

Graceland University Policy and Procedure HR

SUBJECT: Harassment, Discrimination, and Sexual Misconduct Policy

PURPOSE: Comply with Campus SaVE Act, Title IX, and Title VII

POLICY: Graceland affirms the importance of community. The University's commitment to the principle of mutual interdependence reflects a view of the worth and dignity of all persons. Graceland seeks to foster an environment of learning and work that encourages open, supportive, nonthreatening relationships among students, faculty, administration and staff.

Since harassment, discrimination and sexual misconduct may damage the possibility of a desirable environment, such behavior will not be tolerated at Graceland. All Graceland University employees and students are personally responsible for their own actions and behaviors. This policy shall apply to all employees and students as well as guests and visitors.

This policy applies to all complaints occurring on campus or at any university-sponsored activity, regardless of location. This policy may also apply to complaints that occur off campus and/or during semester breaks or between semesters, if the Complainant(s) and/or Respondent(s) are either employees or students and the conduct is likely to have an impact on campus life and/or activities, or if the conduct poses a threat of danger to an employee or student.

As part of our commitment to providing a working and learning environment free from harassment, discrimination, and sexual misconduct, this policy shall be widely disseminated to the university community through orientations, websites, handbooks, and other appropriate channels of communication. In addition, the university shall provide periodic awareness training for employees, students, as well as investigatory training for Title IX response team members. Prevention education and awareness campaigns will be offered to students throughout the year.

DEFINITIONS:

Coercion – direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person to perform an act which otherwise would not have been performed. Continued pressure to engage in an activity after a clear refusal to participate can be coercion.

Complaint - official, written complaint that warrants official action by the University response team.

Complainant(s) - individual(s) who may have possibly experienced a situation described under this policy.

Consent – knowingly, willingly, voluntarily and affirmatively giving permission to engage in an activity. Consent must be demonstrated through mutually understandable terms and/or clear, unambiguous actions that indicate a willingness to engage freely in the

proposed activity. Consent must be obtained from the beginning and end of each instance and each form of activity. Consent for one form of activity does not mean consent is given for subsequent or alternative activity. Consent is not silent or passive. Consent may be withdrawn at any time. Consent cannot be given by an individual incapacitated for any reason including by drugs and/or alcohol, unconscious, asleep, a passed out individual or on behalf of another person.

Dating violence – violence committed by a person -

- a. who is or has been in a social relationship of a romantic or intimate nature with the complainant; AND
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship.
 2. The type of the relationship.
 3. The frequency of interaction between the persons involved in the relationship.

This violence could be one act or a pattern of behavior. It may involve sexual violence, emotional violence and/or economic abuse.

Discrimination - Hostility or aversion toward an individual or group of individuals because of any legally protected classification. Disparate treatment is a form of discrimination when individuals are treated less favorably than others because of a legally protected classification. Disparate impact is another form of discrimination that negatively impacts a group of individuals more than others and is based on a legally protected classification.

Domestic violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Harassment – systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.

Report – Information received of potential harassment, discrimination or sexual misconduct. In accordance with federal and state law, students may file confidential reports. Employees may not.

Respondent – individual(s) who may have possibly committed one of the actions described under this policy.

Retaliation – any act or attempted act to seek retribution against a Complainant, witnesses or other person as a result of their involvement in any proceedings related to a complaint under this or any other policy. Retaliation can take many forms including but not limited to the following: firing, demoting, harassing, or otherwise treating an individual differently than before the involvement in the proceedings.

Sexual assault - having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion.

Sexual exploitation - an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. Examples of sexual exploitation include but are not limited to: observing another individual nudity or sexual activity without knowledge or consent of all parties involved; non-consensual streaming of images, photography, video or audio recordings of sexual activity or nudity without knowledge and consent of all parties involved; prostitution; exposing one's personal private areas in non-consensual circumstances, knowingly exposing another individual to a sexually transmitted disease or virus without knowledge; introducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Sexual harassment – any unwelcome sexual advance, request for sexual favors or other unwanted verbal or physical conduct of a sexual nature when one of the following conditions is present:

- a. Submission to or rejection of such conduct is an implicit or explicit condition of a community member's employment, academic work, or participation in any university activity; or
- b. Submission to or rejection of such conduct is used as the basis for decisions affecting that individual; or
- c. Such conduct has the purpose or effect of interfering with a community member's work or academic performance by creating a hostile, intimidating, humiliating, demeaning, or sexually offensive environment. The reasonable person standard will be used to evaluate section c.

