

# Taylor University Policy Prohibiting Sexual Harassment

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## Introduction

Title IX protects persons from sexual harassment based on sex in education programs or activities that receive Federal financial assistance. Title IX 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 education program or activity receiving Federal financial assistance.

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. 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 responds to sexual harassment 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. As Christians we are called not only to right belief but also to right conduct.

Taylor University will complete a thorough and unbiased investigation and adjudication of all reported allegations of sexual harassment, dating violence, domestic violence, sexual assault, and stalking. All participants will be treated equally and equitably. All supportive measures will be available to all participants before, during, and after the investigation. Taylor University’s process presumes non-responsibility of the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation.

## **Scope**

Title IX prohibits harassment, sexual assault, dating violence, domestic violence and stalking within the education programs and activities where Taylor University exercises substantial control over both the respondent and the context in which the sexual harassment occurred. This includes all sexual harassment included in any education program or activity and extends to admission and employment.

The scope of this policy extends to off-campus conduct if the behaviors occurred within the University's operations, off-campus building owned or controlled by TU or a TU organization, and may extend to online TU programs. At the time of filing a formal complaint, a student or employee complainant must be participating in or attempting to participate in an education program or activity of Taylor University.

This policy applies to allegations that occur within the United States. If an allegation occurs outside of the United States, the University will still seek to stop the behavior, prevent its reoccurrence and remedy the effects with an investigation and adjudication through an alternate process. Regardless of where sexual harassment, sexual assault, dating violence, domestic violence or stalking occurs, the University will diligently seek a resolution.

Taylor University is committed to the highest standards of Biblical conduct and intentional Christian, covenant community. As a religious institution, Taylor University retains the right to make employment, admission, and educational decisions based on personal religious beliefs and conduct consistent with the Life Together Covenant and applicable law.

TU may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Alternate Investigation Process**

The University will investigate any allegations of sexual harassment. The University will dismiss for Title IX purposes all or part of a formal complaint if it determines at any time that the conduct alleged (1) would not constitute sexual harassment as defined in this policy (even if proved), (2) did not occur in the University's education program or activity, or (3) did not occur against a person in the United States. Following dismissal for Title IX purposes, the University will investigate through an alternate Student Development or Human Resources process.

The University may dismiss all or part of a formal complaint for Title IX purposes if (1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint, (2) the respondent is no longer enrolled or employed by the University, or (3) circumstances prevent the University from gathering evidence sufficient to reach a determination as to the allegations in a formal complaint.

If a complaint is dismissed for Title IX purposes, the University will send written notice of dismissal and the reason(s) for dismissal simultaneously to both parties. However, the University may still investigate the facts and details of an allegation to determine pattern or access to the University's programs or campus.

## Definitions for Title IX Process

Below are two sections of definitions. The first section relates to an investigation process. The second section defines prohibited behaviors.

**Adjudicator / Adjudication.** An adjudicator is someone who decides if a policy violation occurred. During an investigation, one or more adjudicators review the evidence, participate in the hearing and come to a conclusion of either “insufficient evidence” or “responsible” of a policy violation. Adjudication is the process of determining a conclusion.

**Advisor.** During a Title IX investigation, a live question and answer occurs where an advisor asks questions about the allegations on behalf of the complainant or respondent. The advisor is unique to the live question and answer but may be the same person as the support person (see “Support Person” and “Appendix A” below).

**Amnesty.** Students may be hesitant to report a sexual assault or harassment allegation for fear that they or others may be accused of engaging in conduct in violation of Taylor University’s other policies, like drinking or using drugs at the time of the incident or because of previous or current consensual sexual interactions. To encourage reporting, students reporting and participating in an investigation—with the exception of the respondent—may be offered amnesty and may not be subject to disciplinary action due to consumption of alcohol, drug use, or consensual intimate activities at or near the time of the incident, or prior consensual sexual interactions, provided that such conduct did not and does not place the health or safety of any other person at risk. The University may initiate developmental approaches or pursue educational remedies regarding alcohol, drugs, or intimate activities after the investigation is complete.

