

## Investigating Reports of Harassment, Discrimination and Sexual Misconduct

Graceland University seeks to establish a safe, inclusive environment where people can learn, develop, and live purposeful lives. Consequently, Graceland's Harassment, Discrimination, and Sexual Misconduct Policy is clear that harassment, discrimination and sexual misconduct will not be tolerated. If instances of harassment, discrimination, or sexual misconduct are reported, the following procedure will be followed.

### Reporting

Whenever an instance of harassment, discrimination, or sexual misconduct is reported to a responsible employee<sup>1</sup>, it will be immediately reported to the Dean of Students or the Title IX Coordinator. Both the Dean of Students and the Title IX Coordinator will immediately inform one another regarding reports received. The Dean of Students (or his/her designee) will then contact the Complainant.

A Complainant may decide whether or not to request corrective action (formal investigation) at the time a report is made or at any other time.

### Initial Interview

The Dean of Students (or his/her designee), will meet with the Complainant in regard to the report of harassment, discrimination, or sexual misconduct. Depending on the nature and severity of the incident reported, the Dean of Students (or his/her) designee may be accompanied by another trained interviewer so that the interviewing team includes one male and one female. Prior to the initial interview, the Complainant will be informed that he/she may bring **with them to this meeting and all subsequent meetings an advisor of their choice or a** person for personal support if he/she so desires. (This person may not be an attorney.)

During the interview, the Complainant will be informed about the University's policy and procedures relative to reports of harassment, discrimination, and sexual misconduct. This will include affirming Graceland's prohibition of retaliation, intended to protect Complainants, witnesses and others from vengeful actions. The primary purpose of the initial interview is to hear the Complainant's account of what happened. Complainants will also be asked if there are documents relating to the matter or witnesses whose testimony could be relevant to investigating the matter. If documents/data are available Complainant will be asked to provide access to or copies of such items. The Complainant will be encouraged to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct.

Choosing how to proceed after making a report can be a process that unfolds over time. University officials will make reasonable efforts to respect an individual's autonomy in making these important decisions and to provide support that will assist each individual in making that determination. Unless there is an immediate threat to the community or a minor is involved, the Complainant will set

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<sup>1</sup> A responsible employee is any college or university staff member (including faculty, administration, and house presidents) to whom students are likely to report a sexual misconduct incident. (*Conducting Title IX Investigations*, Paperclip Communications. Little Falls, NJ, 2013)  
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the pace and make decisions about how best to proceed (including not naming the other party/ies). The Complainant will be asked during the initial interview if he/she desires an investigation to take place and corrective action to be implemented (if it is determined that a violation has occurred).

During the initial interview, the Complainant will be informed of and encouraged to utilize the on-campus and off-campus resources that are available to him/her. These resources are listed in "Attachment A" which will be given to the Complainant.

### Interim Measures

Without assuming guilt or innocence of any party, interim measures may be taken immediately in order to eliminate an undesirable environment. Interim measures may include:

- Imposition of No-Contact Order
- Rescheduling of exams and assignments
- Providing alternative course completion options
- A change in class schedule or transferring sections, including the ability to drop a course after the deadline
- A change in work schedule or job assignment
- A change in student's University-owned residence
- Limiting an individual or organization's access to certain University facilities or activities pending resolution of the matter
- Providing medical services
- Providing academic support services, such as tutoring
- An interim suspension pending the outcome of a disciplinary action
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy

### Judicial Measures

An individual may also pursue other interim measures such as a judicial no contact, restraining or protective order. Various resource contacts may assist with such judicial or criminal orders. Such orders should be provided to \_\_\_\_ for campus implementation.

### Is this a Violation?

Following the initial interview, the Dean of Students will consult with the Title IX Coordinator to determine if the report of the Complainant constitutes a violation of Graceland's harassment, discrimination and sexual misconduct policy. If it is determined that no violation has been committed, the Complainant will be informed both in person and in writing. If it is determined that the report does, in fact, indicate that a violation of Graceland's Harassment, Discrimination and Sexual Misconduct Policy may have occurred, then a formal investigation will be initiated.

### Formal Investigation

If it is determined that the Complainant's report does, in fact, indicate that a violation of Graceland's Harassment, Discrimination and Sexual Misconduct Policy may have occurred, then a formal investigation will be initiated.

The Dean of Students will inform the Respondent(s) of the charge both verbally and in writing. The interviewer(s) who interviewed the Complainant will also interview the Respondent(s). The Respondent(s) will be told that *he/she/they may bring with them to this meeting and all subsequent meetings an advisor of their choice or a person for personal support if he/she so desires. (This person may not be an attorney.)*

The primary purpose of this interview is to hear the Respondent(s)'s account of the incident in question. Respondent(s) will also be asked if there are documents relating to the issues or witnesses whose testimony could be relevant to investigating the matter. If documents/data are available access and/or copies will be requested. As with the Complainant, interviewer(s) will inform the Respondent(s) about the University's policy and procedures relative to reports of harassment, discrimination, and sexual misconduct. This will include affirming Graceland's prohibition of retaliation, intended to protect Complainants, witnesses and others from vengeful actions. The Respondent(s) will also be informed of and encouraged to utilize the on-campus and off-campus resources that are available to him/her/them. These resources are listed in "Attachment A" which will be given to the Respondent(s).

