

# Sexual Harassment Procedures Manual

The purpose of the Procedures Manual is to set forth the options available for individuals who have been subjected to sexual harassment in violation of Title IX and/or those who wish to report or make a formal complaint relating to sexual harassment. This Title IX grievance process shall be used to respond to all complaints of sexual harassment that fall within the scope of Title IX. For complaints of sexual harassment that do not fall within the scope of Title IX, FBBC&TS may still offer supportive measures to the target of such conduct and shall apply any other policy or procedure applicable to the alleged conduct.

Faith Baptist Bible College and Theological Seminary (FBBC&TS) is committed to safeguarding its ideals of scholarship, as well as its spiritual and moral atmosphere in an environment free from any form of sex discrimination, including sexual harassment. Discipline up to and including dismissal (for students) and termination of employment (for employees) can be expected in response to any founded acts of sexual harassment, which also may give rise to external legal and criminal action in certain situations. It is the policy of the institution to take all allegations of sexual harassment seriously, to provide a prompt, just and impartial review of such matters when they are reported and, when a complaint is determined to be founded by a clear and convincing level of evidence, to take appropriate disciplinary and remedial action. Furthermore, the institution will require annual training on this policy for students and for employees.

This Policy applies to all persons participating in any program or activity of the College, including students and employees and applicants for employment. Under Title IX, the College has jurisdiction over locations, events or circumstances over which it substantially controls the Respondent and the context in which the harassment occurs. The College's jurisdiction is limited to conduct against a person that occurs in the United States.

Any person may make a report of sexual harassment to the FBBC&TS's Title IX Coordinator, [Mrs. Faith Taylor, FBBC&TS, Domokos Rm 129, 1900 NW 4<sup>th</sup> Street, Ankeny, IA 50023, (515) 964-0601 Ext 262, [taylorlf@faith.edu](mailto:taylorlf@faith.edu)].

These procedures embody the foundational beliefs and policies that drive FBBC&TS's strong stance against sex discrimination and all related crimes. Any questions about FBBC&TS's Title IX Policy or Procedures should be directed to the Title IX Coordinator.

## 1| Foundational Beliefs and Policies

### 1.1| Treatment of other Human Beings

1.1.1] “We believe that human beings, male and female, were originally created in the image and after the likeness of God. We believe in the sanctity of life of all human persons, including the unborn, ailing, and aging. We believe that Jesus Christ...lived a sinless life and gave Himself as a perfect substitutionary sacrifice for the sins of all humanity. We believe that...we [must] love all individuals and seek their salvation. We believe that salvation is made effective only upon the exercise of personal faith in Jesus Christ, which faith is not a meritorious work, but possible only by the grace of God.”<sup>1</sup>

1.1.2] In light of these truths, we affirm that every human being, including the unborn, ailing, aging, male and female ought to be shown compassion, love, and kindness, and afforded dignity and respect as God's creatures, created uniquely in His image, and the objects of His love. Thus all forms of violence, including assault, dating violence, domestic violence, sexual

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<sup>1</sup> Taken from the FBBC&TS Doctrinal Statement.

abuse, and sexual assault, all forms of harassment, including gender-based harassment, retaliation, sexual harassment, and stalking are strictly prohibited at FBBC&TS.

## 1.2| Justice and Peace

1.2.1| God proclaims in His Word that He establishes justice and provides peace<sup>2</sup> and that He desires that our service to Him demonstrate these same qualities.<sup>3</sup> So we make it our aim to operate with justice, fairness, and equity in our treatment of students, and staff, and in the resolution of campus complaints, grievances, disciplinary proceedings, and crimes. We further aim to establish a campus which promotes peace, and policies and procedures that protect and promote this peace in cooperation with the civil government, instituted by God as His means of maintaining peace and order among humans.

## 1.3| Gender and Sexuality

1.3.1| As a religious institution founded upon and framed by the Bible, we believe that every person ought to be afforded dignity and shown kindness, love, and respect. “We believe that marriage was divinely ordained to be the lifelong and exclusive union of one man and one woman, and we affirm that the Scriptures command that sexual intimacy be reserved for this Biblical marital relationship alone, condemning all other forms as sexual immorality. We believe God created both male and female, and that He designed gender distinctions between men and women, including the Biblically-defined and distinctive roles of husband and wife. Since gender distinctions are rooted in divine order, changing or disguising one’s inherited sex (and correlated gender) reflective of this order transgresses God’s design.”<sup>4</sup> We celebrate these God-given (both in creation and in the Bible) distinctions, and the mutual, and equal, dignity, honor, and respect inherent in God’s designs for men and women. Sexual immorality, sex discrimination, and gender-based harassment are strictly prohibited on the campus of FBBC&TS.

1.3.2| The administration, staff, faculty, and students are required to abide by their respective handbooks in sexual conduct and related matters.