**Complainant.** The person who is alleged to be the victim of conduct that could constitute sexual harassment is the “complainant”. A complainant may be male or female. The complainant and respondent may be the same or different sex.

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

Consent is not assumed. Consent is not implied, even within a current or previous dating or sexual relationship. Consent may be withdrawn at any time. Absence of protest, or silence, is not consent. Passivity is not consent. The absence of “no” is not a “yes.”

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

**Emergency Removal.** Taylor University may remove a respondent from its education program or activity on an emergency basis if, after undertaking an individualized safety and risk analysis, it determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Taylor University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Taylor University may also place non-student employee respondents on administrative leave while a Title IX grievance process is pending.

**Formal Complaint.** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Taylor University investigate the allegation of sexual harassment. A formal complaint requires the actual or electronic signature of the complainant or Title IX Coordinator. This can be submitted in-person, through e-mail, letter or online reporting system. The Title IX Coordinator can assist in completing this documentation. In some circumstances where pattern or predation exist and the complainant is not willing to file a formal complaint, the Title IX Coordinator may submit a formal complaint. In this case, the Title IX Coordinator is not the complainant but is acting on behalf of the safety of the community while maintaining confidentiality of the alleged complainant.

**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, asleep, drugged or intoxicated, frightened or intimidated, or 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.

**Investigator / Investigation.** When a complainant makes a formal complaint against a respondent, the allegation is investigated by one or more investigators. The investigator(s) will attempt to interview the complainant, respondent, and witnesses. The investigator(s) also will seek to obtain additional evidence provided by the participants, such as text message or social media posts. The investigator(s) compiles all of the relevant evidence related to the allegations into a report. After this report is reviewed by the complainant and respondent, the adjudicator(s) receives a copy of the report.

**Respondent.** The person who has been reported to be the perpetrator of conduct that could constitute sexual harassment is the respondent. The respondent may be male or female. The respondent and complainant may be the same or different sex.

**Responsible Reporter.** All University employees (except the Counseling Center and Campus Pastor), including faculty, staff, coaches, resident directors, and administrators, are responsible reporters. This means they have a responsibility to promptly report to the Title IX Coordinator any allegations of sexual harassment.

Graduate assistants and student leaders who have a supervisory responsibility or other responsibility for student welfare, are also responsible reporters and, therefore, required to report allegations of sexual harassment to the Title IX Coordinator. No employee is authorized to investigate or resolve complaints of sexual harassment without the involvement of the Title IX Coordinator.

**Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Taylor University's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on Taylor University – Title IX Policy – *last updated August 2024*

contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. TU will maintain confidentiality of the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Support Person.** The complainant, respondent and witness can all bring a support person to any meetings associated with the investigation. A support person may or may not fill the role of an advisor in the live question and answer. A support may or may not be an attorney. The support person cannot speak on behalf of the participant but is available to provide support and care. If the support person attempts to disrupt the interviews, the support person may be asked to leave the meeting. The coordinator will be flexible in accommodating to the support person's schedule. However, the coordinator is responsible to proceed with the investigation and adjudication in a timely manner. If the support person is unable to join meetings in a timely manner, the participant may need to seek a different support person.

Following FERPA guidelines, the coordinator will not communicate with support persons or other persons outside of the participants without a signed FERPA release.

**Witness.** A witness is someone who either first-hand witnessed the event(s) or witnessed the complainant or respondent soon after the event(s). For example, a witness was present in the room or picked up / counseled / administered first aid / intervened with the complainant within a reasonable time of the event(s). A witness is not a character witness. For example, "S/he would not do XYZ because s/he isn't that sort of person."

### **Definitions of Title IX Prohibitive Behaviors**

The prohibited behaviors at Taylor University include dating violence, domestic violence, sexual assault and stalking as defined by the Clery Act and the Violence Against Women Act. Sexual harassment is prohibited and defined by Title IX.

**Dating Violence.** Dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence.** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the State of Indiana, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the State of Indiana.

**Sexual Assault.** Sexual assault includes the Federal Bureau of Investigation's definitions of rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.

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

Sexual Assault With An Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.

Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.