In addition to interviewing the Complainant and Respondent(s), the formal investigation will also include:

- Interviewing witnesses (if available)
- Looking for and considering any documents or other data (if available)
- Analyzing case details and the case as a whole in order to prepare findings

### Present Findings

The investigation team's findings will consist of the information gained from interviews with the Complainant, the Respondent(s), witnesses (if available) and any information gained from available documents/data. Findings do not include determinations of guilt or innocence, nor decisions regarding sanctions.

If the investigation team does not include the Dean of Students, then its findings will be submitted to the Dean of Students upon the conclusion of the investigation. The Dean of Students will present the findings to the Title IX Coordinator.

## Conclusion

The Title IX Coordinator, in consultation with the Dean of Students, will determine if the findings from the investigation indicate that a violation of Graceland's Harassment, Discrimination, and Sexual Misconduct Policy was committed. That decision will be based on a preponderance of the evidence.

If it is determined that no violation occurred, then the Dean of Students will notify the Complainant and Respondent(s) in person and in writing. In addition, both Complainant and Respondent(s) will be reminded of the resources available to him/her/them in Attachment A.

If it is determined that a violation did occur, the Title IX Coordinator, in consultation with the Dean of Students, will determine appropriate sanctions to be implemented. The Dean of Students will inform the Complainant and the Respondent(s) of both the outcome of the investigation and the sanctions being implemented. This notification will be in person and in writing.

## Timely Resolution

In harmony with Title IX regulations, the foregoing process will be conducted within 60 days from the time of the initial report.

## Appeals

At the time the Complainant and Respondent(s) are notified of the investigation's conclusion, both will be informed of the right to appeal the outcome of the investigation. All appeals must be in writing and must be submitted within 14 days after receiving notification of the investigation's conclusion. Both Complainant and Respondent(s) will be provided with the name and contact information for the appellate officer/body.

The appellate officer will be the Vice President of Academic Affairs, who will convene a Vice Presidents' Council which will hear the appeal. The Vice Presidents' Council consisting of the Vice President of Academic Affairs and one other vice president (other than the Vice President for Student Life).

When a party is appealing a case, he or she should explain specifically what aspect of the outcome or sanctions are being contested and why. After considering the appeal, the appellate officer will inform both parties in writing of the outcome and the rationale of the outcome. The appellate officer may interview both parties during the appellate process in the event that new evidence is presented. The interviews will focus only upon the relevance of the new evidence.

Attachment A  
"You Have Resources Available for Help"

- On Campus Confidential Resources
  - Personal counseling
    - Lauren Youngs, 641-784-5200 or 641-784-5463 [lyoungs@graceland.edu](mailto:lyoungs@graceland.edu)  
Office: Patroness Hall, Room 133
  - Health Services
    - Benna Easter, 641-784-5372 [easter@graceland.edu](mailto:easter@graceland.edu)  
Office: Walker Hall, Garden Level
  - Campus Ministries
    - Mike Hoffman, 641-784-5466 [mhoffman@graceland.edu](mailto:mhoffman@graceland.edu)  
Office: Memorial Student Center, Room 25
    - Melanie Grimes, 641-784-5478 [grimes@graceland.edu](mailto:grimes@graceland.edu)  
Office: Memorial Student Center, Room 26
- Other On-campus Resources:
  - After Hours Assistance: 641-784-5199
  - Dean of Students: David Schaal, 641-784-5106 [dschaal@graceland.edu](mailto:dschaal@graceland.edu)  
Office: Memorial Student Center, Room 17
  - Title IX Coordinator: Katie Clauson Bash, 641-784-5064 [clauson@graceland.edu](mailto:clauson@graceland.edu)  
Office: Higdon Administration Building, room 310
- Off-Campus Confidential Resources
  - Crisis Intervention & Advocacy Center 24 hour Crisis Line 1-800-400-4884  
Adel, IA Office: 515-993-4095
  - Decatur County Hospital (641) 446-4871  
1405 NW Church St, Leon, IA 50144
  - Community Health Centers of Southern Iowa (641) 784-3371  
802 E Ackerley St, Lamoni, IA 50140
- Other Off-campus Resources
  - Lamoni Police Department- (641)784-8711  
135 S Linden St, Lamoni, IA 50140
  - Crisis Intervention & Advocacy Center 24 hour Crisis Line 1-800-400-4884  
Adel, IA Office: 515-993-4095
  - Decatur County Hospital (641) 446-4871  
1405 NW Church St, Leon, IA 50144
  - Community Health Centers of Southern Iowa (641) 784-3371  
802 E Ackerley St, Lamoni, IA 50140
  - Iowa Sexual Abuse hotline-1-800-284-7821
  - National Coalition Against Domestic Violence <http://www.ncadv.org>
  - National Domestic Violence Hotline, 1-800-799-SAFE (7233) <http://www.ndvh.org>  
TTY: 1-800-787-3244
  - National Sexual Violence Resource Center <http://www.nsvrc.org>
  - STD Hotline 1-800-227-8922