## 2| Definitions

2.1| **Sexual harassment** means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

2.1.1| **“Quid Pro Quo” Harassment.** A College employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; **OR**

2.1.2| **Hostile Educational/Work Environment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person

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<sup>2</sup> Psalm 25:8; Philippians 4:7

<sup>3</sup> Romans 14:17-19

<sup>4</sup> FBBC&TS Doctrinal Statement.

equal access to the College's education program or activity; **OR**

2.1.3| **Sexual assault.** An offense that meets the definition any one of the following offenses:

- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**

2.1.4| **Stalking:**

- Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
- when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
- the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**

2.1.5| **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship; **OR**

2.1.6.| **Domestic Violence:** any felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; 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 State of Iowa.

2.2| Consent

2.2.1| “Consent,” in the context of sexual activity, means by clear, unambiguous action, agreeing, giving permission or saying yes to sexual activity with someone else, with knowledge of the act involved. Consent may not necessarily be inferred from silence or passivity. Consent is not present if a sexual act is committed through force, threat, intimidation or against the will of another. Furthermore, an individual cannot give consent if incapacitated from doing so due to the influence of drugs, alcohol, or other condition.

2.2.1.1| Incapacitation is a mental and/or physical state of helplessness, sleep, unconsciousness, unawareness that results in the inability to give consent.

2.2.1.2| Intimidation is behavior toward another that causes an individual (with ordinary sensibilities), reasonable fear of injury or harm.

### 2.3| Retaliation

2.3.1| Retaliation is an adverse action taken against another because they have participated in “protected activity.” Protected activity may include, but is not necessarily limited to:

2.3.1.1| Filing or being a witness in a complaint or investigation under this policy;

2.3.1.2| Communicating with counselors, advisors, supervisors, or other FBBC&TS Administration about sexual harassment

2.3.1.2.1| Resisting sexual harassment or intervening to protect others from the same; or

2.3.1.2.2| Otherwise opposing sexual harassment, if the individual reasonably believes such conduct constitutes a violation of federal or state law or FBBC&TS policy.

2.3.1.3| Retaliation may occur when an adverse action is taken against an individual because that individual participated in protected activity, and where such adverse action would discourage a reasonable person from resisting or complaining about future sexual harassment. Examples of retaliation include, but are not limited to, verbal or physical abuse, altering or interfering with an individual’s grades, class selection or any other matter pertaining to student status (for students) or termination, demotion, or other material alterations to an individual’s terms or conditions of employment (for employees).

## 3| Title IX Coordinator

3.1.| The Title IX Coordinator has primary responsibility for coordinating FBBC&TS’ efforts to comply with and carry out its requirements under Title IX. The Title IX Coordinator will oversee any grievance process conducted in accordance with these procedures. This oversight also includes the institution’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the institution can address issues that affect the wider school community. Any individual with questions about FBBC&TS’s Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact FBBC&TS’s designated Title Coordinator, [Mrs. Faith Taylor, Title IX Coordinator, email: [taylorf@faith.edu](mailto:taylorf@faith.edu), Phone: 515-964-0601, Ext 262; Miss Rachel Palma, Deputy Coordinator, email: [palmar@faith.edu](mailto:palmar@faith.edu), Phone: (515) 964-0601 Ext. 235; Mr. Zack Barron, Deputy

Coordinator, email: [Barronz@faith.edu](mailto:Barronz@faith.edu), Phone: 515-964-0601, Ext 214; Faith Baptist Bible College, Domokos Rm 129, 1900 NW 4<sup>th</sup> St., Ankeny, Iowa 50023.]

- 3.2] In the event that the incident, policy, or procedure about which the student or employee seeks to file a formal report or complaint appears to create a conflict of interest for the Title IX Coordinator, students or employees may contact one of the Title IX Deputy Coordinators (contact information found on the website: <https://faith.edu/title-ix/> or the Dean of the Seminary in the case of seminarians).
- 3.3] Complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at: Chicago Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544. Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

## 4] Title IX Team

### 4.1] Team Members

- 4.1.1] The Title IX Team consists of the Title IX Coordinator, one or more Deputy Coordinators, and an Investigator. These individuals shall receive appropriate training, be unbiased, and free from any conflicts of interest that would prevent them from performing their duties in a fair and impartial manner.
- 4.1.2] The Title IX Deputy Coordinators serve as assistants to the Coordinator or, in the event of a conflict of interest for the Title IX Coordinator, one of the Deputy Title IX Coordinators will oversee the grievance process.
- 4.1.3] The Title IX Investigator will gather evidence related to the complaint from the Complainant, the Respondent, and any available witnesses and issue a report summarizing the relevant evidence, as set forth in more detail below.

## 5] Rights and Procedures

All parties have the right to equal participation in the grievance process, which will be conducted in accordance with these procedures to enable a fair process and outcome to all complaints.

