

# Indian Bible College Title IX Sexual Misconduct Policy

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Date Last Revised:	11/26/2024	Department:	Office of the President

## **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.

Indian Bible College does not discriminate on the basis of race, sex, color, disability, age, or national or ethnic origin in the administration of its educational policies, admissions policies, scholarships and other school-administered programs except where required by specific religious tenets held by the institution. Additionally, since the foremost mission of Indian Bible College is the preparation of individuals for leadership in Native American Christian ministry, the school gives priority to Native Americans or to those whose focus or goal is to minister to Native Americans. Indian Bible College does not define sex discrimination to include discrimination on the basis of sex stereotypes, sex characteristic, sexual orientation, or gender identity.

IBC will not tolerate inappropriate sexual contact including but not limited to sex-based 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-based 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 sex-based 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 sex-based harassment, sexual assault, and other forms of sexual violence, each of which is a form of prohibited sex-based 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-based 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 subjectively and objectively offensive, and severe or pervasive based on an evaluation of the totality of the circumstances, 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 threshold for being subjectively and objectively offensive, and severe or pervasive.

#### **A. Sex-Based Harassment**

Sex-based 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, Sex-Based 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 subjectively and objectively
- offensive and so severe or pervasive, it effectively limits or 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 sex-based harassment depending upon the severity, pervasiveness, and offensiveness. Examples of sex-based 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.

Sex-based harassment in higher education generally falls within one of two categories:

1. **Quid Pro Quo, sex-based harassment**— An employee, agent, or other person authorized by IBC to provide aid, benefit, or service under IBC's education programs or activities explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. **Hostile Environment, sex-based harassment**— Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive or persistent that it limits or denies a person's ability to participate in or benefit from IBC's education programs or activities. Whether a hostile environment has been created requires a fact-specific inquiry that includes analysis of the following considerations:
  - Degree to which the unwelcome conduct affected the Complainant's access to IBC's education programs or activities;
  - Type, frequency, and duration of the unwelcome conduct;
  - Parties' ages, roles, within IBC's education programs or activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the unwelcome conduct;
  - Location and context of the unwelcome conduct; and
  - Other sex-based harassment in IBC's education programs or activities.

To avoid the possibility or appearance of quid pro quo sex-based 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.

Sex-based 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 sex-based harassment the actions must be subjectively and objectively offensive, and severe or 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 sex-based 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).

Not all unwelcome sexual conduct may rise to the level of unlawful sexual harassment under Title IX or Title VII, even though it may still be considered sex-based harassment in violation of the IBC Student or Staff Handbooks.

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

1. **Sexual violence** is a form of sex-based 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.

2. **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.
3. **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. The definition of consent does not vary based upon a participant's gender.

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). 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. When consent is withdrawn or can no longer be given, sexual activity must stop.

## **C. Pregnancy and Related Conditions**

Indian Bible College is committed to creating an educational environment that is free from discrimination based on pregnancy or related conditions. Students may request reasonable modifications for pregnancy or related conditions by contacting the Title IX Coordinator at [inoble@indianbible.org](mailto:inoble@indianbible.org). Reasonable modifications vary based on the student's circumstances and may include academic accommodations and flexibility (such as breaks during classes, excused absences, rescheduling of tests, extensions of deadlines, and alternatives to make up missed work); leaves of absences or changes in work schedules; changes to housing; or other types of modifications. The Title IX Coordinator will meet with the student and review the request for reasonable modifications.

Additionally, IBC will provide lactation space on campus for female students and employees who are lactating. Lactation space is provided on an as-needed basis. For information or help reserving a lactation space, contact the Title IX Coordinator at [inoble@indianbible.org](mailto:inoble@indianbible.org).

### **III. Reporting Incidents**

All 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 all 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, or consensual sexual activity outside of marriage. 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. Victims will not be punished for these violations unless the activity endangered the health and safety of others.

### **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 sex-based 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 anonymously and 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. If reasonable and sufficient evidence exists for a violation of the Sexual Misconduct Policy, 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 recurrence, 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:

To file a report, a complaining party must have been participating in or attempting to participate in an 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 or at any other event in which the College had a substantial interest at the time of the reported incident, regardless of whether the incident occurred on or off campus.

### **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 the "Submit a Sexual Misconduct Report" link on the Title IX section of the IBC website ([indianbible.org/title-ix](http://indianbible.org/title-ix)). 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 Administrative Team.

Indian Bible College Title IX Coordinator  
Irish Noble  
2237 E. Cedar Ave. Flagstaff, AZ 86004  
Email: [inoble@indianbible.org](mailto:inoble@indianbible.org); Phone: 928-774-3890, ext. 110

## **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 sex-based 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.

