

Title IX Policy DEFINITIONS

While not all addressed within the context of this policy, following are terms used in the investigation, implementation, and training of matters related to sexual misconduct, harassment and assault. Students and employees should be familiar with these terms and their definitions.

Allegations

Accusations or claims of discrimination, misconduct, or harassment.

Appeal

In a Title IX investigation, an appeal may be made when either party rejects the results of an investigation or a hearing.

Assault

Threatening behavior in the form of physical contact, and nonphysical behavior such as verbal threats, intimidation, and indecent exposure, or the intension to cause an apprehension of harmful or offensive contact.

Bystander Intervention

An expectation that students and employees would be willing to step into a situation where one individual might be taking advantage of another individual for sexual gratification whether that person is incapacitated or not.

Complainant or Complaining Party

An individual who makes a statement or claim about another person's actions and is seeking for the action to stop and the incident(s) to be investigated. Often (or sometimes) also seen as the victim. Person(s) alleging discrimination or another violation. A Complainant may also be referred to as the complaining party.

Complaint

A complaint is a notice or report of alleged sexual misconduct, sexual harassment or assault, or other type of discriminatory or illegal activity given directly or indirectly to a Responsible Employee. A complaint may be made by a complainant, a witness, or a concerned person. and can be submitted anonymously

Coercion

Unreasonable pressure on a person to perform an action or force the person to cooperate with advances. This can be in the form of threats both implied and stated. The lack of physical resistance on the part of the coerced person is the measure of whether force or coercion has taken place.

Consent

Communication that is voluntarily expressed through words or actions making it clear that permission can be given to engage in sexual activity.

- Consent can be obtained or denied through clear expression of "yes, I want to do this" or "no, I don't want to do this."
- Silence is not a guarantee of consent
- Consent to one activity or one event in time does not imply consent to future sexual actions
- In order to give consent, one must be of legal age
- A person cannot give consent when they are mentally or physically incapacitated.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim. This violence includes but is not limited to sexual, physical abuse, or abusive taunting and threats.

Discrimination

Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's gender, race, color, age, national or ethnic origin, physical or mental disability, veteran status, pregnancy status or other protected status, that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the College's educational program or activities, or an employee's ability to benefit from a safe and non-discriminatory workplace.

Discriminatory Harassment:

Discriminatory harassment includes verbal or physical conduct designed to belittle, threaten, intimidate, or coerce an individual. These actions prevent students from participating or

benefitting from the College's educational program or activities and interfere with (or prevent or hinder) employees' ability to do their jobs. Harassment can include, but is not limited, to actions such as:

- Hostile, threatening or intimidating actions or gestures
- Physical interference with normal work or movement
- Slurs
- Taunting
- Verbal Abuse
- Degrading comments or jokes
- Display of derogatory objects, cartoons, postings, drawings, or pictures in print or electronic form.
- Creating a hostile environment that prevents participation in academics or interferes with the workplace.

Domestic Violence

Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, or by a person who is cohabitating with or has cohabitated with the victim.

Duty to Warn

Under Title IX and the Clery Act, the legal requirement for colleges and universities to promptly alert the campus community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus. A duty to warn is determined by the Chief of Campus Safety and the Title IX Coordinator.

Finding

A conclusion of judgement reached by evaluating substantiated facts.

Grounds for Appeal

IBC's policy on judicial appeals allow for appeals when one or more of the following grounds exist:

- A procedural error occurred in the investigation or hearing which significantly impacted the outcome
- New evidence has become available which would substantially impact the outcome or the sanction(s)
 - Sanctions are not proportionate to the severity

of the findings.

Incapacitated Person

A person who is impaired due to drugs, alcohol, injury, illness, sleep, physical restraint, or the taking of medications.

Informal Dispute Resolution

In the context of Title IX, the mediation method used to resolve a complaint that does not involve a violation qualifying as an assault or an employee versus a student. Informal dispute resolution requires the cooperation and participation of the complainant and respondent.

Intake

The initial assessment conducted by the Title IX Coordinator or Lead Investigator to determine if a Title IX allegation has initial merit and validity, which then informs what process should be used from that point forward in the investigation.

Investigation

A systematic format followed to gather and assess information once notice is received of an alleged violation.