### 5.1] Immediate Response

- 5.1.1] The following may be helpful for Complainants to consider in the initial response to sexual harassment. Complainants:
  - 5.1.1.1] May consider, if necessary for personal safety, or the safety of someone else, seeking refuge from the Respondent, or calling the proper authorities (911 for the police).
  - 5.1.1.2] May consider making a mental or written note of the scene considering such details as time, location, the identity or description of the Respondent, the identity of any witnesses, and a description of the events.
  - 5.1.1.3] As applicable, the individual may consider visiting a local emergency room or clinic which can provide medical care and collect forensic evidence. In these cases, a Sexual Assault Nurse Examiner (SANE), who can give a confidential medical examination, may be requested. It is best if such an examination take place within 120 hours of the incident. Any evidence which can be preserved about the incident

may prove useful as evidence in any ensuing investigation.

## 5.2| Available Help

There are various provisions on and off campus for Complainant care following an incident of sexual harassment or relationship violence. Though Complainants are encouraged to talk to someone about what happened, they ought to consider the ability of the one with whom they speak to maintain a Complainant's confidentiality. Refer to section 5.7 of this document for more specific information regarding confidentiality.

- 5.2.1| Complainants are encouraged to seek moral support from a trustworthy friend or family member, and Complainants have the right to request this person's presence at any proceedings related to the event.
- 5.2.2| The Iowa Sexual Abuse Hotline can be reached at 1-800-284-7821.
- 5.2.3| Complainants may consider reporting the matter to the proper authorities.
  - 5.2.3.1| Immediate safety threats or emergencies may warrant calling 911 for the police. The Ankeny Police Department's non-emergency line is (515) 286-3333. Complainants should remember that they are not required to file charges along with the report. The assistance of either a male or female officer may be requested.
  - 5.2.3.2| Complainant has the right to be assisted by campus authorities in reporting the incident to local law enforcement, and the right to decline to report the incident to law enforcement. FBBC&TS will process a formal complaint and/or institute supportive measures consistent with these procedures regardless of whether or not Complainant reports the incident to local law enforcement.
  - 5.2.3.3| Complainant has the right, independent of FBBC&TS to seek a judicial no-contact, restraining, or protective order.
- 5.2.4| Complainants may register with the county attorney so that he or she will be kept informed of the status of the case.
- 5.2.5| Complainants are encouraged, but not required, to seek counseling services with counselors certified by the Association of Certified Biblical Counselors (ACBC). Local ACBC certified counselors include Dan Bunge and/or Charlotte Bunge of Des Moines, and Dave Knudson, of the Association of Certified Biblical Counselors, at 515-635-5465. The individual may also search for other available counselors and find the contact information for the listed counselors at the ACBC website ([www.biblicalcounseling.com](http://www.biblicalcounseling.com)). Seeking counseling through the ACBC will not trigger an investigation by FBBC&TS.
- 5.2.6| Complainants are encouraged to report the incident to the campus authorities.
- 5.2.7| The Title IX Coordinator for FBBC&TS is Mrs. Faith Taylor, [taylorf@faith.edu](mailto:taylorf@faith.edu), 1900 NW Fourth Street, Ankeny, IA 50023, (515) 964-0601, Ext. 262. The Title IX Coordinator can meet with students or employees to explain applicable rights, policies, and procedures of the Complainant and institution as related to the Sexual Harassment Policy, and to give advice and direction regarding the reporting of the incident. Further details about the Title IX Coordinator's functions and responsibilities may be found in section 3.
- 5.2.8| The Security Department (515-210-6563) has at least one guard on duty Monday through Friday from 4 PM to 8AM and 24 hours a day on weekends. They are available to provide assistance including access to buildings, safe transportation across campus, support in potentially

threatening situations, and help in contacting the proper local authorities. Emergency and similar calls should be directed to 911.

### 5.3| Supportive Measures

- 5.3.1| Whether or not the Complainant chooses to make a formal complaint with FBBC&TS, the Complainant has the right to request reasonably available changes to his or her academic, living, transportation, and/or working situation (“supportive measures”). Requests for supportive measures should be directed to the Title IX Coordinator.

Supportive measures will be individualized, provided at no cost to either party, designed to protect the safety of all parties and deter harassment, and are non-disciplinary and non-punitive in nature. Complainant’s preferences will be taken into account by the Title IX Coordinator. The Title IX Coordinator will oversee the administration of Supportive Measures, while the Dean of Students<sup>5</sup> or HR Director give assistance in these areas, as well as in assisting a Complainant who wishes to report an incident to the local law enforcement agencies, or any other campus life issues not mentioned above.

