (negligent and non-negligent), arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

## **Hazing**

[Forcing](#) or requiring another person, with or without the [Consent](#) of the other person, and as a condition of association with a group or organization, to perform an act that creates a substantial risk of bodily injury<sup>11</sup>, psychological harm or social ostracism when related to admission into, initiation into, pledging of, affiliating with, or joining any group, club, or activity.

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<sup>10</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, signed in 1990, is a federal statute codified at 20 U.S.C. § 1092, with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46.

<sup>11</sup> cf. IC 35-42-2-2.5

## **Hostile Environment Caused by Sexual Harassment**

The U.S. Departments of Education and Justice defines a Hostile Environment as an occurrence where “there was harassing conduct that was sufficiently serious – that is, sufficiently severe or pervasive – to deny or limit a student’s [or employee’s] ability to participate in or benefit from the school’s program based on sex.”

In determining whether this denial or limitation has occurred, Grace will use the following subjective and objective perspectives provided by the U.S. Department of Education:

1. The type of harassment (e.g., whether it was verbal or physical)
2. The frequency and severity of the conduct
3. The age, sex, and relationship of the individuals involved (e.g., teacher-student, or student-student)
4. The setting and context in which the harassment occurred
5. Whether other incidents have occurred at the college
6. Other relevant factors<sup>12</sup>

[Sexual Assault](#) ([Non-Consensual Sexual Contact](#), [Non-Consensual Sexual Intercourse](#)), [Sexual Exploitation](#), [Dating Violence](#), [Domestic Violence](#), or [Stalking](#) indicates that a hostile environment requiring institutional response under [Title IX](#) has occurred.

## **Incapacitation**

An inability to [Consent](#), such as due to the use of drugs or alcohol, involuntary physical restraint, when a person is asleep or unconscious or is unaware that activity of a sexual nature is taking place, or because of an intellectual or other disability that prevents the individual from having the capacity to give Consent. Incapacitation is determined by a person’s decision-making capacity, awareness of consequences, and ability to make informed, rational judgments.

1. When in doubt, individuals should assume that the other person is incapacitated and unable to give consent.
2. [Consent](#) cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).
3. Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
4. This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.

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<sup>12</sup> <https://www.justice.gov/sites/default/files/opa/legacy/2013/05/09/um-ltr-findings.pdf>



5. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates any of this Policy.
6. Being impaired by alcohol or other drugs is never a defense to any violation of this policy.

In evaluating cases of Incapacitation, the institution will ask whether the person initiating any type of [Sexual Activity](#) knew that the other party was Incapacitated and, if not, whether a reasonable person based on similar circumstances have known the other person was substantially impaired. If the answer is “yes” to either question, then [Consent](#) was absent and the conduct is likely a violation of this policy.

### **Intent**

That which is done for the purpose of causing a particular result or with the knowledge that the result is likely to occur. The individual does not have to want the result to occur if he/she is, or should be under all the circumstances, aware that the result is likely to occur.

### **Intimidation**

Communication of a [Threat](#) to another person, with the [Intent](#) that the other person engage in conduct against the other person’s will or that the other person be placed in fear of [Retaliation](#) for a prior lawful act<sup>13</sup>. Implied [Threats](#) or acts that cause another to reasonably fear harm. A person’s size alone does not constitute Intimidation; however, a person’s size may be used in a way that constitutes Intimidation (e.g., blocking an exit).

### **Institutional Sanctions**

[Sanctions](#) consistent with the conditions of a student’s disciplinary probation (e.g., loss of leadership positions) as well as others such as loss of honors society membership, prohibiting applying for campus employment positions of authority, not walking in commencement, or not providing letters of reference. Disciplinary probation is described further in the *Student Handbook*. Commensurate institutional [Sanctions](#) may be applied to [Employees](#) based on individual circumstances.

### **Other Misconduct**

The following misconduct violates institutional student and employment policies if severe and pervasive enough to cause an adverse effect on employment or education on the basis of any protected characteristics.

- A. [Discrimination](#)
- B. Hazing
- C. Threatening physical harm
- D. Causing physical harm
- E. Extreme verbal abuse
- F. Hate speech or actions

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<sup>13</sup> cf. Indiana Code 35-45-2-1

- G. Bullying/cyberbullying
- H. Vandalism
- I. Destruction of/damage to property
- J. [Intimidation](#)
- K. Conduct that may endanger the health or safety of others

### **Physical Violence**

One person exerting control over another person through the use of physical [Force](#). Examples include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

### **Privileged Communication and Confidential Sources**

Privileged and confidential communication about [Title IX](#) and [Sexual Misconduct](#) matters lies with the following Grace employees:

- A. Licensed counselors or interns supervised by one in the Grace College Health and Counseling Center
- B. Administrative staff in the Grace College Health and Counseling Center
- C. Dean of the Chapel (campus chaplain)
- D. Campus nurse
- E. Grace College athletic trainers

Confidentiality only extends to these employees when they are functioning in the role for which they were hired, not when they are in another capacity (e.g., when the campus chaplain is teaching a course as a faculty member). Other faculty and staff with similar credentials do not have privileged communication related to [Title IX](#) and [Sexual Misconduct](#) complaints because they were not hired to fulfill the role for which they are credentialed.

