



# GREENVILLE UNIVERSITY

## **Title IX Sex Discrimination Policy**

The Greenville University Title IX Sexual Harassment Policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, dating violence, domestic violence, and stalking

### **Introduction**

Greenville University is a Christ-centered institution of higher education that is committed to the biblical principle that all human beings are created in the image of God. Because of that belief, the university is committed to basing judgments concerning the admission, education, and employment of individuals upon their qualifications and abilities.

Greenville University is also committed to maintaining and strengthening an educational, working, and living environment founded on the biblical principles of love and mutual respect. The University seeks to provide programs, activities, and an educational environment free from sex discrimination. In accordance with this policy and as delineated by federal and Illinois law, Greenville does not unlawfully discriminate based on sex in education programs or activities, including but not limited to recruitment, admissions, housing, athletic and extracurricular activities, discipline, distribution of financial assistance, distribution of institutional resources, hiring practices, employment, promotion, and policies. A relevant portion of Title IX states as follows:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any education program or any activity receiving Federal financial assistance."*

The University is committed to promoting respect for the bodily integrity of all persons, the virtues of chastity, and the sacredness of human sexuality. The University affirms that sexual relationships are designed by God to be expressed solely within a marriage between a man and a woman. Sexual activity outside the confines of marriage is inconsistent with biblical principles and is prohibited by university policies.

Sex discrimination, as used in this policy, means any form of sex discrimination prohibited by Title IX and its implementing regulations. Sex discrimination includes all forms of sexual violence, sexual assault, and sexual harassment by or against university students, employees, or others in the University community. Sex discrimination is antithetical to the standards and ideals of our community and will not be tolerated. Greenville University recognizes the spiritual, moral, legal, physical, and psychological seriousness of all sex discrimination, regardless of the level of acquaintance between the parties, however casual. Greenville University aims to eradicate sex discrimination through education, training, clear policies, and serious consequences for violations of these policies.

Further, the University recognizes that sexual violence is a serious threat to the University community, is prohibited by Title IX, and is a criminal act. Therefore, the University is committed to providing the following to members of the University community:



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1. A statement of expectations for behavior regarding community standards pertaining to sex discrimination.
2. Resources aimed at reducing the risk of sexual violence, including educational programs for men and women.
3. Intervention to offer support, information, and resources, including confidential assistance such as counseling if desired, following the report of sex discrimination.
4. Procedural options for resolving a report.
5. Student conduct and employee disciplinary procedures that address the needs of complainants and protect the rights of respondents.

The University will take immediate action to address sex discrimination and to promptly and equitably investigate complaints to eliminate the discrimination, prevent its reoccurrence, and address its effects. The University may also implement awareness and/or preventative measures. Sex discrimination reports may result in criminal prosecution or civil liability. Any criminal prosecution will proceed separate and apart from any University investigation and disciplinary proceeding. The University will cooperate with any criminal investigation or prosecution of sexual assault incidents involving any member of the Greenville University community. At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant regarding Title IX rights and procedural options and may take interim measures to protect members of the University community. The University will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation. The University may not, by federal law, wait to address reports of sex discrimination until any external legal processes are resolved.

All sexual assault reports shall be treated with gravity, dignity, and justice throughout the process. Members of the University community should not do any of the following:

1. Pressure a Complainant to suppress a report of sex discrimination.
2. Cause a Complainant to believe that the Complainant is responsible for the commission of any crime against him/her
3. Communicate to any Complainant that the Complainant was contributorily negligent or assumed the risk of being assaulted by reason of circumstances, dress, or behavior; or
4. Communicate to any Complainant that the University would incur unwanted publicity because of a report of sex discrimination.

### **Scope of Policy and Prohibited Conduct**

#### **Scope**

This policy applies to all University employees, including staff, faculty, and administrators; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus, when the alleged conduct constitutes Sexual Harassment occurring against a person in the United States.

This policy prohibits conduct that constitutes "Sexual Harassment" as defined below when the complainant and alleged perpetrator are members of the same or opposite sex, and it applies



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regardless of national origin, immigration status, or citizenship status. The University's prohibition on sexual harassment extends to all aspects of its educational programs and activities, including but not limited to ; admissions, employment, academics, athletics, housing, and student services.

This policy applies when the conduct occurs in an Education Program or Activity, which is defined as physical locations and events over which the University exercises substantial control over both the respondent and the context in which the Sexual Harassment occurs. Education Program or Activities also include any building owned or controlled by a student organization that is officially recognized by the University. This policy does not apply to Sexual Harassment that occurs off campus, in a private setting, and that is not part of the University's Education Program or Activity. This Policy also does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States.

