

Taylor University Policy Prohibiting Discrimination On the Basis of Sex and Gender

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I. Introduction

A. Taylor University Context

Taylor University is a community of Christians intentionally joined together for academic progress, personal development and spiritual growth. The mission of Taylor University is to develop servant leaders marked with a passion to minister Christ's redemptive love and truth to a world in need. Together we seek to honor Him by integrating biblical faith and learning while our hearts and lives embrace the process of maturing in Christ.

As an institution of Christian higher education we believe that it is imperative to provide a safe and nurturing environment for all students, faculty, staff and campus visitors. Providing a living and learning environment that is free from sexual harassment, assault or any form of sexual violence. This is based on our biblical conviction that all humans are created in God's image and are therefore of immeasurable value and worthy of protection. And in addition that as Christians we are called not only to right belief but also to right conduct. We believe that insuring a safe environment free from sexual violence is essential to our covenant commitment to foster spiritual and personal development for our students This policy is in place to care for and protect our community from harm. It also complies with Federal law (Title IX, Campus SAVE act, and VAWA). The purpose is to provide standardized policy in keeping with the requirements in current legislation. It is also to set clear definitions and to be a resource to university officials as they work together to better protect and serve the Taylor University students, faculty, staff, and visitors to which this policy applies. The University is also committed to ensuring that others who may have a connection to our community do not subject its students and employees to harassment. Accordingly, this policy applies to visitors, management and non-management employees, vendors, and others with whom we have a relationship. A violation of this policy or inappropriate conduct that threatens to violate this policy may result in disciplinary action up to and including, suspension, expulsion, and/or termination.

B. Scope

Taylor University is committed to the highest standards of Biblical conduct and intentional Christian, covenant community.

With that commitment in mind the University intends to maintain an academic environment and a workplace free of discrimination based on race, color, sex, national origin, age, citizenship, veteran status, or disability in matters of admissions, employment, housing, or any aspect of the educational programs or activities it offers. As a religious institution, Taylor University retains the right to make employment, admission, and educational decisions on the basis of an individual's religious beliefs and conduct consistent with the Life Together Covenant and applicable law. The University does not tolerate and prohibits

discrimination, harassment, sexual harassment, domestic violence, dating violence, stalking, or sexual assault committed against any member of its community. The University will take prompt and equitable action to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

Sexual and other harassment is a form of misconduct, which undermines the integrity of the educational and/or employment relationship. Harassment is not only offensive, but it may also harm morale and interfere with the effectiveness and ability to fulfill responsibilities to students and others the University serves. All students and employees must be allowed to learn and/or work in an environment free from unsolicited and unwelcome sexual overtones and harassment in any form.

This policy applies to University-sponsored programs and activities occurring both on and off campus, including employment and the University's computing and network resources being used on and off campus. This also includes, but is not limited to: local and global missions programs, study-abroad programs, internships, and use of University email accounts. If an incident of sexual misconduct involving a member of the Taylor community occurs at a non-university sponsored event or off-campus, and when such conduct may have a significant adverse impact on the individual or on the campus community, the procedures of this policy will apply.

C. Important People to Know

1. On Campus

Any complaint or question regarding Title IX or the University's policy prohibiting discrimination, harassment, sexual misconduct, and relationship violence should be directed to any of the Title IX Officers identified below.

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours.

Title IX Coordinator

Jesse Brown, Dean of Students, 765.998.5344, jesse_brown@taylor.edu,
Boren Campus Center 221

Title IX Deputy Coordinators

Scott Barrett, Director of Residence Life, 765.998.4917,
scott_barrett@taylor.edu, Boren Campus Center 222

Jess Fankhauser, Assistant Director of Athletics, 765.998.5317,
jessica_fankhauser@taylor.edu, Second Floor Odle 209

Ron Sutherland, Special Assistant to the President, rnsutherl@taylor.edu,
765.998.5118, Sickler Hall 118

Other Resources

Jeff Wallace, Chief of Police, 765.998.5396, jfwallace@taylor.edu, Boren
Center 175

Caroline Poland (Confidential Resource), Director of Counseling Center,
765.998.5222, caroline_poland@taylor.edu, Boren Center 257

Taylor University Health Center (Confidential Resource), 765.660.7520,
1801 South Main Street, Upland, IN 46989

Jon Cavanagh, Campus Pastor (Confidential Resource), 765.998.5360,
jon.cavanagh@taylor.edu, Boren Center 251

2. Off Campus Resources

National Sexual Assault Hotline: 1-800.656.HOPE (4673): Information
and referrals for rape, sexual assault, dating, and domestic violence.

