

# Indian Bible College Title IX Sexual Misconduct Policy

## **I. Policy Statement**

Indian Bible College is committed to promoting and maintaining a safe and respectful environment for the campus community. The College seeks to build and maintain a community honoring the principles of Biblical teaching on sexuality and human relationships. Due to the unique mission of Indian Bible College and our code of conduct with which community members are asked to conform, the College affirms the biblical statements that God intends sexual activity to take place within the bond of a monogamous heterosexual marriage. Sexual activity apart and/or outside a marital relationship is a violation of Biblical teachings and therefore a violation of IBC community standards.

IBC will not tolerate inappropriate sexual contact including but not limited to sexual harassment, sexual violence, domestic violence, dating violence, or stalking (collectively "Sexual Misconduct") perpetrated by or against any college students, college employees, participants in college programs and activities, or visitors to its campus. This policy prohibits Sexual Misconduct by college employees (which include all faculty, staff, and administrative employees) and students, whether the behavior occurs on or off campus. This policy also prohibits Sexual Misconduct by or against visitors to the College (such as independent contractors, vendors, work team volunteers, and visiting adjunct instructors).

IBC will take immediate and appropriate steps to stop Sexual Misconduct, prevent its recurrence, address its effects, and prohibit retaliation. Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation and the violator's status as an employee, student, or visitor.

IBC will work to prevent Sexual Misconduct and address reports of Sexual Misconduct by:

- educating members of the IBC community about this policy and applicable laws in the employee and student orientations, and with continued educational reminders;
- promptly addressing and resolving reports of Sexual Misconduct in accordance with this policy;
- protecting the rights of both the complaining and responsible parties involved in a complaint;
- imposing appropriate discipline against those who have engaged in Sexual Misconduct.

## **II. Further Defining Prohibited Misconduct**

As required by **Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964**, the college prohibits sex discrimination in its educational programs or activities, admission, and employment. (*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance."*)

Discrimination in education includes actions that can be categorized as sexual harassment and/or sexual misconduct. Enforcement of this policy is meant to honor and be consistent with the expectations of the Clery Act, updates to the Violence Against Women Act and the May 2020, Department of Education, Office of Civil Rights regulations.

This policy is designed to comply with federal guidelines of educational institutions identifying sexual misconduct violations of Title IX. Federal guidelines require the College to respond to sexual misconduct, which occurs in the educational and related activities and programs, against a person in the United States, and in any scenario where the College exercises substantial control over both the respondent and the setting or oversight in which the misconduct occurs.

Sexual Misconduct prohibited under this policy includes a range of unwelcome sexual conduct, including verbal and physical sexual harassment, sexual assault, and other forms of sexual violence, each of which is a form of prohibited sex discrimination. Other behavior, such as domestic violence, dating violence, and stalking, that is generally (though not exclusively) sex-based is also considered Sexual Misconduct under this policy. This policy does not address consensual sexual activity prohibited in the IBC Student or Staff Handbooks or other kinds of sex discrimination of a non-sexual or non-criminal nature prohibited under the IBC Nondiscrimination Policy.

Community members of Indian Bible College are to be guarded and sensitive in personal and professional relationships. While, to be defined as harassment, a particular interaction must be so severe, pervasive, and objectionably offensive to both a reasonable party and to the victim, any action that is detrimental to the educational experience of the student, or to the conditions of employment of an employee, may be considered offensive and/or threatening if it meets the severe, pervasive and objectionably offensive threshold.

#### **A. Sexual Harassment**

Sexual harassment is any sexually based unwelcome verbal, non-verbal or physical conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature. Conduct is unwelcome if the individual toward whom it is directed did not request or invite it and regarded the conduct as undesirable or offensive. The unwelcome behavior may be based on threats or promises from someone in a position of power or authority, the creation of a hostile environment, or retaliation for reporting misconduct.

Under Title IX, Sexual Harassment means conduct on the basis of sex satisfying one or more of the following:

- A college employee conditioning educational benefits on participation in unwelcome sexual conduct. (Quid Pro Quo); or
- Unwelcome conduct that a reasonable person would determine is so severe and pervasive, and objectively offensive it effectively denies a person equal access to the school's educational program or activity; or
- Sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence against Women Act (VAWA).