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

Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment.** Sexual harassment is defined as conduct on the basis of sex that meets one or more of the following criteria:

1. An employee of Taylor University conditioning the provision of an aid, benefit, or service of Taylor University on an individual’s participation in unwelcome sexual conduct. Quid pro quo relates only to employees. Quid pro quo harassment by a student will be investigated outside of Title IX.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity (hostile environment). Examples of harassment may include (but are not limited to) the following:
  - Numerous jokes, teasing or epithets about another person’s sex;
  - Circulation of written materials or pictures that degrade a person or group based upon sex;
  - Attempted sexual harassment;
  - Multiple incidents of 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;
  - Multiple messages (i.e. text messages, emails, tweets, snapchats, etc.) that contain unwelcome sexual advances or requests for sexual favors;
  - 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.

- Multiple incidents of gossip that is sexual in nature.
3. Sexual assault, dating violence, domestic violence or stalking as defined by The Clery Act and the Violence Against Women Act

**Stalking.** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) 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. A “reasonable person” means a person under similar circumstances and with similar identities to the complainant. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **What Should You do if You Experience Sexual Harassment?**

Below are some available steps if you or someone you know experienced sexual harassment.

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.

1. 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, 765.770.0650
2. 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.
3. Seek support through a trusted friend, University employee, or counseling center.
4. Contact the Title IX Coordinator.
5. Campus police can discuss filing a criminal complaint. Complainants are free to explore whether they can obtain a judicial no-contact order, restraining order, or similar lawful order issued by a criminal or civil court or Campus Police. 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 practical under the circumstances.

## Reporting an Alleged Violations of this Policy

An individual making a report or complaint of sexual harassment against a student, employee, or other individual (including a third-party vendor or visitor) has several reporting options. A formal complaint or report of an allegation of sexual harassment, including sexual assault, dating violence, domestic violence or stalking, can be made with the Title IX Coordinator in person, by mail or e-mail, or through the Taylor University online reporting system.

The Title IX Coordinator is:  
Skip Trudea, Vice President for Student Development  
Student Development Office, Boren Student Center  
236 W. Reade Ave, Upland, IN 46989  
[titleix@taylor.edu](mailto:titleix@taylor.edu) // 765.998.5338 (office)  
[www.taylor.edu/makeareport](http://www.taylor.edu/makeareport)

An individual may make a report to any Taylor University employee, all of whom are considered Responsible reporters. Responsible reporters are obligated to promptly notify the Title IX Coordinator of any allegations that have been raised to them.

A report can also be made with a confidential resource (underlined below). 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).

Counseling Center  
765.998.5222  
Boren Campus Center #250  
[counselingcenter@taylor.edu](mailto:counselingcenter@taylor.edu)

Greg Dyson, Vice President for Spiritual Life  
and Campus pastor  
[Greg\\_Dyson@taylor.edu](mailto:Greg_Dyson@taylor.edu)



## **Time Period for Reporting**

The University encourages reports of sexual harassment be made as promptly as possible. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the educational program or activity of the University. Prompt reporting is essential for the University's ability to respond promptly, provide supportive measures, and determine measures of accountability (if necessary).

## **Resolution Process**

The following investigation and adjudication procedures apply to all alleged violations of this policy and facilitated by University officials. If a formal complaint is filed against a Title IX Coordinator, a University Vice President, or the University President, or involves circumstances deemed by the University to be extraordinary or particularly sensitive, the University may appoint trained independent investigator(s) and/or adjudicator(s) to ensure the investigation and adjudication process is both impartial and thorough.

An investigation will be completed in a timely manner after a formal complaint is filed. "Taylor University will strive to complete the resolution process within 75 days of the filing of a formal complaint." Circumstances may arise that require additional time for investigations. 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 persons, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

The University may remove a student respondent from the University's education program or activity on an emergency basis if, after an individualized safety and risk assessment, it determines that an immediate threat exists to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. The University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. The University may place an employee respondent on administrative leave during the pendency of a grievance process.