- 5.3.2| FBBC&TS, after consulting with the Complainant or the Complainant’s counselor or advocate, will determine which, if any, measure(s) are appropriate to ensure the Complainant’s safety and equal access to educational programs and activities:

- 5.3.2.1| Academic accommodations (see below)
- 5.3.2.2| Assistance in medical and mental health services information and referral
- 5.3.2.3| Change in campus housing and/or dining locations
- 5.3.2.4| Assistance in finding alternative housing
- 5.3.2.5| Assistance in alternative employment arrangements/work schedules
- 5.3.2.6| A mutual “no contact” directive pending the outcome of an investigation, which serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another
- 5.3.2.7| Providing an escort to ensure that the student can move safely between school programs and activities
- 5.3.2.8| Assistance with transportation accommodations
- 5.3.2.9| Assistance identifying an advocate to help secure additional resources or assistance, including counseling

- 5.3.3| Consideration of any other interim measures not listed above will be considered on a case-by-case basis, where necessary to protect the safety of all parties and deter sexual harassment. Such measures can be adjusted beginning before the investigation, through the process of the investigation, and after the investigation to ensure that the measures are effective to keep the

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<sup>5</sup> The title “Dean of Students” in this document applies to two positions, one for the College, and one for the Seminary. For the college and all college students, it refers to the Dean of Students. For the seminary and all seminary students, it refers to the Dean of the Seminary, who fulfills the Dean of Students position for the Seminary.

Complainant safe.

#### 5.3.4| Academic Accommodations

Depending on the nature of the incident, a variety of Academic Accommodations are available to the Complainant. Considering the ongoing mental and physical challenges that may face Complainants of sexual harassment, the institution is willing to work with the Complainant's mental and health care providers. The Health Services Special Needs Coordinator (Nurse) and the Vice-President of Academic Services can work with Complainants and their health care providers as applicable, and to make the necessary accommodations, including the following:

- 5.3.4.1| Transferring to another section of a class,
- 5.3.4.2| Rescheduling an academic assignment or test,
- 5.3.4.3| Accessing academic support, such as tutoring,
- 5.3.4.4| Arranging for incompletes, a leave of absence, or withdrawal from a class or from campus, or
- 5.3.4.5| Preserving eligibility for academic, athletic, or other scholarships, financial aid, and internships.

#### 5.4| Court Orders.

If an individual obtains an order of protection from a court in Iowa, the Title IX Coordinator should receive a copy to be aware of any limitations or restrictions and to develop a plan to abide by the court order.

#### 5.5| Emergency Removals.

FBBC&TS may temporarily remove a student accused of violation this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws.

FBBC&TS may, in its sole discretion and consistent with any applicable FBBC&TS policy, handbook, contract, or rule, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

#### 5.6| Confidentiality

5.6.1| FBBC&TS is committed to creating an environment in which those who have experienced sexual harassment are encouraged to come forward, while also protecting the privacy of all involved in an investigation. It is important that those reporting sexual harassment understand the limits on confidentiality of the individual whom they may contact for such assistance. Different people, depending on their positions, have different obligations with regard to confidentiality. Under Iowa law, communications with some individuals are confidential. Those who want to maintain confidentiality should always confirm whether confidentiality applies to the communication before they make the communication.

- 5.6.1.1| Those who can maintain near complete confidentiality are classified as "privileged" or "confidential" communication options. Generally, confidentiality will apply when seeking services from



- 5.6.1.1.1] Trained and statutorily certified Complainant’s advocates;
- 5.6.1.1.2] Licensed psychological counselors or health care providers;
- 5.6.1.1.3] A personal attorney representing the Complainant; and/or
- 5.6.1.1.4] A religious or spiritual counselor (e.g., non-FBBC & TS pastor)

5.6.1.2] Any other FBBC&TS employee cannot guarantee confidentiality, as FBBC&TS may have an independent obligation to report or investigate potential sexual harassment, even if a Complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of sexual harassment or retaliation received by a non-confidential FBBC&TS employee.

5.6.1.3] FBBC&TS will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, or has been identified as the perpetrator or Respondent to any such report or complaint, or is a witness to any complaint or investigation, **except** as required to carry out the purposes of this Policy (including the conduct of any investigation, hearing, or judicial proceeding), applicable law, or as permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g.

However, complaints about violations of this Policy will be handled in strict confidence, with personally identifiable information protected and information made available only to those who need to know in order for the College to promptly and thoroughly investigate and resolve the matter. The College must balance the needs of individual students with its obligation to protect the safety and well-being of the community at large.

5.6.2] If the Complainant does not wish to pursue formal or informal resolution and/or requests that his or her report remain confidential, the Title IX Coordinator will inform the Complainant that FBBC&TS’s ability to respond may be limited. The Title IX Coordinator or designee may conduct a preliminary investigation into the alleged sexual harassment and may weigh the Complainant’s request against the following factors:

- The seriousness of the alleged sexual harassment,
- Whether there have been other Complainants of sexual harassment against the same Respondent, and
- The Respondent’s right to receive information about the allegations, including the name of the Complainant.

The Title IX Coordinator will only initiate a formal complaint against the wishes of the Complainant when the allegations, if true, would negatively impact the FBBC&TS community.

The Title IX Coordinator or designee will inform the Complainant if FBBC&TS cannot ensure confidentiality. Even if the FBBC&TS cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality, FBBC&TS reserves the right to undertake an appropriate inquiry, and/or take other reasonably necessary supportive measures to promote a safe learning environment for the Complainant and/or the entire FBBC&TS community.