A wide variety of sexual conduct may constitute sexual harassment depending upon the severity, pervasiveness, and offensiveness. Examples of sexual harassment include, but are not limited to, the following:

- An attempt to coerce an unwilling person into a sexual relationship
- Sexually suggestive or offensive joking, flirting, or comments
- Unwelcome and intentional touching
- Sexually oriented verbal abuse
- Sexually oriented comments about an individual's body
- Displaying objects or pictures that are sexual in nature
- Sending sexually explicit or offensive text messages (sexting) or other communications
- Posting revealing and/or inappropriate pictures of a sexual nature with or without a person's consent.

Sexual harassment in higher education generally falls within one of two categories:

- 1. Quid Pro Quo, sexual harassment**—when submission to or rejection of the unwelcome sexual conduct is used as a basis for employment decisions affecting an employee, or when a teacher or other employee conditions an educational decision or benefit on a student's submission to unwelcome sexual conduct.

2. **Hostile Environment, sexual harassment**—when the unwelcome sexual conduct is so severe, pervasive, and objectively offensive it alters the conditions of an employee’s employment and creates a hostile, intimidating, or abusive working environment or it denies or limits a student’s or employee’s ability to participate in or benefit from the College’s programs or activities.

To avoid the possibility or appearance of quid pro quo sexual harassment, employees and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of such relationships include, but are not limited to, a professor or teaching assistant involved in a relationship with his or her student, or a supervisor involved in a relationship with a subordinate employee. If such a relationship exists, please refer to the IBC Staff Handbook for guidance. As a general rule, dating, romantic, or amorous relationships should not be entered into or continued while one individual in the relationship has the power to either reward or penalize the other in work or in school.

Sexual harassment that creates a hostile environment is more common than quid pro quo harassment, but it is more difficult to identify. In order for behavior to be deemed as sexual harassment the actions must be severe, and pervasive, thereby creating a hostile environment. The complaining party must subjectively consider the environment to be hostile or abusive and the conduct would also have to be objectively offensive, that is reasonable people in the employee or student’s position would also find the conduct to be offensive, considering the circumstances.

The fact someone did not intend to sexually harass an individual is generally not a defense to a complaint of sexual harassment. In most cases, determining whether the behavior has created a hostile environment depends on the effect the behavior has on the victim (including its effect on an employee’s job performance or a student’s education) and the surrounding circumstances (such as the type, frequency, and duration of the conduct; the relationship between the alleged perpetrator and victim; the number of people involved in the conduct; and the location and context of the incidents).

Unwelcome sexual conduct that is mildly offensive and isolated, incidental, or sporadic does not rise to the level of unlawful sexual harassment under Title IX or Title VII, even though it may still be considered sexual harassment in violation of this policy and the IBC Student or Staff Handbooks.

### **B. Sexual Violence, Domestic Violence, Dating Violence, and Stalking**

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person who has not consented or who is incapable of giving consent. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, and sexual abuse. Such acts of sexual violence, in addition to being criminal offenses prohibited under Arizona law, also constitute Sexual Misconduct prohibited under this policy. A single act of sexual violence may be sufficiently severe to create a hostile environment.

Domestic violence, dating violence, and stalking are likewise criminal offenses under Arizona law and are considered Sexual Misconduct prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

**Domestic violence** is a violent crime committed by a current or former spouse or intimate partner (or someone similarly situated) or any other person against a victim who is protected from that person’s acts under state domestic or family violence laws. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

Consent is a voluntary agreement to engage in sexual activity and is determined by the relevant facts and

circumstances. Consent cannot be given by someone who is incapacitated for any reason (i.e., because of the victim's age, disability, unconsciousness, or use of drugs or alcohol).

Additionally, consent cannot be implied by silence, or past consent with the same or another person. Consent to engage in further sexual activity can be withdrawn at any time. Consent is invalid where it is given under coercion, force, or threats.