A Better Way 24-hour crisis Hotline (Muncie): 765.288.HELP (4357)

II. Definitions and Examples of Conduct Prohibited Under this Policy

A. Discrimination

Discrimination is unequal, adverse treatment of an individual because of his or her protected status. For instance, giving two similarly situated individuals different pay, opportunities for advancement, or educational opportunities may constitute discrimination if the reason for the different treatment is the sex or gender of one of the individuals.

B. Harassment

Harassment is unwelcome, hostile, or inappropriate conduct directed toward an individual because of his or her sex or gender. Such conduct may violate this

policy if it (1) has the purpose or effect of creating an intimidating, hostile, or offensive working, living, or learning environment for the affected individual, or (2) substantially interferes with that individual's working, living, or learning environment.

Examples of discrimination and harassment may include (but are not limited to) the following:

- jokes or epithets about another person's sex or gender;
- teasing or practical jokes directed at a person based on his or her sex or gender;
- the display or circulation of written materials or pictures that degrade a person or group based upon sex or gender;
- refusing to offer employment or educational opportunities to someone because of the person's sex or gender; and/or
- making an employment or academic decision because of the person's sex or gender.

The University is committed to fostering a work and educational environment that is free from prohibited discrimination and harassment. To that end, the University will take necessary measures in response to any alleged or suspected violations of the policy.

Any student, employee, or community guest who engages in prohibited discrimination or harassment will be subject to appropriate disciplinary action, up to and including termination in the case of employees, or suspension or expulsion in the case of students, depending on the seriousness of the conduct in question, past conduct history, and surrounding circumstances.

Employees and students of the University should be aware that the issue of whether conduct constitutes harassment or discriminatory conduct may depend, in part, on whether the conduct is viewed by the person who is subject to the conduct as unwelcome or offensive. Thus, any employee or student who initiates or persists in this type of conduct could be subject to discipline even if such behavior might not have been intended to be offensive.

C. Sexual Harassment

Sexual harassment, which includes sexual assault and sexual violence, may take many forms. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The person making a complaint (the "Complainant") and the alleged perpetrator (the "Respondent") may be of either gender and need not be of different genders. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature where:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education, status in a position of

employment or an academic course or program, or participation in any University activity;

- submission to, or rejection of such conduct by an individual is used as the basis for a decision affecting an individual's employment or education, status in a position of employment or an academic course or program, or participation in any University activity; or
- such conduct is intended to or would objectively be regarded by a reasonable person as (i) unreasonably interfering with an individual's job performance or academic performance in a course or program, or participation in any University activity, or (ii) creating an intimidating, hostile, or offensive work, learning, or educational environment.

Without compiling an exhaustive list, the following examples illustrate, but are not limited to, the type of conduct that the University condemns and prohibits under this policy:

- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts;
- Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body in a sexual nature;
- Offering or implying a job or education-related reward (such as a pay increase, a favorable employment evaluation, a job promotion, a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- Sending digital messages (i.e. text messages, emails, tweets, snapchats, etc.) that contain unwelcome sexual advances or requests for sexual favors;
- Threatening or taking a negative employment or educational action (such as a reduction in pay, a negative employment evaluation, or a demotion, giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected;
- The use or display in the workplace or classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical or other justification; and
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

D. Stalking

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

For the purposes of this definition, "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; "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

E. Domestic Violence

Domestic violence means violence committed by the victim's current or former spouse, intimate partner, current or former cohabitant, or person similarly situated; person with whom the victim shares a child in common; or anyone else protected under domestic or family violence law.

F. Dating Violence

Dating violence means violence committed by a person who has been in a social relationship of a romantic or intimate nature with the Complainant. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

G. Sexual Assault

Sexual assault or sexual violence are a particular type of sexual harassment that includes physical sexual acts perpetrated without consent of both individuals involved or where a person is incapable of giving consent due to the victim's incapacitation due to the consumption of drugs, alcohol, or other mind or mood altering substances. This includes, but is not limited to, inappropriate touching, sexual intercourse of any kind without consent, rape, attempted rape by an individual against that individual's free will, the intentional touching of the intimate parts of another, or causing the other to touch one's intimate parts, including over clothing, removing the clothing of another person, or kissing, incest, and statutory rape. Intimate parts may include the breasts, buttocks, genital area, abdomen, inner thigh, or mouth. Sexual assault includes having sexual contact with a victim while knowing or having reason to know that the victim was incapacitated due to alcohol and/or drug consumption or was otherwise unable to consent.