Upon request, a Complainant or Respondent will be afforded a reasonable and prompt opportunity to seek modification or reversal of any Supportive Measure that directly affects them and will be permitted to submit evidence in support of any changes requested. A request to do so should be made in writing to the Title IX Coordinator. The request for modification or reversal of a decision to provide, deny, modify, or terminate supportive measures shall be reviewed by an impartial employee at IBC. The impartial employee must be someone other than the person who implemented the supportive measures, has authority to modify or

reverse the decision, and determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures.

A request for modification or reversal of a Supportive Measure will be responded to with a written determination within seven (7) business days of receiving the request.

#### **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. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct.

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 judgment 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 where there is an imminent and serious threat to campus health or safety, 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 judgment and is not to be considered a sanction or violation of the respondent's protections.

### **IV. Resolution Process for Reports of Sexual Misconduct and Sex-Based 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 report of Prohibited Conduct, the Title IX Coordinator will provide the Complainant with an explanation of their rights under this Policy, the process for filing a Complaint, an overview of their options for resolution of the Complaint, and the Complaint Resolution Procedures. The Complainant will also be advised of their right to request that IBC refrain from initiating a resolution process and their right to file a report with IBC's Campus Safety Office and state and local law enforcement. The Complainant will be informed of the availability of Supportive Measures regardless of whether the Complainant files a complaint.

The Title IX Coordinator will 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 Administrative 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 forgo 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.

### **B. Complaints**

Verbal Complaints can be made to the Title IX Office in person, over the phone, or via Zoom. A written Complaint may be filed with the Title IX Coordinator in person, by mail, or by e-mail using the contact information in Section III.1 of this Policy. Complaints may only be made by a Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant; or, in limited circumstances, the Title IX Coordinator.

There is no time limitation on reporting or filing a Complaint of Prohibited Conduct. However, if the Respondent is no longer subject to IBC's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on reports and complaints significantly impacted by the passage of time (including, but not limited to, acts that

have been impacted by the rescission or revision of this Policy) is at the discretion of the Title IX Coordinator.

If the Complainant chooses not to move forward with a Complaint, the Title IX Coordinator has discretion to file a Complaint. Where the Title IX Coordinator determines that IBC cannot honor the Complainant's request that no Complaint be pursued under this Policy, the Title IX Coordinator will promptly initiate the resolution process by filing a Complaint on behalf of IBC. In determining whether to file a Complaint, the Title IX Coordinator will consider the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in Prohibited Conduct by the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the Complainant is a minor;
- Whether IBC possesses other means to obtain evidence such as security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator decides to file a Complaint, The Title IX Coordinator will notify the Complainant of IBC's intention to proceed with a Complaint and offer Supportive Measures. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, the Complainant's identity will be disclosed as necessary to effectuate the resolution process. The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in an investigation or the adjudicative process under these Complaint Resolution Procedures, IBC's ability to investigate meaningfully and respond to a report of Prohibited Conduct may be limited.

### **1. Dismissal of Complaints**

After the Complaint has been submitted (verbally or in written), or during the initial inquiry, investigation, or resolution process, a Complaint may be dismissed under the following situations:

- IBC is unable to identify the Respondent after taking reasonable steps to do so;
- the Complainant voluntarily withdraws some or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate the Complaint, and IBC determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, even if proven, would not constitute sex-based discrimination under Title IX or other Prohibited Conduct under this Policy;
- the Respondent is no longer enrolled or employed by IBC; or
- IBC determines the conduct alleged in the Complaint, even if proven, would not constitute sex-based discrimination under Title IX or other Prohibited Conduct under this Policy.

Before dismissing the Complaint, IBC will make reasonable efforts to clarify the allegations with the Complainant. Upon any dismissal, the Title IX Coordinator will promptly, and simultaneously, send written notice of the dismissal and the rationale for doing so to the Complainant (if no Notice of Allegations has been issued) or simultaneously to the Parties (if the Respondent has received a Notice of Allegations). The Title IX Coordinator shall notify the Parties, as applicable, that the

dismissal may be appealed pursuant to the appeal bases and procedures set forth in Section IV.J.4, Appeals, below. When a Complaint is dismissed, the Title IX Coordinator shall continue to offer Supportive Measures to both Parties as appropriate. After dismissal under this Policy, if the conduct, as alleged, could violate another IBC policy, the Title IX Coordinator may transfer the matter, and all information related to it, to the appropriate IBC office for assessment and potential further action.