### **III. Reporting Incidents**

The vast majority of Indian Bible College employees have a duty under this policy to report Sexual Misconduct. All persons in the IBC community are encouraged to voluntarily report incidents of Sexual Misconduct to the Title IX Coordinator. Arizona law imposes additional reporting obligations related to sexual abuse of a child. Victims of Sexual Misconduct are strongly encouraged to report incidents of Sexual Misconduct.

#### **A. Individuals with a Duty to Report**

##### **1. Responsible Employees**

Indian Bible College considers employees to be "Responsible Employees". Responsible Employees are individuals who 1) have the duty to report any type of misconduct or detrimental behavior to appropriate officials; 2) have the authority to take corrective measures on behalf of the College, and/or 3) would be someone a student would reasonably believe has such authority or responsibility.

Every "Responsible Employee" who becomes aware of or reasonably suspects any incidents of Sexual Misconduct must promptly report all relevant information to the Title IX Coordinator. A "Responsible Employee" who receives a report of Sexual Misconduct should inform the reporting individual that the employee must report the incident, and the employee should then promptly make the report to the Title IX Coordinator. Responsible Employees with information regarding an incident of Sexual Misconduct who fail to report relevant information or to cooperate in an investigation will be subject to disciplinary action.

##### **2. Child Abuse Reporters**

Any person who has reason to believe a minor/child (anyone under 18 years old) has been subjected to sexual violence or other forms of abuse or neglect, or who observes a minor/child being subjected to conditions or circumstances which would reasonably result in such abuse or neglect, must report the situation to the Arizona Department of Child Safety (statewide child abuse hotline 1-888-SOS-CHILD).

##### **3. Campus Safety Authorities**

Campus Safety Authorities are persons who have responsibility for campus security or who have significant responsibility for student and campus activities. Such persons include, but are not limited to, campus security staff, vice presidents, deans, student chaplains, and RA's and Residence Life Directors. A college employee who has been designated as a campus safety officer and who receives a report of Sexual Misconduct must relay statistical information about incidents of sexual assault, dating violence, domestic violence, and stalking to the Chief of Campus Safety. Federal law requires that the College prepare and distribute an annual security report containing statistics for certain crimes reported to campus security staff. The College must also issue timely warnings about crimes posing a threat to students and employees.

##### **4. Victims of Sexual Misconduct**

In order to protect their own and others' safety, individuals who believe they have been subjected to Sexual Misconduct are encouraged to make a report even if they have simultaneously been involved

in other violations of Indian Bible College policy, such as use of alcohol or drugs. Violations of the IBC Student and/or Staff Handbooks do not make a victim at fault for sexual violence or other forms of Sexual Misconduct.

### **Rape Shield Protections**

Students who have been sexually harassed or assaulted, or experienced dating or domestic violence or stalking, often demonstrate confusion over to whom they should speak and what is done with information shared in the course of a conversation. This sexual misconduct policy allows for students who are victims of sexual harassment or assault, dating or domestic violence, or stalking to choose how and to whom they should report such an incident as part of common rape shield protections.

IBC's confidentiality policy prioritizes the best interest of the student, not necessarily the student's desire for total privacy or secrecy. In the event the student desires the incident be kept in strict secrecy, they should speak with off-campus rape crisis resources, lawyers, or members of the clergy who will keep reports made to them confidential.

In addition, the online Title IX incident reporting form allows the form to be completed without revealing names. It should be noted that anonymous reports or those completed without naming individuals involved would be treated seriously even if names and details have not been revealed in the original notice.

## **B. How and Where to Report**

Members of the IBC community who believe they have been subjected to any form of discrimination, harassment, or misconduct in violation of this policy should follow the procedures outlined below to report or give "notice" of these concerns. The process involves an immediate intake "preliminary investigation" to determine if there is reasonable and sufficient evidence to believe the Sexual Misconduct Policy has been violated. If reasonable and sufficient evidence exists, the College will explore whether mediation or the launching of a prompt, thorough, and impartial formal investigation is the best course of action.