H. Definition of Consent

Consent means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity. It is an active agreement and cannot be coerced. Consent must be mutual and ongoing, and must be given for every sexual act. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Consent cannot be assumed and is never implied, even in a current or previous dating or sexual relationship. Consent can be withdrawn at any time. Absence of protest, passivity, or silence is not consent. The absence of “no” does not mean “yes”.

Consent is an affirmative, voluntary, conscious decision, clearly communicated, in words or by voluntary actions that are unmistakable in their meaning. Within a community that prohibits premarital and extramarital sexual activity, any confusion or ambiguity about consent should be clearly communicated, and morally responsible behavior should be the norm.

I. Amnesty

The University will provide amnesty for individuals who may be hesitant to report a sexual assault violation out of fear that they themselves or others may be accused of violating other University policies, such as drinking or using drugs at the time of the incident or the presence of consensual sexual interactions. Educational options and accountability may be explored, but no conduct proceedings or conduct record (for students) or disciplinary actions (for employees) will result.

J. Incapacitation

Incapacitation also constitutes lack of consent. Incapacitation is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent. Under current Indiana law, intercourse is generally considered to be committed by force and against a person’s will if: the person is unconscious; the person is asleep; the person is drugged or intoxicated; the person is frightened or intimidated; or the person is mentally impaired or deficient so that he or she cannot agree to the act. Engaging in any form of sexual activity with someone who is incapacitated constitutes sexual assault.

III. Reporting Alleged or Suspected Violations of the Policy

An individual who has a complaint against a student, employee, or other individual (including a third-party vendor or visitor) involving an alleged violation of this policy has several reporting options. An individual may make a confidential report to one of the individuals identified under “Confidential Reporting” below, who are confidential sources due to the nature of their professional responsibilities. A report made to one of these individuals will not be disclosed to the Title IX Coordinator without the individual’s permission (except in certain limited circumstances, such as if there is concern the individual will

cause serious physical harm to self or others or the information concerns conduct involving suspected abuse or neglect of a minor). Alternatively, an individual may make a report to any of persons identified under “Official Reporting” below. These individuals are obligated to notify the Title IX Coordinator of the complaint and allegations, but will treat the information privately (which means that the information may be shared with a limited number of people who “need to know” in order to assist in the assessment, investigation, and resolution of the complaint).

If the complaint involves a Title IX Coordinator or a Title IX Coordinator is not available, complaints should be directed to one of the Title IX Deputies or Title IX Investigators.

Official Reporting	Confidential Reporting
<ul style="list-style-type: none"> • Report the incident to the Title IX Coordinator or a Deputy Coordinator: Jesse Brown, Dean of Students, 765.998.5344, jesse_brown@taylor.edu, Boren Campus Center 221 Scott Barrett, Director of Residence Life, 765.998.4917, scott_barrett@taylor.edu, Boren Campus Center 222 Jess Fankhauser, Assistant Director of Athletics, 765.998.5317, jessica_fankhauser@taylor.edu, Second Floor Odle 209 Ron Sutherland, Special Assistant to the President, rnsutherl@taylor.edu, 765.998.5118, Sickler Hall 118 • Report the incident to the Dean of Students or a member of the Residence Life Staff: • Report to a trusted University employee who will report the incident to the Title IX Coordinator • Report the incident to Taylor University Campus Police Boren Center 171, 765.998.5555 	<ul style="list-style-type: none"> • Report the incident to a confidential support person on campus including: University Counseling Center Caroline Poland, Director of Counseling Center, 765.998.5222, caroline_poland@taylor.edu, Boren Center 257 Campus Pastor, Jon Cavanagh, 765.998.5360, jon.cavanagh@taylor.edu, Boren Center 251 • Report the incident to a confidential support person off campus: Taylor University Health Center 765.660.7520, 1801 South Main Street, Upland, IN 46989 <i>National Sexual Assault Hotline: 1-800.656.HOPE (4673): Information and referrals for rape, sexual assault, dating, and domestic violence.</i> <i>A Better Way 24-hour crisis Hotline (Muncie): 765.288.HELP (4357)</i>