The University has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. The University may use a participant's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity if the participant gives written and voluntary consent to do so. If the participant is not an eligible student and is under 18 years of age, then the University must obtain the voluntary, written consent of a "parent." Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

## **Procedures for Formal Investigation**

**Preliminary Meeting.** After a report is made, the Title IX Coordinator or her / his designee will meet with the complainant to listen to the report of an alleged violation of the Title IX policy. The coordinator serves the process, the complainant, the respondent, the witnesses, and facilitators. The coordinator's primary responsibility is to facilitate an equitable and timely resolution to an allegation of sexual harassment.

At the initial meeting with the complainant, the coordinator will provide the complainant with a copy of this policy and outline the available supportive measures. The coordinator will ask the complainant about the details of the allegation at the level of comfort for the complainant and schedule additional meetings if necessary. The role of the coordinator in the initial conversations is to discuss supportive measures and methods for making a formal complaint. The coordinator will begin an assessment of the level of safety for the individual and the campus community.

If the complainant chooses not to file a formal complaint, the coordinator, in the coordinator's discretion, may choose to do so.

The respondent is presumed not responsible for the alleged behavior. The determination of responsibility is made at the conclusion of the investigation and adjudication process.

**Assignment of Investigator(s) and Adjudicator(s).** The Title IX Coordinator will assign the investigator(s) and adjudicator(s). The investigator(s) and adjudicator(s) have received training in conducting Title IX investigations, sexual misconduct and trauma.

If the complaint involves employee-employee allegations (and the complainant doesn't want to file a formal complaint), the Title IX coordinator will not file a formal complaint, either, but will refer the matter to HR.

**Notice of Investigation.** The Title IX Coordinator will notify the complainant and respondent, in writing, of the allegations in the formal complaint potentially constituting sexual harassment, including details known at the time, including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident. The notice will also include any other provision in a policy that may be implicated by the allegations in the formal complaint. It also will identify the investigator(s) and adjudicator(s). During all interviews, the University expects participants to share honest accounts of the alleged activities and is guided by the Life Together Covenant. *As a Christ-centered University community we apply biblical responsibilities for honesty to all forms of integrity. The University expects truthfulness and fidelity to be expressed in every learning context.* (Luke 16:10; Ephesians 4:25).

Lastly, the written notice will also include participant expectations, a prohibition against retaliation, available supportive measures, a timeframe of investigation, and a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process. Participants will also be notified of the right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence in connection with the formal complaint.

**Investigation.** The investigator(s) will individually interview the complainant, respondent, and any witnesses to accurately include the account(s) of the allegation(s) for the investigator(s)' report. All participants will have time to prepare for the interviews. All participants have equal opportunity to provide inculpatory testimony and evidence (incriminates or places responsibility on someone) and exculpatory testimony and evidence (justifies or exonerates an accusation of responsibility). The University recognizes the difficulty of sharing intimate or difficult details. The investigator(s) will interview participants respectfully and compassionately to support the participants and gather relevant information about the incident(s).

The complainant, respondent and witness can all bring a support person to any meetings associated

with the investigation.

Participants will work with the coordinator and his / her designee to schedule the time with the investigator(s), participant and support person. The investigation and adjudication must move in a timely manner. Invitations will include a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the participant to prepare to participate.

Investigator(s) may interview witnesses as recommended by the participants. The complainant and respondent have equal opportunity to present witnesses.

During an interview, the complainant may provide additional allegations different from the initial meeting. If this occurs, the coordinator will provide the additional allegations to the respondent in a timely manner before the respondent's interview.

If sensitive photographs are included in the investigation, the Coordinator and investigator(s) will determine appropriate steps to note the sensitive photographs and maintain personal modesty.

**Close of Evidence.** Before the Review of Directly Related Evidence (next step), all participants may submit any additional evidence not previously included during the interview(s). Any additional evidence may be used by the investigator(s) in writing the investigator(s)' report.

**Review of Directly Related Evidence.** Before completion of the investigative report, the coordinator will send to the complainant and respondent and their respective advisors, if any, the evidence directly related to the allegations in an electronic format or a hard copy. This may include text messages, e-mails, social media posts, photos, police reports or WIFI access point records. However, evidence that is not directly related to the allegation will be redacted.