Each step of mediation or investigation is designed to provide fair and reliable determination about whether policy has been violated and how to introduce appropriate supportive measures. In the event the College determines the misconduct policy and/or expectations of Title IX has been violated, the College implements a prompt and effective remedy designed to end the discrimination/harassment, prevent its reoccurrence, and address its effects. The College does not tolerate retaliation against any student or employee who complains of sexual misconduct, discrimination or harassment or provides information in connection with any such complaint.

### Scope:

At the time of filing a formal report (complaint), a complaining party must be participating in or attempting to participate in the educational program or activity of the College, in buildings or property owned by IBC, online when using IBC networks and tech resources or at events under the domain and sponsorship of the College.

### **1. Internal Indian Bible College Report of Sexual Misconduct**

In the event an individual within the College community desires to make a formal report of an incident to a non-confidential person, they should be directed to go to the "Make a Report" link on the Title IX section of the IBC website. IBC's online reporting does allow the complaining party to remain anonymous. Reports can also be made verbally or in writing to any "Responsible Employee" who will then forward the incident to the Title IX Coordinator within an expected window of 24-48 hours. In addition, the report can

be made directly to the Dean of Men or Dean of Women, or a member of the A-Team.

Indian Bible College Title IX Coordinator  
Lanora Bigman  
2237 E. Cedar Ave. Flagstaff, AZ 86004  
Email: [lbigman@indianbible.org](mailto:lbigman@indianbible.org); Phone: 928-774-3890

## **2. External Report of Sexual Misconduct**

Many forms of sexual misconduct can also be violations of the Title IX rights of the student. Therefore, it should be noted that students who first make an internal report of an incident of misconduct and believe the College or employees therein have not taken their report seriously could also file a report with the Department of Education.

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington DC 20201-1100  
Customer Service Hotline #: (800)-421-3481  
Fax: (202)-453-6012; TDD# (877)-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov); Web: <http://www.ed.gov/ocr>

## **3. Reporting Sexual Misconduct involving Employees and not Students**

Please refer to the IBC Staff Handbook

### **C. Providing Supportive Measures for Victims who Make a Report**

A student or employee who reports to the College that he or she has been a victim of sexual misconduct including but not limited to hazing, e-harassment, dating violence, domestic violence, sexual assault, or stalking—even if the offense occurred off campus—will be provided with electronic or printed explanation of a victims’ rights and options for supportive measures as follows:

- Individualized service reasonably available which is non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety or deter sexual harassment
- Procedures victims should follow, including information about preserving evidence, and reporting the offense.
- Existing counseling, health, mental health, victim advocacy, and other services available for victims, both within the College and in the community.
- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

In situations where criminal conduct is involved or personal safety is a concern, it is important that victims of Sexual Misconduct preserve evidence as necessary to prove the crime or secure a protective order through the court system. Victims may choose to seek medical treatment in order to preserve evidence, treat injuries, or prevent sexually transmitted diseases. It is also possible to get a rape kit or find a Sexual Assault Nurse Examiner (SANE) through law enforcement or local hospitals.

### **D. Preventing Retaliation**

Retaliation or intimidation against an individual who has made a “Report” (provided information) or refused to participate in connection with an investigation of Sexual Misconduct is strictly prohibited. Retaliation is any adverse action taken against an individual by the College, or member of the College community, because he or she has engaged in a legally protected action opposing Sexual Misconduct or participating in a Sexual

Misconduct proceeding if the adverse action is reasonably likely to deter the person or others from pursuing their rights. Similarly, intimidation is any adverse action or threat of action reasonably likely to prevent or dissuade an individual from making a “Report” or providing information in connection with a Sexual Misconduct investigation. Individuals who participate in a Sexual Misconduct investigation should be advised that college policy and federal law prohibit retaliation against them or against individuals closely associated with them and should be assured Indian Bible College will take steps to prevent retaliation and will take strong responsive action to any act of retaliation of which it becomes aware.

Retaliation includes but is not limited to direct threats to an individual, indirect threats to an individual, witness intimidation, creating a hostile atmosphere, demonstrating repeated physical presence, filing frivolous counter claims.