If the institution determines that it cannot maintain a Complainant’s confidentiality, the

institution will inform the Complainant of this decision prior to starting an investigation, and, to the extent possible, will only share information with people responsible for handling the college's response.

- 5.6.3] FBBC&TS will also keep personally identifiable information out of public recordkeeping, including FBBC&TS's Annual Security Report of Crime Statistics under the Clery Act. For more information, consult the FBBC&TS Security Department's Clery Report Policies.

## 5.7] Reporting

- 5.7.1] All full or part time employees of FBBC&TS are required to immediately report any conduct that they witness or become aware of, which may constitute sexual harassment to the Title IX Coordinator.
- 5.7.2] Any individual who has been the subject of sexual harassment may report the alleged harassment to the Title IX Coordinator. The Title IX Coordinator will advise the Complainant of the right to proceed with a formal complaint or to receive supportive measures regardless of whether the Complainant files a formal complaint. Complainants should report sexual harassment as soon as possible after the incident occurs.

A formal complaint, which is required to initiate an investigation or informal resolution, must be in writing and include the following information:

- 5.7.2.1] Complainant's name. (Complainant's home address, email, telephone number, and FBBC&TS Student/Employee ID number should be documented separately from the written complaint.)
  - 5.7.2.2] Name of the person against whom the complaint is being made, including job title or student status, if known.
  - 5.7.2.3] A statement of the facts that constitute the alleged sexual harassment including dates and locations of the alleged incident(s) and the identity of any witnesses.
  - 5.7.2.4] The term and year of his/her most recent active employment, academic, or student status within the University.
  - 5.7.2.5] A student who is seeking admission to FBBC&TS should include the term and year in which he/she sought admission to the University.
  - 5.7.2.6] The full name, address, and telephone number of Complainant's advisor or supervisor, if any.
  - 5.7.2.7] The specific harm that resulted from the alleged act.
  - 5.7.2.8] The Complainant's signature and the date on which the complaint was submitted. The Title IX Coordinator may sign the formal complaint but in doing so does not become a party to the complaint.
- 5.7.3] Upon receiving or completing a formal complaint, the Title IX Coordinator will promptly begin the Title IX Investigation Process as outlined later in this document.

## 5.8] Retaliation

Retaliation, as defined in section 2.3, is strictly prohibited by FBBC&TS. All individuals have the right to report any incidents of retaliation to the Title IX Coordinator. If, after due process of investigation, such a report is

confirmed, the institution may enact sanctions up to and including student dismissal or employee termination.

## 6| Title IX Grievance Procedures

This section provides the framework for a Title IX grievance procedures, which shall be followed when an individual files a formal complaint that the Title IX Coordinator deems to be investigable under these procedures.

### 6.1| General Rights and Responsibilities

- 6.1.1| The burden of proving a violation under Title IX is the responsibility of FBBC&TS, not the parties. All determinations of responsibility shall be based on clear and convincing evidence.
- 6.1.2| The Title IX Investigation process is designed to provide a prompt, fair, and impartial investigation and resolution. In general, these grievance procedures will be concluded within sixty (60) calendar days of the filing of a formal complaint, exclusive of appeal. However, there may be circumstances where this timeframe will not allow enough time for FBBC&TS to reasonably investigate and resolve the complaint, in which case the Title IX Coordinator will notify the parties of the anticipated date for an extension to this timeframe.
- 6.1.3| Both parties will have an equal opportunity to participate in the grievance process, including the ability to present witnesses and other evidence (both inculpatory and exculpatory) where applicable in the grievance process.
- 6.1.4| Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party or otherwise violate applicable law, rule, or regulation.
- 6.1.5| Either party may choose to be accompanied at any stage of the process by an advisor of their choice, who may be a family member, friend, other support person, union representative (where applicable), or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing or to conduct cross-examination during any live hearing.
- 6.1.6| All records and documented evidence of the proceedings will be kept confidential in password-protected and/or encrypted document storage systems. Any records that may be made public will not include information identifying any party or witness, to the maximum extent permissible by law.
- 6.1.7| The Respondent will be presumed not responsible during the grievance process prior to a determination of responsibility or an admission by the Respondent that he/she engaged in the conduct alleged.

### 6.2| Investigation Procedures

- 6.2.1| Upon receipt of a formal complaint, the Title IX Coordinator will meet with each party individually to explain the policies and procedures described herein and to discuss supportive measures.
- 6.2.2| If the report involves any danger to the campus, students, or employees, the Crisis Management Plan (see Student Life) will immediately be implemented to ensure appropriate and prompt emergency notification.

6.2.3] After ensuring that any necessary supportive measures have been offered and implemented for the Complainant, the Title IX Coordinator will initiate a Title IX investigation.

6.2.4] The designated FBBC&TS Title IX Investigator information is on the website. <https://faith.edu/title-ix/> Where an actual or reasonably perceived conflict of interest or other reasons warrant an alternative investigator, the Title IX Coordinator will designate an alternative investigator, who might be another FBBC&TS employee or outside investigator. Any designated Investigator shall have the requisite skill, training, and expertise to conduct an appropriate investigation into allegations of sexual harassment.