### **C. Notice of Allegations**

Upon receipt of a Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the Complaint and commencement of the resolution process pursuant to this Policy and its Complaint Resolution Procedures. Such notice will:

- identify the Complainant and the Respondent;
- specify the alleged Prohibited Conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Complaint;
- identify the Investigator or the facilitator of Informal Resolution;
- inform the Parties that they will each have the opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker as part of the resolution process;
- inform the Parties that they will each have equal opportunity to access the relevant and not otherwise impermissible evidence and a final investigative report as part of the resolution process;
- inform the Parties of their right to have an Advisor of choice, who may be, but is not required to be, an attorney, at all stages of the resolution process who may accompany the respective Party to meetings and proceedings;
- inform the Parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation;
- explain that IBC prohibits knowingly making false statements or submitting false information during the resolution process;
- specify that the Respondent is presumed not to have violated the Policy unless and until a determination is made at the end of the Complaint Resolution Process; and
- include any other information required by federal, state, or local law.

### **D. Formal Investigation and Resolution**

Formal investigations begin with either a written or verbal Complaint from the Complainant or the Title IX Coordinator.

Upon receiving a Complaint, 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.

### **E. 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(s), and individuals interviewed by the Investigator(s)—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.

#### **F. Written and Oral Statements**

Each of the parties involved will be asked by the investigator(s) 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.

#### **G. 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.

#### **1. Witness Role and Participation in Investigation**

Employees (including, but not limited to, Full-Time employees, Part-Time employees, and Adjunct Faculty,

but not including the Complainant and Respondent) are required to cooperate with and participate in IBC's response to reports of Prohibited Conduct and the Complaint Resolution Procedures. If an employee has a conflict of interest or other reason he or she cannot participate, the employee must notify the Title IX Coordinator in writing and provide the basis for the inability to cooperate. Student witnesses and witnesses from outside the IBC community cannot be required to participate but are encouraged to cooperate with IBC's investigations and to share what they know about a Complaint. Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. The Title IX Coordinator will take appropriate steps to ensure the security/privacy of remote interviews.

#### **H. 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.

#### **I. 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.

#### **J. 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(s) 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(s) 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(s), 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(s) 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 Complaint, the Title IX Coordinator will assess the nature of the Complaint, and 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.
- 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.
  - Testimonial Evidence Collection: Investigative Interviews
    - Testimony is evidence. Thus, throughout the investigation, the Investigator(s) will endeavor to interview the Parties and witnesses who have information that is relevant or related to the allegations of the Complaint, including fact and expert witnesses identified by the Parties. The Investigator(s) will provide written notice of the date, time, and location of the interview, with sufficient time for the participants to prepare. Investigative interviews may be conducted in person, or via telephone or video conference. Following the investigative interview, the Investigator will prepare a full written summary of the interview (“Interview Summary”).
  - Non-Testimonial Evidence Collection
    - During the investigation, the Investigator(s) will gather other available evidence and information that is related to the allegations of the Complaint, including, without limitation, electronic and other records of communications between the Parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.
  - Evidence Collection Records
    - The Investigator(s) will maintain records of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator(s) will also maintain a record of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These records will be made a part of the evidence file.
- 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 stays 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, the more likely it is that 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. 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 presented to the Administrative Team.

### **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 sex-based 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 hearing process, the Complaining and Responding Parties are able to appeal the outcome, provided that they have not already given written acceptance of the findings and sanctions of the hearing.

An appeal request form should be filled out and brought to Student Life within five (5) days of the conclusion of the hearing. The appeal request form can be accessed on the Title IX section of the IBC website. 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 or irregularity occurred in the investigation stage or actual hearing, which significantly influenced the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made has become available.
3. Sanctions are not proportionate to the severity of the findings
4. A conflict of interest on the part of the Title IX Coordinator, investigator(s), hearing officer, and/or decisionmaker resulted in a bias for or against the Complainant or Respondent, which affected the outcome of the matter.

## **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 annual 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 sex-based 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.

## **VI. Religious Liberty**

Indian Bible College is a private, evangelical Christian Bible college that qualifies as a religious educational institution entitled to protection for religious liberty under the U.S. Constitution, Title IX, Title VII, and relevant state law. Nothing in this Policy will undermine the integrity of IBC's status as a religious educational institution. Therefore, conduct by a member of the IBC Community that is in conformity with IBC's Christian beliefs (as those beliefs are determined by IBC) will not be deemed to violate this Policy, notwithstanding the definitions of Prohibited Conduct. Furthermore, nothing in this Policy shall require IBC to take any action, or fail to take any action, inconsistent with its religious beliefs.