To assist our community members to comprehend the serious nature of retaliation, IBC often immediately encourages a non-communication approach to both the Complaining Party and the Responding Party. IBC does not use gag orders, which strictly prohibit any conversation or contact about the incident. This is not done with any perceived or actual judgement but as a means of deterring emotional responses from having the effect of a retaliatory response.

#### **E. Providing Immediate Remedy and Support**

Indian Bible College officials will examine what immediate steps should be taken to prevent further incident or contact between parties stated to be involved in the incident. In the event the incident involved assault, the College will determine if they have a responsibility to warn others in the community as dictated by Clery legislation.

In most cases, the immediate remedy involves housing adjustments, class adjustments, and work schedule adjustments as possible in a small community; along with protective measures, non-communication requests and notice of investigation. In situations deemed to be extreme or dangerous, college administration may take interim action against the Responsible Party, up to and including a temporary removal from campus. In such cases, both parties will receive simultaneous written notification and the removed party must still have educational access. Remedy at the onset of a report being given is not perceived as actual judgement and is not to be considered a sanction or violation of the respondent’s protections.

### **IV. Resolution Process for Reports of Sexual Misconduct and Harassment**

The following procedures are designed to provide for the prompt and equitable investigation and resolution of reports of Sexual Misconduct perpetrated by or against college employees, students, or campus visitors. These procedures will include a prompt, fair, and impartial process for both reporting and alleged responsible parties, from the initial investigation to the final result. Additionally, these procedures will be conducted by officials who do not have a conflict of interest or bias for or against the parties, and who receive ongoing training on conducting informal and formal investigations, mediation if desired and how to conduct a hearing process that protects both parties and promotes accountability.

#### **A. Preliminary Intake**

Upon receipt of a “complaint” (notice) the Title IX Coordinator will commence an intake assessment. The first step is to determine whether the alleged incident is a misconduct issue to be handled under the IBC Student or Staff Handbooks, or as a potential Title IX violation. Not all incidents referred for Title IX investigation are Title IX violations but could still be serious violations of the College and/or a breach of State law. At the point in time at which an intake assessment commences, the terms “Complaining Party” and “Responding Party” are used.

The Coordinator:

- Consults with the Chief of Campus Safety as needed to determine if

- local, state, or federal laws have been broken
- Clery Act reporting requirements are applicable including “duty to warn”
- evidence exists to establish the complaint is founded
- evidence needs to be protected
- Begins preliminary assessment through initial brief interviews and conversations.
- Examines whether informal dispute resolution (mediation) could be constructive to resolve the issue between the grieved parties.
  - The goal of informal resolution is to conclude the matter to the satisfaction of both parties quickly and confidentially. Either Party may enlist the assistance of the Title IX Coordinator or a member of the Student Life Team or A-Team in this effort. If satisfactory resolution is not reached during mediation or if either the complaining or responding party believes informal resolution is not possible or may be unsafe, he or she may forego the informal resolution process or discontinue it at any time and address the concern using the formal resolution process described below. Consent for informal resolution by both parties is to be recorded in written record.
  - Informal resolution is not required and is not appropriate, even on a voluntary basis, in instances of sexual violence or other criminal behavior, or when an employee has been accused of sexually harassing a student.
- If at the conclusion of the intake assessment there is not reasonable and sufficient evidence to believe a violation occurred, no further action will be taken and both the complaining and responding party will be informed the incident has been considered and will not be investigated further.
- When an intake assessment reveals that there is reasonable and sufficient evidence to pursue action, the individuals are informed and if the incident is perceived to be a Title IX violation, it is referred to the Title IX Investigators for a prompt and thorough investigation to be commenced.

**B. Formal Investigation and Resolution**

Formal investigations begin with a declaration statement from the Title IX Coordinator that sufficient evidence exists to warrant a full investigation.

Upon receiving a “Report”, the Title IX Coordinator will notify the Title IX Investigators who will promptly investigate the allegations. The Title IX Coordinator will consider any conflicts of interest, time constraints, or other relevant factors related to the selection of Title IX team members.