6.2.5] Written Notices.

6.2.5.1] **Notice of Investigation.** If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
- The parties' rights to review and comment on investigative evidence; and
- The effect of making materially false statements in bad faith during this process.

If, during the course of investigation, FBBC&TS determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

6.2.5.2] **Notice of Interviews, Hearings, or Other Meetings.** The Title IX Coordinator shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

6.2.6] Dismissal.

6.2.6.1] A complaint must be dismissed at any time that FBBC&TS, in its sole discretion, determines that:

- 6.2.6.1.1] The conduct alleged, even if proven, does not meet the definition of sexual harassment under these procedures,
- 6.2.6.1.2] The conduct alleged did not occur in the school's education program or activity, or
- 6.2.6.1.3] The conduct alleged did not occur within the United States.

6.2.6.2] A complaint may be dismissed at any time prior to a determination of responsibility where:

- 6.2.6.2.1] The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any

allegations;

- 6.2.6.2.2] The Respondent is no longer enrolled in or employed by the College; or
- 6.2.6.2.3] Specific circumstances exist that prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.
- 6.2.6.3] Dismissal of a complaint from proceeding under this Policy does not preclude FBBC&TS from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of FBBC&TS.
- 6.2.6.4] Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefore will be provided simultaneously to Complainant and Respondent.
- 6.2.7] The Title IX Investigator will gather evidence related to the complaint from the Complainant, the Respondent, and any available witnesses.
  - 6.2.7.1] Both the Complainant and the Respondent will be provided with a co-equal right and opportunity, separately in an environment where direct confrontation is not required, to present and provide any related evidence, including witnesses, to the Investigator.
  - 6.2.7.2] No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be obtained or used during an investigation unless the person holding that privilege has waived it.
  - 6.2.7.3] After receiving and reviewing all relevant information from the Complainant and Respondent, including witness testimony, but before finalizing an investigation report, the investigator will provide to the Complainant and Respondent all evidence received by the Investigator that is directly related to the allegations in the complaint. The Complainant and Respondent will have ten (10) calendar days to provide a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with FBBC&TS policy.
  - 6.2.7.4] After the parties have been given an opportunity to provide a written response to the evidence, the Investigator will draft a report summarizing all relevant evidence gathered during the investigation, including statements/testimony from the parties and witnesses, and any other evidence obtained by the Investigator. The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as Complainant, Respondent or witness. This final investigation report will be provided to the parties simultaneously at least ten (10) calendar days prior to any hearing being held under Section 7.3.

### 6.3| Title IX Hearing

6.3.1| Upon completion of the investigation, the Investigator will present the final investigation report to the Title IX Hearing Panel, which will serve as the decision-making panel. The Investigator will deliver the final investigator report to the parties as least ten (10) calendar days prior to any hearing held under this section.

6.3.1.1| **Title IX Hearing Panel.** The Title IX Coordinator will designate a 3-member panel to serve as the Title IX Hearing Panel for a particular case. The Hearing Panel will be comprised of members of the administration, faculty, and staff. The Title IX Hearing Panel has the task of conducting a prompt, fair, and impartial hearing on the allegations made in the formal complaint and issuing a determination regarding responsibility at the conclusion of a live hearing conducted in accordance with the procedures in this section.

6.3.1.2| **Conflicts of Interest.** In the event that one of the members of the Title IX Hearing Panel has a conflict of interest, that individual will not serve on the Title IX Hearing Panel for that case.

6.3.1.3| **Notice of Hearing and Pre-Hearing Meetings.** If a hearing is scheduled, the Title IX Coordinator or designee will provide written notice to both parties of the time, date, location, anticipated participants, and purpose of the hearing with sufficient time for the parties to prepare for the hearing. In addition, the Title IX Coordinator or designee will schedule separate meetings with the Complainant and the Respondent to review the hearing procedures.

6.3.2| A live hearing will be conducted before the Title IX Hearing Panel prior to making any determination regarding responsibility under Title IX. The Title IX Hearing Panel will conduct an independent review of the evidence provided to the investigator.

6.3.2.1| Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings. Unless otherwise stated in this Policy, the hearing will follow the rules and procedures established by the Title IX Office as necessary to conduct an orderly and fair hearing.

The Title IX Hearing Panel will not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Each party shall be represented during the live hearing by an advisor of their choice at their own expense, who may be an attorney, for the purposes of conducting cross-examination. If a party does not have an advisor of the College's choice will be provided to conduct cross-examination. Under no circumstances will the parties be allowed to conduct cross-examination directly.

The parties' advisors will have the opportunity to cross-examine other parties and witnesses, including all relevant questions and follow-up questions, including those challenging the credibility of the party or witness.