There are some situations in which even those with privileged communication may be required by law to bring certain matters to the attention of law enforcement. For example, counselors are required by law to report when an individual is a threat to harm himself/herself/others, including suicidal and homicidal thoughts and child or sexual abuse.

### **Protected Characteristics**

Race, color, national origin, age, sex, or disability in the administration of Grace's educational, scholarship, and loan policies. Race, color, sex (except when it is a bona fide occupational qualification), pregnancy, age, ancestry, national origin, disability, citizenship status, military status, genetic information or other protected class in administration of Grace's employment policies.

### **Responsibility**

An act for which someone is determined to be accountable, to blame, or to have caused harm for something.

## **Sanctions**

Consequences or disciplinary action, including date of its imposition and its duration, taken by the institution for actions not in accordance with its student and employee policies and standards.

## **Section 504 of the Rehabilitation Act of 1973**

A federal law enforced by the Office of Civil Rights designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . ."

## **Sexual Activity**

Sexual touching of body parts that is intimate in nature. Sexual Activity by definition is not [Sexual Assault](#), but Sexual Assault necessarily involves Sexual Activity.

## **Sexual Misconduct**

A broad term encompassing an array of improper sexual behavior, including unwelcome behavior of a sexual nature that does not otherwise meet the definition of [Sexual Harassment](#). Although not necessary components of Sexual Misconduct, it may be committed without [Consent](#), by the use of [Intimidation](#) or manipulation, or when there is some aspect of personal power or authority that makes it inappropriate. Unlike the definition of Sexual Harassment, it may be severe, pervasive, or objectionably offensive. Sexual Misconduct consists of a range of statements, behavior, or attempted behavior.

## **Threats**

Words or actions that would compel a reasonable person to engage in unwanted sexual or other activity. Examples include [Intimidation](#), causing physical harm, extreme abuse, revealing private information to harm a person's reputation, or other conduct that threatens or endangers the health, safety, academic, or economic well-being of another person.

## **Unconscious Bias**

Social attitudes or stereotypes about certain groups of people that affect understanding, actions, and decisions and are formed outside conscious awareness. Implicit social cognition.

## **Violence Against Women Act (VAWA)**

A broad-based law formulated in 1994 in response to the increasing violence against women in America, notable for calling attention to the issues of [Sexual Assault](#), [Dating Violence](#), [Domestic Violence](#), and [Stalking](#).

**Witness**

Bystanders who directly observed the situation reported, those with priority knowledge about the situation but who may not have been directly present, or others with information necessary to [Investigators](#) to document and/or fully understand the complaint.

## APPENDIX B: RELATED POLICIES

Employee, faculty, and student policies related to nondiscrimination, Harassment, and Equity include, but are not limited to, the following, which are available in their respective handbooks:

### Employee Handbook

- A. Acceptable Use (computer usage)
- B. Administrative Leave
- C. Anti-Harassment
- D. Complaints and Grievances
- E. Community Standards
- F. Corrective Action/Work Rules
- G. Drug-Free/Alcohol-Free Workplace
- H. Employee Sanctions
- I. Equal Employment
- J. Family and Medical Leave Act (FMLA)
- K. Human Sexuality
- L. Personal and Consensual Relationships
- M. Reasonable Accommodation
- N. Social Media

### Faculty Handbook

- A. Academic Freedom
- B. Computer Usage
- C. Faculty Grievances
- D. Termination and Non-Renewal of Employment Agreements

### Students

- A. Policies specific to students and related to nondiscrimination, harassment, and equity are in the Student Handbook located on the portal and in student affairs, as well as in program-specific academic catalogs, which may be obtained on the web site or upon request from the department chair or school dean.
- B. Policies specific to students with disabilities are available from the Coordinator of Disabilities Services.
- C. Guidelines regarding community living, student attitude, and conduct expectations are also available in the *Student Handbook*.

### Administrative Policies (on the portal and from the administration and compliance office)

- A. Protection of Minors in Campus Programs
- B. Mandatory Reporting

## APPENDIX C: COMPLAINT INVESTIGATION CHART

The purpose of this chart is to clarify the relationship between the Grace College and Seminary offices related to investigation of complaints involving [Discriminatory](#) practices, [Bias](#), or [Sexual Harassment](#) or [Misconduct](#) since some complaints overlap departments depending on who makes the complaint and the nature of the complaint.

Grace will typically apply the following procedures when investigating formal complaints regarding Discrimination or harassment that may involve multiple departments, but reserves the right to assign other investigators to best serve the needs of the parties involved.