The Complaining Party and the Responding Party may each raise issues regarding bias or a potential conflict of interest of investigators or others involved in the resolution process by contacting the Title IX coordinator.

**C. Statement on Confidentiality**

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties’ personal reputations, all reports will be investigated as confidentially as reasonably possible. All participants in the investigation—including the Complaining and Responding Parties, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential, and should provide information only to those college and governmental employees who are authorized to investigate the report or who otherwise have a legitimate need to know.

Records kept by the College relating to Sexual Misconduct allegations are not publicly available and are kept in data files with restricted access to Title IX team members. In the event the College is required to make any such records publicly available, any identifying information about the Complaining Party will be excluded, to the extent permissible by law, to protect the Complaining Party’s identity.

Notwithstanding the foregoing confidentiality provisions, Complaining Parties and any witnesses who participate in an investigation of Sexual Misconduct should be advised their confidentiality will be preserved



only to the extent it does not interfere with the College's ability to investigate the report and take corrective action, and if the investigation results in litigation, the College may be legally required to disclose any information it has received.

If a Complaining Party requests his or her identity be kept anonymous, or asks the College not to pursue an investigation, the College's ability to investigate and respond to the Report may be limited by such a request. The College will take reasonable steps to investigate and respond to a Report consistent with the Complaining Party's request for anonymity. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the Responding Party, the College may be unable to impose any discipline, and its corrective actions might be limited to informing the Responding Party that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the Responding Party's employment or student disciplinary file, and pursuing other steps to limit the effects of the alleged harassment and prevent its recurrence, such as training or surveys in the affected area or department.

The Complaining Party should also be advised the College might not be able to honor a request for confidentiality or to forego an investigation if such a request would prevent the College from meeting its responsibility to provide federally required crime stats and conduct incident investigations.

#### **D. Written and Oral Statements**

Each of the parties involved will be asked by the investigator to provide initial statements of complaint for the Complaining Party, response for the Responding Party, or support material from a witness. If any of these individuals desires to submit a statement in writing they can do so provided they

- Sign and date the submission
- Hand it in within five calendar days of the launch of an investigation
- Recognize the College will consider this to be an honest account of the incident and each person can be found responsible for submitting information later deemed to be false.

Both the Complaining and Responding Parties shall be sent written notice of the investigation commencing and immediately followed by the compilation of a brief *Summary of Accusation*. The Complaining Party will be asked to review the *Summary*, make any necessary corrections, and affirm it with a signature. If the Complaining Party refuses to sign the *Summary*, the Investigator may either (a) note that the allegations have been withdrawn and terminate the investigation, or (b) note that the Complaining Party has refused to sign the *Summary*, but the investigation will nevertheless proceed informally to determine what occurred and to protect the College's interest in maintaining an environment free from sex discrimination.

A copy of the *Summary* will be provided to the Responding Party as quickly as enough substance has been determined to provide the responding party with clear knowledge of what is being reported and/or alleged. The Investigator, in consultation with the Title IX Coordinator, may redact the *Summary* copy before providing it to the Responding Party to protect the identity or safety of the Complaining Party or any witnesses or for any other reason as the Investigator deems advisable and permissible by federal and state guidelines.

The *Response* of the Responding Party should indicate whether the Responding Party understands, admits or denies the allegations in the *Summary*, and should provide any exculpatory facts or evidence, including the names of other individuals who may have information relevant to the allegations and other materials in response to the *Summary*. The *Response* may also include an explanation as to why the Responding Party believes any admitted conduct was lawful or was not in violation of college policy.

#### **E. Cooperation with College Officials and False Statements**

Employees or students who fail to cooperate in an investigation, including those who knowingly or recklessly misrepresent any facts or who withhold pertinent information, may be subject to disciplinary action up to and including suspension or dismissal from the College or termination of college employment.

Likewise, the filing of a false report related to Title IX or any other community life scenario will be considered a significant event and would be subject to disciplinary action up to and including suspension or dismissal from the College or termination of college employment.