Prior sexual history of either participant may be included if it is directly related to the allegation(s). Privileged information or medical records will only be released with written consent.

The coordinator and investigator(s) will determine what evidence is directly related to the allegation(s). The complainant and respondent will have ten (10) business days to submit a written "review of evidence" to the coordinator or his/ her designee. Participants are encouraged to highlight specific details related to the allegations for inclusion in the report. If a written response is not submitted timely to the coordinator or her / his designee, the investigator(s) will complete the report without the respective participant's review of evidence response. Participants will be required to sign a confidentiality statement (available through the Title IX Coordinator). Disclosing information included in the review of evidence may be considered retaliation.

**Investigator(s)' Written Report.** The investigator(s) will review any written reviews of evidence, and other evidence and create an investigative report that fairly summarizes relevant evidence.

Relevant information includes but is not limited to verbatim re-telling of the details, witness affirmation / rejection, electronic communication and social media interactions. The report will be reviewed for consistency and clarity by the Title IX Coordinator.

**Review Investigator(s)' Report.** After the investigator(s)' report is completed, a copy will be sent to the complainant, respondent and respective advisors, if any, for review and written "review of report" response. Parties will receive the report at least ten (10) business days before any hearing. The complainant and respondent will have five (5) business days to submit a written "review of report" response. The investigator(s)' report and review of report responses will be given to the adjudicator(s) before the hearing. If a review of report is not submitted to the coordinator or her / his designee, the adjudicator(s) will review the investigator(s)' report without the respective participant's review of the report.

**Live Question and Answer (see Appendix A).** After the investigator(s)' report is completed and the time expired for the review of report to be returned to the coordinator, the University will facilitate a live question and answer among the complainant, respondent, and witnesses, and before the adjudicator(s). The purpose of the live question and answer is to provide the complainant and respondent an opportunity to ask questions through an advisor to the other participant(s). At the live question and answer, the coordinator will facilitate questions and answers between the participants. Participants will be reminded of confidentiality and prohibition of retaliation. Through a participant's advisor, complainant and respondent can ask the other participant and witnesses relevant questions and follow-up questions, including those challenging credibility. Before a complainant, respondent, or witness answers a question, the adjudicator will determine whether the question is relevant. If the adjudicator excludes a question as not relevant, the adjudicator will orally explain their decision to do so. The question and answer will be conducted directly, orally, and in real time by the participant's advisor and never by a participant personally.

**Decision.** The investigator(s)' report, participants' reviews of the report, and evidence gathered at the live question and answer will be used to determine whether or not the respondent violated the Title IX Policy Prohibiting Sexual Harassment.

The standard used to determine whether this policy was violated is "whether it is more likely than not" that the respondent violated the policy. This is often referred to as a "preponderance of the evidence" standard. If the adjudicator(s) concludes that the respondent did not violate the policy or there was insufficient evidence to conclude a policy violation, the adjudicator(s)' decision will be "insufficient evidence" that a policy violation occurred.

If the adjudicator(s) concludes that conduct is revealed that does not violate the Taylor University Policy Prohibiting Sexual Harassment but violates the Life Together Covenant or other Taylor University's policy, alternative accountability or educational programming may occur.

**Notification of Adjudication.** After the conclusion of the investigation, the Title IX coordinator will provide a written notification of adjudication to the complainant and respondent simultaneously. The letter will include: (1) identification of the allegations potentially constituting sexual harassment; (2) 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; (3) findings of fact

supporting the determination; (4) conclusions regarding the application of the Title IX policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and (6) the University's procedures and permissible bases for the complainant and respondent to appeal.

**Sanctions, Corrective Actions (towards the Respondent), and Remedies (towards the Complainant).** If the adjudicator(s) determines that a violation of this policy occurred, the adjudicator(s) will propose any sanctions or other corrective actions consistent with this policy and the student conduct policies. Before determining a sanction, they will inquire of the Title IX coordinator of any aggravating or mitigating circumstances, which may include prior Title IX findings of responsibility, Life Together Covenant violations, or the respondent's demonstrated thoughtful understanding of policy and refined perspective. Prior violation(s) of the Life Together Covenant or Title IX policy will be considered as aggravating circumstance(s) that could potentially increase sanction(s) for a current policy violation.