### Guidance in Following Complaint Procedures

A variety of [Employee](#) or student concerns may arise on campus, such as dissatisfaction with working conditions or an academic course; unequal treatment; lack of response to requests for educational or workplace assistance or accommodation; conflicts with a co-worker, supervisor, roommate, or peer; or [Sexual Harassment](#) or [Misconduct](#), [Bias](#), or [Discriminatory](#) practices.

The [Complaint Notification Form](#) on the [Student Right to Know page](#) of the institution's web site can be used to make general complaints as well as complaints about Bias, Discrimination, or Sexual Harassment.

### General Complaints

- A. General complaints that are *not* related to [Sexual Misconduct](#) or [Discrimination](#), such as those related to academics, financial aid, institutional practices, work performance, or conduct other than Sexual Misconduct, should follow the general grievance and complaint procedures outlined in the employee, faculty, or student handbooks or the course syllabus.
- B. Some offices have existing processes to appeal decisions related to discipline, financial aid, and other institutional practices, which are *not* a part of this *Complaint Investigation Procedure*.

### Title IX and Sexual Misconduct Complaints

- A. Grace's stand-alone [Title IX Policy](#) details how an investigation into a complaint of [Sexual Harassment](#) occurs.
- B. Complaints associated with the possible violation of [Sexual Misconduct Policies](#) are also led by the [Title IX Office](#).

### Procedures for Complaints

- A. All complaints associated with [Discrimination](#), [Bias](#), or [Sexual Harassment](#) or interpersonal violence are to be reported first to the Administration and Compliance

Office, which will maintain a master list of complaints and determine, in consultation with other departments or administrators, if and how any investigation may proceed.

Carrie Yocum  
VP of Administration and Compliance  
Title IX Coordinator  
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372-5100 x6491  
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- B. Responses to complaints by or against an employee typically involve Human Resources regardless of the nature of the complaint.
- C. Investigations and inquiries led by the [Title IX Office](#) follow the procedures outlined in the institution's [Title IX Policy](#), which is contained within this document as well as available on the institution's [web site](#) and portal.
- D. Investigations and inquiries led by the Human Resources Office follow the procedures outlined in the employee and/or faculty handbooks as well as other relevant institutional policies. Both handbooks are available on the institution's portal. The employee and faculty handbooks are also available in the human resources and academic offices respectively.
- E. Investigations and inquiries led by the Student Affairs Office follow the procedures outlined in the *Student Handbook* as well as other relevant institutional policies. The student handbook is available on the institution's portal and in the student affairs office.
- F. The procedure to investigate complaints by a third party against a student or [Employee](#) will be determined by the Administration and Compliance Office in consultation with human resources, student affairs, the president, or other offices depending on the nature of the complaint.

### **Chart of Investigators**

The offices that typically conduct the complaint inquiry or investigation are noted in the following tables.

In cases in which there is contradiction between who the primary and secondary investigators are, the nature of the complaint will typically take precedence.

## Assigned Investigators

1 = primary office to investigate or inquire

2 = second investigator

3 = alternate second investigator depending on nature of complaint or consultation needed

EMPLOYEE COMPLAINTS						
If the complaint is by an employee about:	Investigation or inquiry will likely be done by:					
	Title IX	HR	Stud Affrs*	Supervisor	Disabilities	Other*
1. Sexual harassment	1	2				
2. Sexual assault	1	2				
3. Stalking	1	2				
4. Domestic violence	1	2				
5. Dating violence	1	2				
6. Workplace violence	2	1		3		
7. Age discrimination	2	1		3		
8. Pregnancy discrimination	1	2		3	3	
9. Racial discrimination	2	1		3		
10. Disability discrimination	2	1		3	3	
11. Hazing	1	2		3		3
12. Other discrimination		1				2
13. A student*	3	1	2			
14. An employee	2	1		3		
15. A vendor or other known third party	2	1		3		

\*Note: Student affairs if the complaint involves a student.

STUDENT COMPLAINTS						
If the complaint is by a student about:	Investigation or inquiry will likely be done by:					
	Title IX	HR	Stud Affrs	Supervisor	Disabilities	Other*
1. Sexual harassment	1					
2. Sexual assault	1					
3. Stalking	1					
4. Domestic violence	1					
5. Dating violence	1					
6. Workplace violence		2	1	3		
7. Age discrimination	1		2			3
8. Pregnancy discrimination	1				2	3
9. Racial discrimination	1		2			3
10. Disability discrimination	1		2			3
11. Hazing	1		2			3
12. Other discrimination	1					2
13. A student	1		2			
14. An employee	1	2		3		
15. A vendor or other known third party			1	2		

\*Note: "Other" may include the program or department in which the discrimination is alleged, such as athletics or an academic program, or an individual such as the special assistant to the president for minority students or the coordinator of disabilities services.