Sexual harassment also includes gender-based, sexual orientation, and gender identity harassment, which may include acts of verbal, nonverbal, and/or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Typically, a single incident of sexual harassment will not create a hostile environment unless it is sufficiently severe.

Sexual misconduct – Sexual misconduct includes but is not limited to: sexual violence, sexual assault, dating violence, domestic violence, sexual exploitation, stalking. Definitions are listed separately for these terms.

Sexual violence - is any physical sexual act perpetrated against a person's will or where the person is incapable of giving consent. Inability to give consent includes when a person is incapacitated or unconscious, including when a person is under the incapacitating influence of drugs or alcohol. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, fondling, incest and statutory rape.

Stalking - is a course of conduct (two or more times) whereby the alleged perpetrator maintains visual or physical proximity to a person without legitimate purpose; or conveys oral or written threats, implied or actual. This may include online behaviors. This course of conduct would cause a reasonable person to fear bodily injury or death to themselves or a third party or suffer substantial emotional distress.

Title IX Response Team
<p>Title IX Coordinator <i>Katie Clauson Bash</i> Vice President for Institutional Research (641) 784-5064 clauson@graceland.edu Office on 3rd floor Higdon Administration Building</p> <p>Title IX Deputy Coordinators: <i>Ondrea Dory</i> Director of Human Resources (641) 784-5447 dory@graceland.edu Office in Patroness Hall Room 115</p> <p><i>Dave Schaal</i> Dean of Students (641) 784-5106 dschaal@graceland.edu Office in Memorial Student Center Room 17</p> <p><i>Joe Worlund</i> Athletic Director (641) 784-5341 joew1@graceland.edu Office in Hampton Center Room 202</p>

NON-DISCRIMINATION STATEMENT: Graceland University reaffirms its commitment to a safe and nondiscriminatory educational environment for all members of the community. Graceland does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, gender, sexual orientation, gender identity or expression, marital status, veteran status, religion, physical or mental disability, creed, genetic status or any other legally protected class. This statement applies to admission, employment, housing, athletics, and participation in programs, services, and activities. Graceland University will not tolerate discrimination. Discrimination complaints should be reported using the procedure below. All complaints will be investigated and dealt with according to the privacy statement below.

PRIVACY STATEMENT: Graceland is committed to protecting the privacy of all individuals in the Graceland community. In any report, investigation, or resolution under this policy, reasonable efforts will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegations(s). At all times, privacy of all parties will be respected and safeguarded. Information will only be shared with those University employees who need to know in order to assist in the review, investigation, or resolution of the report. All employees who are involved in Graceland's response process receive specific training

and guidance about safeguarding private information. Records of any Title IX investigation (including VAWA-related matters) will be kept in a secure location, accessible only to the Title IX Coordinator and his/her designees. Records that are discarded will be discarded in a secure manner.

At Graceland, completely confidential assistance can be provided only by professionals who have a statutorily-protected confidentiality, including the Personal Counselors, Campus Health Services Professional(s) and/or the Campus Ministers. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these confidential resources will not be shared with others without written consent unless required by law such as circumstances posing an imminent risk of harm to self or others. All other employees are required to report all incidences of sexual harassment and/or sexual misconduct to a member of the Title IX Response Team.

NON-RETALIATION STATEMENT: Graceland University will not tolerate any retaliation against any community member as a result of reporting allegations under this or any other university policy. This includes retaliation against an individual, group or third party. Any perceived retaliation will be dealt with in accordance with the applicable disciplinary policy. Complaints of retaliation should be filed with any member of the Title IX response team.

CONSENSUAL RELATIONSHIPS:

Faculty, staff, and others (including volunteers) who educate, supervise, evaluate, employ, counsel, coach, and/or otherwise guide students and/or employees should understand the power differential in the relationship they have with students and/or employees. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of the community, and such relationships undermine the professionalism of faculty and staff. Both faculty and staff members are expected to maintain professional, non-sexual relations with students.

When a member of the faculty or the staff is in a position to evaluate and/or supervise a student, sexual relations are unconditionally unacceptable. When such a supervisory relationship is present, sexual relations are clearly detrimental to the educational process and to an environment free of favoritism and/or the appearance of favoritism.