Mitigating circumstances are not intended to downplay or undermine the fact that the respondent, in every case where this applies, has still nevertheless violated the policy.

Additionally, aggravating circumstances are not intended to escalate the respondent's actions. Different instances of a Title IX violation rarely look exactly the same and, thus, require detailed analysis and consideration before sanctioning. This analysis must include contemplation of case-specific circumstances that either make a violation more or less egregious than other instances of the same violation.

Sanctions for employees who are found to violate this policy will be determined in consultation with Human Resources. Below are potential sanctions or corrective actions that may be imposed in the event of a policy violation:

- 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 suspended or expelled from the University
- Degree rescinded
- "No trespass" may be given where the participant is not permitted on campus without permission
- Employees may be terminated

Remedies for the complainant may include:

- Counseling and mentoring
- Access to the Taylor University Health Center
- Change in housing, classroom or class scheduling (as available)
- Issuing a "no contact" order or other contact restrictions or boundaries
- Police escort from place to place

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 corrective action in response to a violation, the University will pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

**Opportunity for Appeal.** Once written notification of the outcome of the adjudication has been provided, both the complainant and the respondent have the opportunity to request an appeal of the outcome. An appeal is not a re-hearing of the facts in order to receive an alternate conclusion. Nor can the Complainant nor Respondent appeal the sanctions of an investigation. 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. Any appeal must state the grounds upon which the request for further review is based (see below).

Upon receiving 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 appeal adjudicator, who is a Title IX adjudicator not participating in the current investigation. A request for an appeal must be based on one or more of the following reasons:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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 appeal adjudicator will make a recommendation to the Vice President for Student Development within 10 business days who will make the final decision. If more time is needed, the respondent and the complainant will be notified.

If new information is provided, the appeal adjudicator may involve the investigator(s) and adjudicator(s) to determine the facts and impact of the new information.

The decision of the Vice President for Student Development will be provided to both participants in writing and will be final.

**Final Conclusion & Implementation.** The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Retaliation Prohibited.** Retaliation is prohibited. No person may intimidate, threaten, coerce, or discriminate against any individual participating in the Title IX process. Whether the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, retaliation is prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX, constitute retaliation. Taylor University will maintain confidential the identity of any individual who has made a report, complainant, respondent or witness except when notification is necessary for conducting the investigation.

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 they have been the subject of retaliation or retaliatory harassment, they should report the conduct to the Title IX Coordinator.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**Confidentiality.** The University will abide by the Family Educational Rights and Privacy Act (FERPA) in 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.

**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.

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  
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bulletins, The Echo (the weekly school newspaper), residence hall directors, and announcements in classes and chapels.

### **Rights of Complainants and Respondents.**

The University shall provide any participant of the investigation process a copy of this policy. Complainants and respondents will be given the following information:

- A copy of all relevant policies procedures, which apply to the allegation(s)
- 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 available supportive measures and the procedure to request supportive measures;
- The opportunity to speak on their own behalf
- Provisions for the prompt, fair, and impartial investigation of all complaints, including the opportunity for the participants to present witnesses and other evidence
- Updates from the University regarding the status of the investigation
- 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, with the exception of conducting examination and cross- examination at the hearing
- 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 before the time that such results become final and when such results will become final

**Record Keeping.** Taylor University will maintain a record of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment for seven (7) years.



## Appendix A: Live Question & Answer

After the investigator(s)' report is completed and the time expired for the review of report to be returned to the coordinator, *the University will facilitate a live question and answer (Q & A) between the complainant, respondent and witnesses*. Unless both complainant and respondent request a face-to-face Q & A, the Q & A will occur virtually. The University will provide written notice of the date, time, location, participants and purpose of all hearings, interviews and other meetings with sufficient time for the participant to prepare to participate.

