

Title IX Policy Definitions

The 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 intention 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.
- **Coercion**: Intimidation or other conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement, (2) expressed or implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person to fear such harm. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.
- **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 an oral or written allegation of Prohibited Conduct by a Respondent and request for Indian Bible College to initiate an investigation and make a determination regarding responsibility pursuant to this Policy and its Complaint Resolution Procedures.
- **Consent**: Sexual contact is considered consensual only after consent has been given. Consent is a knowing, voluntary, and mutual decision among all participants to engage in the particular sexual activity at issue. Consent can be given by words or actions, but those words or actions must create clear permission regarding willingness to engage in the sexual activity at issue. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's gender. The following are principles that apply to the above definition of consent:
 - Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.

- Consent may be withdrawn at any time.
 - When consent is withdrawn or can no longer be given, sexual activity must stop.
 - Consent cannot be given when it is the result of any coercion.
 - 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)
- **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 programs 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:** The use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain control over the victim by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- **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 judgment reached by evaluating substantiated facts.
- **Fondling**: Intentional touching of body parts or the forced touching by the victim of the actor's body parts - either clothed or unclothed - without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **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 stage or actual hearing, which significantly influenced the outcome.
 - New evidence has become available which would substantially affect the outcome of the hearing or the sanction(s).
 - Sanctions are not proportionate to the severity of the findings.
 - A conflict of interest on the part of the Title IX Coordinator, investigator(s), hearing officer, and/or decision maker resulted in a bias for or against the Complainant or Respondent, which affected the outcome of the matter.
- **Incapacitation**: A state where one cannot make a rational decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or are physically helpless. Incapacitation negates consent. Some examples of Incapacitation may include:
 - The person is incapacitated due to the use or influence of alcohol or drugs. Because the impact of alcohol and other drug use varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence to prove they were incapacitated under this Policy.
 - The person is asleep or unconscious.
 - The person is involuntarily restrained.
 - The person is incapacitated due to a mental or physical disability.
- **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 to offer Supportive Measures and 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 a complaint is received regarding 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.
- Pregnancy or Related Conditions: Pregnancy or Related Conditions means pregnancy, childbirth, termination of pregnancy, or lactation, or medical conditions related thereto, or recovery therefrom.
- Remedy or 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. A report may be made by a complainant, a witness, or a concerned person and can be submitted anonymously.
- Respondent: Individual 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 or Retaliatory Harassment: Any adverse action taken against an individual with the purpose of interfering with an individual’s rights under IBC’s Title IX Policy and the Complaint Resolution Procedures, including for making a report or for participating or refusing to participate in an investigation, proceeding, or hearing. Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions.
- 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**: 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 for 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.
- 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 clear and convincing 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