Even when no supervisory relationship is present, sexual intimacy between a student and a member of the faculty or staff can be detrimental to the ideal of a professional education environment. Although the initiator of a sexual relationship may be a student, it is the institutional responsibility of the faculty or staff member to deal with such a situation, at its inception, in a professional manner. Moreover, a member of the faculty or staff against whom a student makes a complaint of sexual harassment may find it difficult, because of the difference in status between the two persons, to prove that the relationship at issue was a fully consensual one.

RESOURCES: Graceland University is committed to respecting all members of the university community and treating everyone with dignity. The University recognizes that the decision whether or not to make a report and choosing how to proceed can be difficult. We encourage any individual who has questions to seek the support of campus and community resources. These resources can provide guidance in making decisions, information about available resources and procedural options, and assistance to any party in the event that a report and/or resolution under this policy are pursued.

Graceland University encourages university community members to make a prompt report of any alleged incident of harassment, discrimination, or sexual misconduct to local law enforcement and the University. For students who are not prepared to make a report but are still seeking information and support, there are confidential resources available, as designated below. These confidential resources will not share information with the University without the individual's consent.

Employees may seek confidential resources by calling the Employee Assistance Program (EAP). Information about that benefit is available in My Graceland.

On-Campus Confidential Resources:

Confidential Personal Counseling

Lauren Youngs, MS, LMHC

Personal Counselor

641-784-5200 or 641-784-5463

lyoungs@graceland.edu

CAP Center

Office in Patroness Hall Room 133

Health Services

641-784-5372

easter@graceland.edu

Office in Walker Hall, Garden level

HIV/AIDS and STD testing

Medical exam

Morning after pregnancy prevention

Confidential Resources (are not required to report the incident or disclose identifying information, only periodic statistical information) These individuals may be subpoenaed.

Confidential Campus Ministries

Mike Hoffman

Campus Minister

641-784-5466

mhoffman@graceland.edu

Office in Memorial Student Center Room 25

Melanie Grimes

Campus Minister

641-784-5478

grimes@graceland.edu

Office in Memorial Student Center Room 26

Members of the Clergy with Absolute Confidentiality (generally cannot be compelled to testify in a court of law). Note that some clergy may have a staff position, such as an instructor and absolute confidentiality might not apply. If you have a question about confidentiality-ASK.

Advocates Serving Southern Iowa

Crisis Intervention & Advocacy Center- 24 hour Crisis Line 1-800-400-4884
These advocates will come to Lamoni as needed.

Off-Campus Confidential Resources:

Crisis Intervention & Advocacy Center 24 hour Crisis Line 1-800-400-4884
Adel, IA 50003 Office: 515-993-4095

Decatur County Hospital (641) 446-4871
1405 NW Church St, Leon, IA 50144

Family Health Clinic (641) 784-7526
1332 E Main St, Lamoni, IA 50140

Community Health Centers of Southern Iowa (641) 784-3371
802 E Ackerley St, Lamoni, IA 50140

In addition to the confidential resources, Graceland University community members have access to various resources provided on campus. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Campus Resources

After Hours Assistance
641-784-5199

Title IX Coordinator
Katie Clauson Bash
Vice President for Institutional Research
(641) 784-5064
Clauson@graceland.edu
Office on 3rd floor Higdon Administration Building

Students, faculty, and staff may also access resources in the local community. These establishments can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are suitable to their needs, whether on- or off-campus.

Graceland University maintains an excellent relationship with the Lamoni Police Department, as well as the Lamoni Fire Department to safeguard the campus. Our police department is diligent about notifying our Dean of Students if there is criminal activity off-campus that has the potential to affect our student(s). Graceland also informally shares information with the Lamoni Police Department. Our Residence Life staff are well-trained and ready to respond to emergencies of all kinds.

Community 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 50003 Office: 515-993-4095

Decatur County Hospital (641) 446-4871
1405 NW Church St, Leon, IA 50144

Family Health Clinic (641) 784-7526
1332 E Main St, Lamoni, IA 50140

Community Health Centers of Southern Iowa (641) 784-3371
802 E Ackerley St, Lamoni, IA 50140

Any exams do not obligate you to file criminal charges; evidence is stored by the police to preserve the chain of evidence.

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)
TTY: 1-800-787-3244
<http://www.ndvh.org>

National Sexual Violence Resource Center
<http://www.nsvrc.org>

STD Hotline 1-800-227-8922

REPORTING: The University is committed to providing a variety of welcoming and accessible ways for employees and students to voice concerns about and report

instances of alleged harassment, discrimination or sexual misconduct. Reporting an issue is the best way for the community to help an individual receive the resources, support, and accommodations available at Graceland. Not only does reporting help the individual, communication about issues related to harassment and misconduct can help prevent sexual misconduct and sexual violence. The information reported can illuminate patterns of behavior, help identify immediate threats to the safety of the community, and systemic issues.