In addition to contacting the appropriate Title IX Coordinator or Deputy Coordinator, a student, employee, or other individual who has experienced a sexual assault or other act of sexual violence is encouraged to contact proper law enforcement authorities (e.g., by calling 911 or Taylor University Campus Police), including local police, about possibly filing a criminal complaint. Complainants are also free to explore whether they might be able to obtain a judicial no-contact order, restraining order, protective order, or similar lawful order issued by a criminal or civil court or Campus Police. The appropriate Title IX Coordinator, Deputy Coordinator, or Campus Police is available to assist students, employees, and others in making contact with appropriate law enforcement authorities upon request, or to assist individuals who have further questions about these issues. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the University's investigation, but the University will maintain regular contact with law enforcement and commence its own investigation as soon as is practical under the circumstances. The University reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. The University will also implement interim measures during any law enforcement agency's investigative period when the University has temporarily deferred its investigation to assist and protect the safety of the Complainant and the campus community and to prevent retaliation.

The University also encourages all individuals who feel they have been victims of sexual assault, domestic violence, dating violence, or stalking to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention helps preserve the full range of options, including the options of working through the University's Investigation and Adjudication Procedures and/or filing criminal complaints.

The University's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the Complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the University's access to information relevant to the alleged or suspected violation of this policy. The University is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances.

The University reserves the right to investigate any alleged or suspected violation of this policy even if the Complainant requests the University not to do so. Such action would be taken if it is determined that failing to investigate the situation may inhibit the University's ability to provide a safe and nondiscriminatory environment for all students and employees. Instances where the University may conduct an investigation even if the Complainant requests for the University not to do so include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of discrimination, harassment, or

sexual misconduct. Examples of such circumstances include, but are not limited to, the following: other complaints about the same alleged perpetrator, a history of prior similar behavior from the alleged perpetrator, a report that the alleged perpetrator threatened further harm, a report that gives reason to believe that the alleged perpetrator may be likely to cause future harm, a report that the incident was committed by multiple perpetrators, or a report that the incident reveals a pattern or perpetration at a given location or by a particular group (e.g., a recurring party).

A. Individuals Required to Report

All University employees (except Confidential Resources like the Counseling Center), including faculty, staff, coaches, resident directors and administrators, have a responsibility to promptly report to the Title IX Coordinator any potential sexual misconduct or violations of this policy of which they become aware so that the University can respond appropriately. Graduate assistants, and leaders who have a supervisory responsibility or other responsibility for student welfare are also required to report to the Title IX Coordinator any sexual misconduct that is reasonably believed to be in violation of this policy. Any employee who receives a report of sexual misconduct must share the report with a member of the Title IX Team. No employee is authorized to investigate or resolve complaints of sexual misconduct without the involvement of the Title IX Coordinator.

B. Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred:

1. Ensure that You are Safe

- If you are in immediate danger, call 911.
- Get to a safe place and seek support from someone you trust.

2. Seek Medical Attention

- All services regarding sexual assault are free
- *Blackford Hospital*: 410 Pilgrim Blvd, Hartford City, IN 47348
765.348.0300
- *Marion General Hospital*: 411 N Wabash Ave, Marion, IN
765.660.6000
- *Ball Memorial Hospital*: 2401 W University Ave, Muncie, IN 47303,
765.747.3111
- *Taylor University Health Center*: 1801 South Main Street, Upland, IN
46989, 765.660.7520

3. Preserve Evidence

- Do not wash, eat, drink, douche, clean, use the bathroom (if possible), or change clothes. Save evidence in a clean paper bag.

- Do not dispose of digital evidence such as text messages, emails, videos, or voice messages.

4. Report the Incident

- To report to the police: *Taylor University Police 765.998.5555*
- To report incident to Taylor University Officials
 - Report the incident to a responsible party including a hall director, trusted faculty member, or other trusted Taylor University employee.
 - Report incident to the appropriate Title IX Coordinator or Deputy Coordinator. The appropriate Title IX Coordinator can assist a student or employee in filing a complaint. If the victim is concerned about confidentiality, the Title IX Coordinator will keep the person's personal information as confidential as possible.
 - The Title IX Coordinator will assist the person in notifying Campus Police or local law enforcement, if the person so requests.
- A victim has the right to decline to notify any of the above authorities.