#### **F. Concurrent Investigations**

An investigation conducted under these procedures will be conducted independent of any associated criminal investigation or any other college investigation or procedures. If the College determines the issues raised in this investigation may be relevant to its determination in another non-criminal investigation or another process is simultaneously pending at the College, it may direct the other investigation or process be suspended until this investigation and any appeals or administrative reviews are concluded. However, an investigation under these procedures will not be suspended pending the conclusion of a criminal investigation or any other investigation, though the fact-finding portion of the investigation may be delayed temporarily while the police are gathering evidence. While the findings and conclusions of one investigation will not determine the outcome of any other, any evidence or findings developed in any college or non-college investigation may be shared with and considered in any other college investigation.

#### **G. Support Person**

The Complaining and Responding Parties may be accompanied by one support person. A Party's support person may attend for purposes of observation and offering support and advice. A support person may be immediately excluded from the proceedings if he or she disrupts or prevents the course of the investigation.

#### **H. The Formal Investigation and Outcome Process**

The investigation should be thorough, prompt, adequate, reliable, and impartial. The College will, in good faith, attempt to conclude the investigation and resolution within sixty calendar days of the Title IX Coordinator receiving the Report. If, as a result of the complexity of the case, unavailability of witnesses, or other extenuating facts and circumstances, the investigation cannot reasonably be concluded within the sixty day period, the Complaining and Responding Parties will be notified of the reason for the delay.

During the investigation, the Investigator will consider the initial complaint summary and respondent response, conduct interviews, and review any other documents or evidence submitted by the parties or discovered during the investigation. An investigation under these procedures is an internal college employment or student disciplinary matter.

At any time during the investigation, either of the Parties or the Investigator may propose a mediated resolution of the matter as long as the incident does not involve an employee versus a student. If both the Complaining and the Responding Parties are satisfied with this proposed resolution, and if the Investigator, Title IX Coordinator, and the Responsible Administrator are satisfied that the College's responsibilities are protected, the matter may be resolved as proposed. Incidents involving sexual violence must go through a complete investigative process and a judicial conduct hearing for resolution.

At the conclusion of the investigation, the Investigator will promptly communicate to the Title IX Coordinator that investigative findings have revealed:

- there not being enough evidence of the complaint or,
- that an appropriate mediated resolution has been utilized successfully or,
- that evidence has been collected and interview conducted with all parties resulting in the need for

adjudication through:

- a single adjudicator assigned by the Title IX coordinator in non-sexual assault cases
- a judicial hearing panel for sexual assault charges.

### **1. Steps of the Investigation Process**

- Activation of an investigation team by the Title IX Coordinator. Upon receipt of a notice, the Title IX Coordinator will assess the nature of the notice, contact the Title IX Investigators.
- The investigators will create the case file kept in a secured drive with access limited to the Title IX team.
- Files are generally organized by:
  - a file for email and correspondence,
  - a file for interviews and notes,
  - a file for evidence and a file for official IBC documentation.
  - (Investigators and Title IX coordinator have the authority to organize as best fits the case).
- A standard of equal communication is expected by the investigators. The Complaining and Responding Parties should receive notices and updates within the same timeframe.
- Indian Bible College has trained investigators who consistently use a systematic format of investigation for Title IX complaints. The determination of “finding” (final ruling) and sanctions will depend on the nature of the complaint/report, as follows:
  - During the course of the investigation sexual misconduct cases determined to be legitimate allegations will be presented to a Conduct Hearing Panel for a fair and impartial hearing in which determination of finding and assessing of any sanctions assure that the decision is made by a panel of trained Title IX personnel.
  - Cases, which involve other types of discrimination or harassment, will be fully investigated and be presented to the President’s Cabinet.
- The respective administrators and Title IX coordinator will be responsible for the final communication of determination. Both parties will be communicated with and are permitted to know the outcome.
- Investigations and potential hearings broaden the amount of campus community members that are aware of the alleged incident. Indian Bible College makes use of repeated warnings to all parties and in some situations agreements of confidentiality to ensure the matter stay amongst only those who need to know. All parties involved need to acknowledge that the larger the incident and the more time needed to conduct an investigation it is likely more community members will become officially aware of the investigation.