Judicial Conduct Hearing

As systematic formal hearing used for Title IX when informal dispute resolution is not possible.

Non-Consensual Contact

Any intentional sexual touching, however limited or slight, with any object, by a man or a woman upon a man or a woman, that is performed without consent being given, or by force. This would include intentional contact with the breasts, buttock, groin, or genitals, or touching a person with these body parts, or making a person touch another or themselves with these body parts. This can also include touching that does not involve these specific body parts but is done in an overtly sexual manner.

Non-Consensual Sexual Intercourse

Any sexual intercourse, however limited or slight, with any object, by a man or a woman, upon a man or a woman, that is without consent having been given, or by force. This would

include penetration of any orifice or genital area by a body part or any object, no matter how slight or limited the contact.

Notice - See Complaint.

Remedy; Remedial Steps

Steps taken to alleviate further contact between Complaining and Responding Parties prior to and during an investigation, or following the conclusion of mediation or a formal hearing.

Report

In the context of Title IX, any notice or information provided, directly or indirectly, about an incident of sexual harassment or assault. Also referred to as “notice” or “complaint”.

Respondent(s)

Individual(s) accused of a violation. May also be referred to as “accused” or “responsible party.”

Responsible Employees

In the context of Title IX, Individuals who 1) have the duty to report any type of misconduct or detrimental behavior to appropriate officials; 2) have the ability to take action to stop or prevent continued harassment, and/or 3) would be someone a student would reasonably believe has such authority or responsibility.

Retaliation; Retaliatory Harassment

Any adverse action taken against an individual because they have alleged harassment supported a party bringing a grievance, or assisted in providing information relevant to a claim of harassment or civil rights grievance.

Sanctions

Consequences imposed on individuals found to have been in violation of a rule or standard. Sanctions may be minor or major such as probation, suspension, dismissal, permanent expulsion, and termination of employment. Sanctions are made considering both the immediate incident as well as previous violations.

Sexual Exploitation

Persons sexually exploit other persons when they take non-consensual sexual advantage of others to gain their own advantage or the advantage of a third party. This behavior would not normally fall under the other defined terms of sexual misconduct or violence. Examples could include:

- Invasion of sexual privacy
- Non-consensual video or audio-taping of sexual activity involving another person
- Engaging in voyeurism or exhibitionism
- Exposing one’s genitals, breasts, or buttocks, or inducing another person to expose their own genitals, breasts, or buttocks
- Stalking of a sexual nature where the conduct is aimed at a person or group of people, is unwelcome, and causes the victim(s) to have reasonable fear for their safety.

Sexual Harassment

Sexual harassment is 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 that satisfies one or more of the following:

- A school 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, pervasive and objectively offensive that 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).

Sexual Misconduct

Any form of sexual contact between two or more individuals outside of the parameters of a healthy and appropriate sexual relationship described in the Bible; that being a relationship between a married man and woman.

Sexual Violence

The actual, attempted, or threatened unwanted sexual act, whether by an acquaintance or by a stranger, accomplished (1) against a person's will by means of force (express or implied), violence, duress, menace, fear, or fraud, or (2) when a person is incapacitated or unaware of the nature of the act due to unconsciousness, sleep, and/or intoxicating substances.

Stalking

Engaging in a course of conduct directed at a person that would cause a reasonable person to fear of his or her safety or the safety of others, or suffer substantial emotional distress.

Standard of Evidence

Legal term for the evidentiary status that must be reached to find a person responsible for the accusations leveled their way. IBC utilizes a clear and convincing evidence standard.

Title IX

The 1972 amendments to the Higher Education Act of 1965 which states, "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."

Title IX Coordinator: The Coordinator is the person at IBC responsible to oversee Title IX matters and investigations. The Coordinator is the primary lead on investigations involving students.

Title IX Investigator

One of several individuals specifically trained to lead or assist in an investigation of an alleged Title IX violation.

Violation

A finding, based on a preponderance of evidence, that a behavior breached a rule or standard.

Violence

Threatening behavior in the form of physical contact, and nonphysical behavior such as verbal threats, intimidation, and indecent exposure, intended to cause an apprehension of harmful or offensive contact.

Witness

Any person who is able to provide first-hand information regarding a complaint, allegation, or dispute