5. Seek Support

For confidential places of support including guidance on reporting the incident:

- For students:
 - *University Counseling Center* at 765.998.5222
 - *Upland Health and Diagnostics* at 765.660.7520
- For students and employees
 - *National Sexual Assault Hotline: 1-800.656.HOPE (4673):* Information and referrals for rape, sexual assault, dating, and domestic violence.
 - *A Better Way 24-hour crisis Hotline: 765.288.HELP (4357)*

Complainants have the right to request orders of protection including no contact orders issued at the request of Student Development and/or Human Resources and enforced by Campus Police. Complainants also have the right to seek restraining orders or similar lawful orders issued by a criminal or civil court.

C. Time Period for Reporting

The University encourages reports of discrimination, harassment, and/or retaliation in violation of this policy to be made as promptly as possible, which is generally within 60 days of the incident. Although there is no time limitation on the filing of complaints, prompt reporting is key to maximizing the University's ability to respond promptly and effectively, provide remedies and support, determine disciplinary action if appropriate, and prevent further harm to those at risk. If the Respondent is no longer a student or employee, the University may

not be able to take action against the Respondent, but it will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects, when appropriate.

IV. Resolution Process

A. Investigation and Adjudication Procedures

The following investigation and adjudication procedures apply to all suspected or alleged violations of this policy and will be carried out by designated University officials. If a complaint includes allegations or an individual files multiple complaints that could invoke more than one University policy or procedure, the University shall determine in its discretion what process it will use to resolve the complaint or complaints, and shall notify all parties of its determination. In addition, the University may, upon finding good cause, modify these investigation and adjudication procedures in the interests of promoting full and fair resolution of suspected or alleged violations of this policy in accordance with applicable law. If a complaint is filed against a Title IX Coordinator, a University Vice President, or the University President, or involves circumstances deemed by the University in its discretion to be extraordinary or particularly sensitive, the University may appoint independent investigator(s) and/or adjudicators to ensure the investigation and adjudication process is both impartial and thorough.

An investigation should normally be completed within sixty (60) calendar days after the University has notice of an allegation of prohibited conduct or violation of law. Any time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames for investigations, including extension beyond sixty (60) days. Such circumstances may include the timeframe from date of incident to date first reported, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. Upon receiving a complaint, the initial response will be an immediate and reasonable assessment of the level of safety for the individual and the campus community.

As part of the investigation, the Investigators will seek to interview the Complainant and the Respondent. To ensure a prompt and thorough investigation, Complainants are asked to provide as much information as possible, such as:

- The name, department, and/or position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the Complainant's opportunity to benefit from the University's programs or activities.

- The names of other individuals who might have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the Complainant has taken to try to stop the alleged discrimination, harassment, or retaliation.
- Any other information the Complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

Respondents are also expected to provide all requested information in connection with the investigation.

The Complainant has the right to decline the following: to participate in an investigation; to appear in a proceeding with the Respondent present; or to otherwise confront the Respondent during the grievance process, including during any hearings or appeals. The parties may not directly question each other or any witness during the grievance process, including during any hearings or appeals.

The University reserves the right to suspend any member of the University community suspected or accused of violating this policy or to take any other interim measures the University deems appropriate, pending the outcome of an investigation or complaint. Such interim measures can include, but are not limited to, removing a student, employee, or other individual from campus, modifying course schedules, and issuing a “no contact” order. Any such interim steps will be taken in a manner that minimizes the burden on the Complainant to the extent possible and respects the rights of all involved parties. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the interim measures.

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by the University and in the community. Students and employees also will be provided with written information about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, as well as a copy of this policy. They will also be informed that the University shall make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

B. Rights of Complainants and Respondents

The University shall provide any individual suspected or accused of violating this policy with a written explanation of the suspected or alleged violations of this policy or other policies of the University. Complainants and Respondents shall both be provided with the following in connection with the resolution process of suspected or alleged violations of this policy:

- A copy of all relevant policies procedures, which apply to the allegation(s);
- Information regarding their rights: the University's commitment to confidentiality wherever possible; campus support resources (i.e., counseling and chaplain's office); reporting options, including the right to file a complaint with the local police; and the University's policy against retaliation;
- Information about how the University will protect the confidentiality of Complainants, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about Complainants, to the extent permissible by law;
- Written notification of existing counseling, health, mental health, victim advocacy, legal assistance, chaplain and pastoral care support, and other services available for victims of sexual assault, domestic violence, dating violence, and stalking both on campus and in the community;
- Written notification of existing counseling and chaplain and pastoral care support available to Respondents;
- The opportunity to speak on their own behalf;
- Provisions for the prompt, fair, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- Updates from the University regarding the status of the investigation;
- The opportunity to submit other information on their behalf;
- The opportunity to review any information that was considered when making a decision, to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") and other applicable laws, as well as timely and equal access to any other information that will be used during any informal or formal disciplinary proceedings;
- The opportunity to be accompanied by an advisor. For all cases, the advisor may not speak on behalf of the individual during, or participate directly in, meetings or other proceedings, because the purpose of the advisor is to provide support;
- The opportunity to request the University to take reasonable and necessary action to prevent further unwanted contact of Complainant with the Respondent including, but not limited to, the immediate relocation of the Complainant to safe alternate housing and transfer of classes, if requested, if such changes are reasonably available;
- The opportunity to request other changes to their academic, living, transportation, and working situations if requested and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the alleged policy violation to campus police or local law enforcement;
- The right to be informed of the outcome of the investigation and any proceeding simultaneously/contemporaneously and in writing (to the greatest extent possible and consistent with FERPA or other applicable

- law);
- The opportunity to appeal the outcome/results of the investigation and any information regarding any change to the results that occurs prior to the time that such results become final and when such results will become final.

In certain situations despite a Complainant's desire not to proceed in a formal investigation the University may decide that it is necessary to proceed with the formal investigation in order to keep the campus community safe. If the University believes that there has been a pattern of behavior or that there is a predatory nature to the concerns, University officials may decide to begin a formal investigation outlined below. In these situations a member of the University may choose to move forward as a Complainant bringing allegations against an individual in order to maintain the safety of the community at large. The Complainant may choose not to participate in the investigation or request that his or her name not be disclosed to the Respondent and the University will do its best to maintain the confidentiality of this individual but preserving the Complainant's anonymity may limit the University's ability to respond fully to the incident, including pursuing disciplinary action against the Respondent.

The University will evaluate confidentiality requests in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the community. The University may consider the following factors in making this determination: (1) the seriousness of the alleged harassment; (2) the age of the individual harassed; (3) whether there have been other complaints or reports of harassment against the alleged harasser; and (4) the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.

C. Procedures for Informal Resolution

Although the University's general grievance process allows for an informal resolution process, an informal process is not appropriate for most violations of this policy. An informal resolution process has been established to quickly address situations that have not become escalated and will only be used if the parties voluntarily agree to do so. As such, if an individual feels that his/her grievance is most effectively addressed through an informal process, he/she should make this known in the reporting process. Please note that incidents of sexual misconduct, sexual assault and rape are not appropriate to process through this informal step, and there is no expectation that the victim meet with or 'work things out' with the Respondent. Furthermore, when filing a grievance related to sexual harassment, the Complainant is not required to have a conversation with the Respondent, even if the matter is processed at this informal step.

An informal resolution is coordinated by the Title IX Coordinator or Deputy Coordinator. This process can include mediated conversations, written communication shared through a mediator, or other forms of interaction that

would look to insure that alleged behavior would not happen in the future; however, the Complainant will not be required to resolve the problem directly with the Respondent.

Both parties must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process.

D. Procedures for Formal Investigation

- 1. Preliminary Meeting.** The Title IX Coordinator or his designee will meet with the individual alleging a violation of this policy also known as the Complainant. This meeting will provide the Complainant with a copy of this policy, written notification that interim measures are available during the University's investigation and how to request such interim measures, determine what if any interim corrective measures need to be taken, and inform the Complainant of the process moving forward.

When a complaint is received the University will provide appropriate interim action to prevent further acts of misconduct, or safeguard the wellbeing of the Complainant, the accused, or the broader campus community while the investigation is in process, and to ensure equal access to the University's education programs. The University will determine the necessity and scope of any interim measure. Such measures may include: ensuring access to counseling and medical services; issuing a campus no-contact order; providing alternative work arrangements such as adjusting work schedules or supervisors; providing access to appropriate academic support, such as tutoring or permission to withdraw from or retake a class, or providing alternate living arrangements, or any other remedy that can be used to achieve the goals of this policy. All University personnel are expected to cooperate with whatever interim measures are deemed necessary by the University.