### **2. Judicial Conduct Hearings**

At the point a complaint of sexual misconduct has been investigated and recommended to proceed to a hearing, the Title IX Coordinator will begin the steps needed for a hearing to be scheduled.

### **3. Determination of Outcome and Sanctions**

When the hearing and/or investigation is complete the Title IX Coordinator and/or respective administrators will communicate the findings to the respective parties. This will be done in writing and when possible reviewed in person. Both parties are to receive communications on the same day.

- Any student or employee determined to have engaged in discriminatory behavior shall receive sanctions ranging from the minor to major infractions published in the IBC Student or Staff Handbooks. Sanctions are determined by examining the immediate incident and/or repeated incidents, which create a hostile environment. Sanctions may be more severe when taking previous violations, complaints, and sanctions into account.
- Any student or employee violating the IBC Student or Staff Handbooks standards on sexual activity, or found responsible for sexual harassment, sexual violence, dating violence, domestic violence, or stalking, shall receive sanctions ranging from the minor to major infractions published in the IBC Student or Staff

Handbooks. Sanctions are determined by the immediate incident yet can be made more severe when taking previous violations, complaints, and sanctions into account.

- When a non-student/non-employee who in the course of interactions in connection with the College's locale, events, programs or activities subjects a student or an employee to harassment, the College will take appropriate steps to notify such individual of its policies, prevent future occurrences, or prohibit the person from further such interactions as deemed necessary.
- The College may also report findings of potential criminal misconduct to the police.
- Possible protective measures that may be imposed following the investigation include the following: making interim support measures permanent, offering remedies and accommodations to either party, implementing changes in programs or activities, or providing training for the campus community or specific groups or individuals.

#### **4. Appeals**

At the end of the investigative process, the Complaining and Responding Parties are able to appeal the outcome.

An appeal form should be filled out and brought to Student Life. Student Life shall have ten (10) business days in which to investigate and address the appeal with the Administrative Team. If the conflict is with a Student Life staff member, then the appealing party should bring their grievance directly to a member of the Administrative Team. The Administrative Team will have an additional ten (10) business days to make a final decision on the appeal and inform the student in writing.

In the event the appeal involves a case coming from a hearing panel, the Administrative Team can send the case back to the panel for re-evaluation if new evidence or procedural error is found. It is also possible that the Administrative Team may ask a new hearing panel to re-examine the case if sending back to the same panel raises questions of bias.

Final decisions of the Administrative Team and/or a hearing panel are the final appeal. Results are to be communicated within 72 hours of the appeal being decided upon.

Appeals are granted only on the basis of:

1. A procedural error occurred in the investigation stage or actual hearing, which significantly influenced the outcome.
2. New evidence has become available which would substantially affect the outcome of the hearing or the sanction(s).
3. Sanctions are not proportionate to the severity of the findings

#### **V. Prevention and Training**

The College will seek to make employees and students familiar with the contents of this policy. Administrators, deans, and supervisors are responsible to ensure that employees within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will develop and oversee training and education programs to promote the awareness of harassment, sexual misconduct, rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

##### **Specific Training for Employees**

- Regular employees are provided with the IBC Staff Handbook at the onset of employment. At that time, pertinent details are shared on the expectations of proper relationships with other employees and with students.

- Employees take part in periodic training. Topics are wide ranging and include many of the policies and procedures involved in anti-discrimination, harassment, and sexual misconduct.
- Employees are notified of the annual Clery report and are made aware of their responsibility regarding issues of sexual harassment, and sexual misconduct for their own well-being as well as that of students.

#### Specific Training for IBC Students

- Students go through an orientation (including orientation to the IBC Student Handbook) at the onset of their first semester as part of entry into the IBC Community.
- Students are made aware of the annual Clery report and of the resources available to students on and off campus.
- The College sends periodic emails to the students reminding them of services and prevention efforts.