Questions or evidence about the Complainant's sexual predisposition or prior sexual behavior shall be excluded, other than to establish that someone other than the Respondent committed the alleged conduct or to prove consent through

specific past incidents between Complainant and Respondent.

The Title IX Hearing Panel will determine if cross-examination questions are relevant before the party or witness is required to answer it. If the Title IX Hearing Panel excludes a question as irrelevant, they will provide an explanation regarding the exclusion of the question.

If any party or witness does not submit to cross-examination during the hearing upon request, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination of responsibility. The Title IX Hearing Panel will not draw an inference about responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

6.3.2.2] If requested by either party, the live hearing may be conducted with the parties in separate rooms through video- and audio-enabled technology that enables the parties and Title IX Hearing Panel members to see and hear the party/witness answering questions.

6.3.2.3] All live hearings will be audio or video recorded and made available to both parties for inspection and review.

6.3.3] Based on clear and convincing evidence, the Title IX Hearing Panel will reach a determination regarding responsibility.

6.3.4] Following the conclusion of the hearing and reaching of a determination regarding responsibility, the Title IX Hearing Panel will prepare a written decision that includes the following information:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact;
- Conclusions regarding the application of the applicable policies and procedures to the facts;
- A statement of and rationale for the Title IX Hearing Panel's determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on the Respondent, if applicable;
- A statement of and rationale for any remedies the College will provide to restore or preserve the Complainant's access to the College's program or activity, if applicable; and
- A statement of the College's appeal policy and procedures.

6.3.5] Sanctions and Remedies: For students, sanctions include, but are not limited to, an educational sanction, reprimand, probation, restitution, fine, denial of privileges, no-contact order, housing transfer or removal, suspension, and/or expulsion or termination, as set forth in the FBBC&TS Student Code of Conduct.

For faculty and staff, sanctions could range from warning, reprimand, suspension with or without pay, demotion, or termination of employment, and may include such other forms of disciplinary action as appropriate under applicable FBBC&TS procedures, handbooks/manuals, or contracts.

Sanctions may also include supportive measures regarding the Complainant. The FBBC&TS will also consider providing remedies for the broader campus community, as may be necessary to remedy the effects of Sexual Harassment.

Remedies may include, but are not limited to, addition, continuation, modification, or extension of any supportive measures, including counseling, accommodations relating to academic, living, transportation, and work arrangements, and any other remedies that are deemed appropriate by the Title IX Hearing Panel in light of the determination regarding responsibility.

6.3.6] To provide for the simultaneous notification of both the Complainant and the Respondent, the Title IX Coordinator will call for two separate meetings, at the same time, in separate locations on campus, providing for the safe arrival and departure of the Complainant and Respondent.

6.3.7] Amnesty for Students.

FBBC&TS recognizes that Complainants and individuals with information about sexual harassment may hesitate to come forward out of fear that their own actions are violations of FBBC&TS's student conduct policies. While FBBC&TS does not condone violations of such policies, it considers reporting incidents of sexual harassment to be of principal importance. Therefore, FBBC&TS seeks to remove barriers to reporting sexual harassment. To this end, a violation of the student handbook, when the violation is disclosed (either by a student-participant or a third party) as a result of a report of sexual harassment, will not result in dismissal for the reporting party, provided that the complaint is raised in good faith and the health and safety of the individuals involved is not jeopardized. However, amnesty will not be extended to the extent FBBC&TS determines that the violation of its student conduct policies was egregious, involved any illegal activity, or involved violations that did, do, or may place the health or safety of any other person at risk. FBBC&TS reserves the right to extend grace to all parties involved and may choose to recommend or require institutional or counseling remedies for a student consistent with our values.

## 6.4] Appeals

6.4.1] A determination of responsibility issued by the Title IX Hearing Panel may be appealed by either party. The following paragraphs describe the proper process for appeals for students and employees in various contexts. The appeal processes listed below apply only to complaints and decisions relating to sexual harassment.

6.4.2] A party aggrieved by the decisions made by the Title IX Team regarding sexual harassment may file with the Title IX Coordinator a Petition for Appeal within three (3) business days of notification of the final outcome of the Investigation. The appeal must be in writing and state clearly the grounds that justify reconsideration. General dissatisfaction with the outcome of the Investigation or related proceedings is not a basis for appeal. The written appeal may be made only on one or more of the following grounds:

6.4.2.1] There was a significant procedural irregularity of a nature sufficient to have materially and detrimentally affected the outcome.

6.4.2.2] There is significant new evidence that was previously unknown to the appellant, which the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome and substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included



with the notice of appeal.