- 2. Assignment of Investigator(s) and/or Adjudicator(s).** The Title IX Coordinator will assign Investigator(s) and/or Adjudicator(s). All Investigators and Adjudicators have received training in conducting Title IX investigations. For matters involving alleged or suspected sexual assault, sexual violence, domestic violence, dating violence, or stalking, the assigned Investigator(s) and/or Adjudicator(s) shall be trained in the investigation of, and other issues related to, domestic violence, dating violence, sexual assault, stalking and other misconduct covered by this policy; shall not have a conflict of interest or bias for or against any parties involved in the potential policy violation; and shall have received at least annual training on issues related to sexual assault, domestic violence, dating violence and stalking. The names of the Investigator(s) and/or Adjudicator(s) will be communicated by the appropriate Title IX Coordinator or Deputy to the Respondent and to the Complainant. The Complainant and Respondent should raise any concerns regarding the

Investigator(s) and/or Adjudicator(s) (e.g., bias, conflict of interest) to the appropriate Title IX Coordinator or Title IX Deputy Coordinator for consideration.

3. **Notice of Investigation.** The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the commencement of an investigation. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time, location, and nature of the alleged prohibited conduct; (3) identify potential policy violations; (4) identify the Investigator; (5) include information about the parties' respective expectations under the policy and these procedures; (6) explain the prohibition against retaliation; (7) identify the timeframe for the parties to respond; and (8) inform the parties that the investigation may proceed without the participation of either party.
4. **Investigation and Report.** The Investigator(s) will, to the extent possible, individually interview the Complainant, Respondent, and any witnesses as they deem appropriate, and also gather pertinent information related to the alleged incident (e.g., texts, emails). Following the interviews and after collecting all pertinent information, the Investigator(s) will complete an official report that will document the allegations, responses to the allegations, and witness testimony.
5. **Sharing of Report.** Following the completion of the report by the investigators the report will be shared separately with both Complainant and Respondent by the Title IX Coordinator. Both Complainant and Respondent have the right to submit a written response to this preliminary report to the Title IX Coordinator with a written document of no more than 500 words. This response must be received within three (3) days of the communication of the preliminary report. Following a three (3) day period to allow for written responses the Title IX Coordinator will submit the preliminary report and any written responses by the Complainant and Respondent to the Adjudicator assigned to the case. The Title IX Coordinator may also follow up with the investigators to address questions raised by any Complainant or Respondent written responses.
6. **Decision.** The preliminary report will be delivered to the assigned Adjudicator(s). The Adjudicator(s) will review the report, determine whether the policy was violated, and issue a decision including whether to impose sanctions. The report will be reviewed for consistency and clarity by Title IX Coordinator.

The standard used to determine whether this policy has been violated is whether it is more likely than not that the Respondent violated this policy. This is often referred to as a "preponderance of the evidence" standard. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this policy, but some

potentially problematic conduct is revealed, alternative preventative action and educational programming may be taken.

7. **Notification to Parties.** After the conclusion of the investigation, appropriate Title IX Deputy Coordinator will provide the Letter of Decision to the Complainant and the Respondent, which will state whether a violation of this policy has occurred and any proposed sanctions or other corrective actions. The Letter of Decision will include the rationale for the outcome and explanation of any applicable appeal procedures. This notice shall be issued contemporaneously/simultaneously to both parties to the extent practicable. The Title IX Deputy Coordinator will also disclose to the Complainant information about any sanctions or corrective actions taken in response to the finding(s) and conclusion(s) of the investigation. In matters involving an alleged violation of this policy, the Complainant and Respondent will not be prohibited from disclosing the outcome.

8. **Sanctions, Corrective Actions, and Remedies.** The Adjudicator(s) will determine whether a violation of this policy has occurred and propose any sanctions or other corrective actions that are consistent with this policy and the student conduct policies. Sanctions for employees who are found to violate this policy will be determined in consultation with Human Resources. The University will take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). Examples of potential sanctions or corrective actions that may be imposed in the event of a policy violation include but are not limited to the following:
 - written or verbal apology,
 - mandatory training or counseling,
 - verbal or written warning,
 - issuing a “no contact” order or other contact restrictions or boundaries,
 - disciplinary probation,
 - suspension (for employees, with or without pay), and/or demotion.
 - students may be expelled from the University
 - employees may be terminated or subject to other disciplinary action.