At the time a report is made, a student complainant does not have to decide whether or not to request conduct (corrective) action. Choosing to make a report and deciding how to proceed after making the 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 the pace and make decisions about how best to proceed (including not naming the other party/ies at the time of the report).

The University, as required by law, will take prompt remedial action when an employee makes a report.

All University employees, including faculty, staff, volunteers, and house presidents who have a responsibility for student welfare are required to share with the Title IX Coordinator, Title IX response team member, and/or a senior official any report of alleged harassment, discrimination or sexual misconduct they receive. Employees who have statutory confidentiality do not and will not report incidents without the permission of the reporter (unless the report involves a minor or imminent danger to the community). Any leader who knew about an incident that is reportable under this policy and took no action to stop it or failed to report it to a member of the Title IX response team may be subject to disciplinary action.

A. Emergency/Intermediate Reporting Options

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The University will assist any Graceland community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and provide information about the University's resources and complaint processes.

Assistance is available 24 hours a day year-round by calling the After-Hours Assistance (641-784-5199) and/or the Lamoni Police Department (911 for emergencies or 641-784-8711). Any individual may request that a member of the After Hours Assistance and/or the Lamoni Police Department respond and take a report. Any individual may also

request to speak with a campus confidential resource or a member of the Title IX Response Team.

There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the University's complaint process and/or criminal action.

B. Responding to a Report

Not every member of the Title IX team is involved in every issue; only those who "need to know" attend to the issue at hand.

The University's policy, definitions, and burden of proof may differ from Iowa criminal law. A Complainant may seek resolution through the University's conduct (corrective action) process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether harassment, discrimination, or sexual misconduct under this policy has occurred. Proceedings under the University's Harassment, Discrimination, and Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Graceland's decision will be based on a preponderance of the evidence in determining the resolution.

C. False Reporting

The University takes the validity of information very seriously, as a charge of harassment, discrimination, or sexual misconduct may have severe consequences. A Complainant who makes a report that is later found to be intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the allegations in the report are not substantiated through an investigation.

D. Reports Involving Minors

In compliance with Iowa Code 261.9 (1)(h): Child Abuse Reporting Law, the University will report all suspected child abuse and neglect involving minors, including sexual assault, to law enforcement. See HR12 - Child Abuse Reporting Policy for Graceland Locations in Iowa.

Interim Measures, Remedies, and Accommodations

A. Overview

Upon receipt of a report, the University will impose reasonable and appropriate interim measures designed to eliminate an undesirable environment. The University will maintain consistent contact with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal conduct (corrective) action is sought by the Complainant or the University.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure.

B. Range of Interim Measures

Interim measures will be implemented at the discretion of the University. Potential remedies and accommodations that may be applied to the Complainant and/or the Respondent include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus 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 to drop a course
- 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
- A voluntary leave of absence
- 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
- A change of office space

C. Interim Judicial Order

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.

D. Report vs Official Complaint

Reports may become official complaints at the request of the Complainant or at the university's discretion in the event of imminent danger.

Interviews will be conducted by trained university officials. The Complainant and Respondent are both entitled to be accompanied by an advisor or support person of their choice during the interview process. Lawyers are not allowed in interviews. Respondent may request prompt proceedings.

After interviewing all applicable persons and reviewing all the evidence, a decision will be made based on a preponderance of the evidence. If the evidence suggests that a policy violation occurred, sanctions may be applied. Possible sanctions include: University no contact orders, community service, fines, training, education, counseling, computer usage restrictions, probation, ban from university-sponsored events/activities, dismissal from university or employment.

Both Complainant and Respondent will be informed simultaneously in writing of the final decision and separate meetings will be scheduled. Such notification will occur within one day of the decision being reached.

D. Time Frames for Resolution

The University seeks to resolve all reports of alleged harassment, discrimination, or sexual misconduct within 60 calendar days.

In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the need for additional time, and best efforts will be made to complete the process in a timely manner while balancing principles of thoroughness and fundamental fairness with promptness.

E. 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 consider 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

Approved:

John Sellars, Ph.D.



Date

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Approved by President Sellars	<date>
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