- 6.4.2.3] The sanctions imposed are grossly disproportionate to the violations found to have occurred and would result in substantial injustice to either party.
- 6.4.2.4] The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.
- 6.4.3] An appeal which is not based on one of these criteria will be dismissed without further consideration. If no appeal is received by the Title IX Coordinator within the three (3) business day period, the determination of responsibility, sanctions imposed by the Title IX Hearing Panel will be final.
- 6.4.4] If the appeal is received within the three (3) business day period, the Title IX Coordinator will select and notify the Appeals Board.
- 6.4.5] The Title IX Coordinator will also notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.
- 6.4.6] The Appeals Board will then review the investigator's findings, the conclusions of the Title IX Hearing Panel, and/or any sanctions imposed, the written statements of the parties on the merits of the appeal, and obtain any additional information deemed necessary by the Appeals Board for resolution of the appeal. No member of the Appeals Board will have participated previously in the formal process or have a conflict of interest with either the Complainant or Respondent.
- 6.4.7] Within fifteen (15) business days of the date of the filing of the appeal and within seven (7) days after concluding its review of the applicable findings and/or sanctions, unless there are extenuating circumstances (i.e., unavailability of Appeals Board member(s), uncooperative witness(es), school break periods and periods when FBBC&TS is closed), the Appeals Board will render a written decision on the result of the appeal and the rationale therefor, which will be communicated to the Complainant and Respondent simultaneously and in writing. The Appeals Board's decision on all appeal requests is final.

## 7] Informal Resolution

After the filing of a formal complaint, FBBC&TS may facilitate an informal resolution between the parties, and at any time prior to the Decision-Maker's determination of responsibility via the issuance of a written decision.

The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate. Informal Resolution will not be available to resolve allegations involving an employee sexually harassing a student or for any complaint involving actual or threatened physical violence.

FBBC&TS will not require the parties to participate in the Informal Resolution process as a condition of enrollment, continuing enrollment, or employment or continuing employment, or of any other right conferred by the College.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal complaint resolution process above, at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the FBBC&TS. Both parties must voluntarily consent in writing to

participation in the informal resolution process.

The Title IX Coordinator will attempt to aid the parties in finding a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and must be signed by the Complainant and the Respondent. Once both parties have voluntarily signed the written resolution, the written resolution becomes final and neither party can initiate the formal complaint resolution process above to resolve the allegations in the formal complaint. The written resolution is not subject to appeal.

#### 7.1| Advisors

The Complainant and the Respondent each may be assisted by an advisor throughout the Informal Resolution process. Advisors are assigned and subject to the same restrictions set forth for advisors as set forth above.

#### 7.2| Election of Formal Resolution

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution will not be considered in the subsequent formal resolution.

#### 7.3| Privacy of Informal Resolution

In order to promote honest, direct, communication, information disclosed during informal resolution must remain private while the informal resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of FBBC&TS.

## 8| Prevention, Education, and Training Programs

### 8.1| Students

8.1.1| As a part of new and returning student orientation, all students will be required to read the Sexual Harassment Policy, as well as receive instruction regarding the implementation of the policy, their rights as students, guidelines for bystander intervention, and the location and function of Title IX-related services on campus.

### 8.2| Employees

8.2.1| All employees will be educated and trained in the nature and implementation of the Sexual Harassment Policy at new employee orientation, and then yearly at the August employee in-service.

8.2.2| The Title IX Coordinator, Deputies, and Investigator(s) shall receive yearly training in the areas of Title IX compliance. All members of the Title IX Hearing Panel will receive periodic training in the adjudication of Title IX investigations and disciplinary proceedings as deemed necessary by the Title IX Coordinator.

8.2.3| Contact information for Title IX Coordinator and the Deputy Coordinator(s) is found on the website. <https://faith.edu/title-ix/>.

8.3| Specific Training for Title IX Coordinators, Investigators, and Decision-Makers. The FBBC&TS will ensure that individuals who serve as Title IX Coordinators, Title IX Investigators, Hearing Panel Members, Appeal Decision-Makers, and facilitators of the informal resolution process have adequate training as required by Title IX.

- 8.3.1] Training is required on the definition of sexual harassment, the scope of the College's education program or activity, how to conduct the College's investigation and grievance process, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts, conflicts of interest, and bias.
- 8.3.2] Title IX Hearing Panel members will also receive training on relevance of questions and evidence, including exclusion of questions or evidence protected under applicable "rape shield" laws, rules, or regulations.
- 8.3.3] Investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 8.3.4] Training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

## 9].Recordkeeping

- 9.1] FBBC&TS will maintain the following records for seven years:
  - Each sexual harassment investigation, including determinations, audio or video recordings, disciplinary sanctions, and any remedies provided to the Complainant;
  - Any appeal and the result therefrom;
  - Any informal resolution; and
  - Materials used by the FBBC&TS to train Title IX Coordinators, investigators, decision-makers, and those who facilitate informal resolution under this Policy.
- 9.2] Additionally, the FBBC&TS will create and maintain for seven years:
  - Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;
  - Documentation of the basis for the FBBC&TS's conclusion that its response to any such report or complaint was not deliberately indifferent;
  - Documentation that the FBBC&TS has taken measures designed to restore or preserve access to the FBBC&TS's educational program or activity;
  - Where no supportive measures are provided to Complainant, documentation of why it was not clearly unreasonable to do so.

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