Students and employees who have been expelled or terminated, respectively, may be issued a “No Trespass Order,” which prohibits individuals from being present on any University property. Guests and other third parties who are found to have violated this policy are subject to corrective action deemed appropriate by the University, which may include a “No Trespass Order” and termination of any applicable

contractual or other arrangements. If the University is unable to take disciplinary or other corrective action in response to a violation of this policy due to the offending individual being a non-community member, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

9. **Right to Further Review (Appeal).** Once written notification of the outcome of the investigation as described above has been provided, both the Complainant and the Respondent will have the opportunity to request further review of the outcome (including the issue of whether there is a policy violation and any proposed sanctions). If neither party seeks further review, as described below, the outcome, including any proposed sanctions, will be implemented and considered final.

Any request for further review must be submitted in writing to the University representative who informed the Complainant and the Respondent of the outcome and any sanctions within five (5) business days of being notified of the outcome, and must set forth the grounds upon which the request for further review is based. Upon receiving of the written appeal the Title IX Coordinator will make a determination as to whether the reason for appeal meets one or more criteria described below. Should it not meet one of these criteria the Title IX Coordinator will notify the appealing party of this determination. When an appeal is received the non-appealing party will be notified of this appeal and will have the opportunity to participate equally in the appeal process.

All appeals will be heard by the Vice President for Student Development or his designee. A request for an appeal must be based on one or more of the following reasons:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., bias or material deviation from established procedures)
2. To consider newly discovered evidence unavailable during the original investigation that could substantially impact the original finding or sanction. This does not include evidence that was available to the party presenting the evidence but not offered to the investigators. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed are grossly disproportionate (i.e., excessively harsh or excessively lenient) given the offense or the cumulative conduct record of the responding student or employee.

Any information included in the appeal that does not apply to the above three reasons for filing an appeal will not be considered in the appeal process. After reading the investigation report, appeal letter, and other

pertinent information the appeals officers will make a decision within 10 business days of receiving the appeal and any related information, unless a determination is made that more time is necessary. If more time is needed, the Respondent and the Complainant will be notified.

The decision of the appeals officer will be provided to both parties contemporaneously/simultaneously in writing and will be final.

10. Timeline for Formal Investigation

Investigations into alleged violations of this policy are designed to provide a fair, equitable, and timely resolution. As recommended by the department of education, Taylor University will seek to complete investigations within 60 calendar days of an official complaint. In certain situations, due to the nature of the investigation (i.e. number of interviews, additional information, or additional evidence) or the academic calendar (semester breaks) investigations may take longer than 60 days. If this is the case, both Respondent and Complainant will be kept apprised of the situation. Typical timeline within the 60-day timeline includes:

- Preliminary Meeting (1 Day)
- Assigning of Investigators (2-4 Days)
- Investigation and Preliminary Report (5-40 Days)
- Sharing of Preliminary Report and Written Response (1-3 Days)
- Decision (5-10 Days)
- Notification of Findings (1 Day)

While appeals do not fall within this 60-day timeline. Appeals will be heard in a timely manner.

E. Retaliation Prohibited

Title IX prohibits retaliation. No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation exists when action is taken against a Complainant or participant in the complaint process that (i) adversely affects the individual's opportunity to benefit from the University's programs or activities; and (ii) is motivated in whole or in part by the individual's participation in the complaint process. The University will take steps to prevent retaliation and will take strong responsive actions if retaliation occurs. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including dismissal for students and termination of employment for employees.

If an individual believes he or she has been the victim of retaliation or retaliatory harassment, he or she should report the conduct in accordance with the provisions in this policy.

F. Confidentiality

The University will abide by the Family Educational Rights and Privacy Act (FERPA) maintaining the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy, provided that it does not interfere with the University's ability to conduct an investigation and take any corrective action deemed appropriate by the University.

V. Educational Programs

The Taylor University Police Department and the University Counseling Center offer several educational seminars that are specifically designed to prevent the occurrence of sexual assault. Seminars are offered to student, faculty, and staff groups upon request. Contact the Taylor University Police Department to schedule seminars.

Additionally:

- The Taylor University Police Department provides an escort service during hours of darkness for person(s) who may be walking on campus. Call 765.998.5555 to request an escort.
- Crime prevention materials are made available to students, faculty, and staff upon request. Crime awareness posters are periodically distributed on campus.
- The Taylor University Police Department provides the community with timely reports of crimes committed on or off campus considered to be a threat to students or employees through campus bulletins, The Echo (the weekly school newspaper), residence hall directors, and announcements in classes and chapels.

VI. Structure

Title IX Flow Chart