**Purpose.** The purpose of the live Q & A is to provide the complainant and respondent the opportunity to ask questions through an advisor to each other and any witnesses. Additionally, the live Q & A provides the adjudicator(s) an opportunity to ask questions and seek clarification. **Participants**

The participants of the Q & A include the coordinator, who will serve as the facilitator, the complainant and his or her advisor, the respondent and his or her advisor, the adjudicator(s), and relevant witnesses. Relevant witnesses will include witnesses determined by the adjudicator(s) or determined by the complainant and respondent. All participating witnesses at the Q & A must be accessible on the day of the Q&A, although they may not be called to answer questions. All participants in the Q & A must have previously been interviewed during the investigation. No one other than the participants to the Q & A may attend, unless necessary to facilitate the Q & A at the discretion of the coordinator.

**Advisors.** Only advisors for the complainant and respondent may ask questions at the Q & A; the complainant and respondent, themselves, cannot question each other or other witnesses personally. If a complainant or respondent does not have an advisor at the Q & A, the University will provide one (who may, but is not required to be, an attorney) without fee. If a complainant or respondent refuses to work with the University-appointed advisor, he or she forfeits their right to cross-examine participants in the Q & A.

**Process.** The coordinator will facilitate the Q & A. Participants will be reminded of the Non-Disclosure Agreement and prohibition of retaliation. Through a participant's advisor, complainant and respondent can ask each other and witnesses relevant questions and follow-up questions, including those challenging credibility. The Q & A will be conducted directly, orally, and in real time by the participants' advisors and never by a complainant or respondent personally.

The Q & A will begin with introductory instructions from the coordinator. Following the opening instructions, the complainant's advisor questioning the respondent and/or the respondent's witness(es) on behalf of the complainant. Then, the respondent's advisor may question complainant and complainant's witnesses. During the process, the adjudicator(s) may ask clarifying questions. Q & A must be respectful, non-abusive and not intimidating.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior (1) are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Before a complainant, respondent, or witness answers a question, the adjudicator(s) must first determine whether the question is relevant and, if the adjudicator(s) determines any question is irrelevant, must explain the decision to exclude it.

Complainant and respondent are not prohibited from conferring with their advisor during the Q & A but he or she must answer any pending question before taking a break to confer with his or her advisor. The role of the advisor is to ask questions, not coach the complainant or respondent.

The University will audio record and transcribe the Q & A, and make the audio transcript available to the complainant and respondent for inspection and review.

Once the Q & A is complete and the adjudicator(s) has no additional questions, the process will be completed. The Adjudicator(s) will not provide a finding or conclusion at the Q & A but will use the investigator(s)' report and information gathered at the Q & A to make a conclusion.

## **Appendix B: Informal Resolution**

An informal resolution process may be used if the complainant and respondent voluntarily agree to participate with written consent. An informal resolution is a confidential process where the participants determine the next steps. Resolutions can be creative and may be accomplished in a more timely fashion than a formal investigation. The Title IX coordinator or his / her designee will serve as an impartial third party and does not have the authority to make a decision. If either participant wants a decision of responsibility or insufficient evidence, they must proceed with a formal investigation. If a student or employee feels that their grievance may most be effectively addressed through an informal process, they can notify the Title IX coordinator at any point during the process.

An informal resolution is not available to resolve allegations that an employee sexually harassed a student. The process for an informal resolution includes:

- 1.) Complainant files a formal complaint including name of the respondent, date, time and details regarding the alleged conduct. The complainant may also provide possible remedies to the alleged conduct.
- 2.) Title IX meets with respondent to share the formal complaint.
- 3.) The complainant and respondent must agree with written consent to participate in an informal resolution in good faith.
- 4.) An informal resolution may include mediated conversations, written communications shared through a mediator, or other forms of safe communication aimed at constructively resolving the concerns.
- 5.) The informal resolution process may result in the following outcomes: facilitating an agreement between the parties, separating the parties, referring the parties to counseling programs, conducting targeted educational and training programs, or mediation.
- 6.) Whether or not a violation of Taylor University's policy prohibiting discrimination based on sex occurred will be given. A request that the alleged behavior does not happen again will likely be part of the resolution.
- 7.) The University anticipates that cases eligible for informal resolution will be completed in a timely manner.

Taylor University cannot require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Similarly, the University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, either participant can withdraw from the informal resolution process and begin the formal process. Withdrawing from the informal resolution also includes withdrawing from any agreements resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. If the parties involved in the informal resolution process fail to reach a mutually agreeable outcome, the concerns will be resolved via the formal investigation process.

## Support Services

Taylor University Counseling Center  
[counselingcenter@taylor.edu](mailto:counselingcenter@taylor.edu) 765.998.5222

### WALK IN HOURS

Walk-in hours are offered at 3:00 pm each day. These are given on a first-come, first-serve basis based on priority of need. Feel free to ask for this if it would be helpful to you at any point. You can call for availability.

### HAVING THOUGHTS OF SUICIDE OR HARMING YOURSELF?

If you are having thoughts of harming yourself or having suicidal thoughts, please immediately walk over to the counseling center (8 am to 5 pm), contact a hall director, call campus police at 765-998-5555, call 988, or call 911. The Suicide Hotline number is **988 or 1-800-273-8255**.

### OTHER IMPORTANT CAMPUS CONTACT INFORMATION

ACADEMIC ENRICHMENT CENTER	765.998.5524
CAMPUS PASTOR – Greg Dyson	765.998.5360
CAMPUS POLICE	765.998.5395 (8 am to 5 pm) or 765.998.5555 (After hours)
TITLE IX COORDINATOR – Skip Trudeau	765.998.5338
HEALTH CENTER	765.770.0650

### LOCAL COUNSELOR REFERRALS

#### Sacred Journey Counseling – Upland

212 W Wright Ave, Upland, IN 46989  
765.997.8046 (Hope Brown)  
[Hope.sacredjourney@gmail.com](mailto:Hope.sacredjourney@gmail.com)

#### Upland Counseling Group – Upland

212 W Wright Ave, Upland, IN 46989  
765.808.5529 (Troy Tiberi)  
[office@uplandcounselinggroup.com](mailto:office@uplandcounselinggroup.com)

#### IWU Graduate Counseling Clinic – Marion

18900 W. 50<sup>th</sup> St., Marion, IN 46953  
765.677.2571  
[www.indwes.edu/adult-graduate/ma-counseling/clinics](http://www.indwes.edu/adult-graduate/ma-counseling/clinics)

#### In the Midst Counseling Services - Fairmount

Located at The Branch - 108 S Main St, Fairmount  
765.293.2936 (Angie Grandlienard)  
[inthemidstcounselingservices@gmail.com](mailto:inthemidstcounselingservices@gmail.com)

**Psychiatrist referrals are also available upon request.**

#### Wabash Friends Counseling – several locations

3563 IN-13, Wabash, IN 46992  
260.563.8453  
[www.wabashfriendscounseling.com](http://www.wabashfriendscounseling.com)

Locations in Marion, Kokomo, and Wabash

#### Still Waters Professional Counseling – Muncie

1904 W. Royal Dr., Muncie, IN  
765.284.0043  
<http://www.stillwaterspc.com>

**Grant County Victim Advocate:** *The Victim's Advocacy Office is available for emergency call-outs 24/7, (non-emergency: 765-662-9981 or 911 for emergencies) and pledges to make contact with all victims of violence.*

Tammy Wolf  
Victims Advocate  
Marion Municipal Building  
Phone (765) 668-3688  
Toll-Free (833) 662-9935  
Department Phone (765) 662-9981  
Email [twolf@cityofmarion.in.gov](mailto:twolf@cityofmarion.in.gov)

**Immigration Assistance:** On campus, contact Nate Chu ([nathan\\_chu@taylor.edu](mailto:nathan_chu@taylor.edu) // (765) 998-4393

Immigrant Connection at College Wesleyan Church (Marion Office)  
306 E 38th St  
Marion, IN 46953  
<https://www.wesleyan.org>  
[immigrantconnection@collegewes.com](mailto:immigrantconnection@collegewes.com)  
(765) 674-8541

**Additional resources include:**

A Better Way 24-Hour Crisis Hotline (Muncie)  
765-288-HELP (4357)

National Sexual Assault Hotline  
1-800-656-HOPE (4673)  
Information and referrals for sexual assault and relational violence