The University will analyze all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects. It is the policy of the University to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the University's educational programs and activities. The University has designated the following Title IX Coordinators to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of Sexual Harassment:

### **Prohibited Conduct Sexual Harassment**

Sexual harassment is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

Examples of Sexual Harassment include but are not limited to:

1. Pressure for a dating, romantic, or intimate partner relationship;
2. Pressure for sexual activity;
3. Sending sexually explicit emails or text messages.

### **Quid Pro Quo Sexual Harassment**

Quid Pro Quo Sexual Harassment is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

### **Hostile Environment Sexual Harassment**

Hostile Environment Sexual Harassment is defined as conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.



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In determining whether harassment has created a hostile environment, consideration will be given to whether the conduct was unwelcoming to the person who feels harassed and also to whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

The following factors are also considered:

1. The degree to which the conduct affected one or more students' education or individual's employment;
2. The nature, scope, frequency, duration, and location of the incident or incidents and the context in which they occurred;
3. The identity, number, and relationships of persons involved;
4. The age and sex of the alleged harasser and the subject or subjects of the harassment;
5. Other incidents at Greenville University or other institutions, as appropriate; and
6. Incidents of gender-based, but non-Sexual Harassment.

Mere offensiveness is not enough to create a hostile environment.

### **Sexual Assault**

Sexual Assault is a particularly severe form of prohibited sexual harassment. Sexual Assault includes the sex offenses of Rape, Sodomy, and Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

1. Rape: the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or anus by the sex organ of the other person. Attempted Rape is included.
2. Sodomy: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
3. Sexual Assault with an Object: using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. Fondling: touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
6. Statutory Rape: sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.



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### **Violence**

Violence refers to any conduct that causes or threatens to cause physical, mental, or emotional harm to another.

### **Domestic Violence**

Domestic Violence includes any act of violence or threatened violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated 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 Illinois, 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 Illinois.

Examples of domestic violence include but are not limited to:

1. Kicking, punching, pushing, or otherwise physically attacking;
2. Placing someone in the protected class in reasonable apprehension of receiving a battery;
3. Threatening harm to another for exercising control over a person in the protected class;
4. Preventing someone from accessing needed emergency services.

### **Dating Violence**

Dating violence is defined as violence or threatened 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 the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Date violence can include a single encounter.

Examples of dating violence are included above under Domestic Violence.

### **Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for his or her safety, or the safety of others; or 2) suffer substantial emotional distress.

Examples include but are not limited to:

1. Using technology to gather information on and/or images of someone;
2. Waiting outside someone's home and/or place of business;
3. Excessively calling, texting, or messaging someone.

### **Related Definitions**

**Consent:** Under Illinois law, "Consent" is defined as "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent." Additionally, "a person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct."



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No purported consent will be valid when a person is unable to understand the nature of the activity or cannot consent based on circumstances including but not limited to:

1. Full or partial incapacitation due to the influence of drugs or alcohol;
2. The person is asleep or unconscious;
3. The person is not of legal age to consent; or
4. The person is incapacitated due to a mental disability.

**Complainant:** Complainant is defined under this policy as an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Employee:** Employee means any person employed by the University, whether as a faculty or staff member, whether full-time, part-time, adjunct, tenure-track, or non-tenure track.

**Force:** Force means physical force, violence, threat, intimidation, or coercion.

**Formal Complaint:** The term “formal complaint” as used throughout this policy is defined as a physical or electronic document signed by a complainant alleging Sexual Harassment against a respondent and requesting that the University investigate the allegation of Sexual Harassment. At the time the complainant submits a formal complaint, the complainant must be participating in, or attempting to participate in, one or more of the University’s Education Programs or Activities. In any case where a Complainant elects not to file a formal complaint, the Title IX Coordinator may file a formal complaint on behalf of the University based on reported information so long as the filing is not clearly unreasonable under the facts and circumstances.

**Hearing Officer:** Hearing Officer is defined under this policy as an individual who has been assigned under this policy to conduct the hearing phases of the grievance process.

**Investigating Officer:** Investigating Officer is defined under this policy as an individual who has been assigned under this policy to conduct the investigation phase of the grievance process.

**Respondent:** Respondent is defined under this policy as an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**University:** University means Greenville University, Greenville, Illinois.

**University Community:** For purposes of this policy, “University community” includes students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with the University or on university property.

**University Student:** University student means any student who is registered or enrolled at the University at the time of the alleged sex discrimination.



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### **Employee Student Consensual Relationships**

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development.

Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, mentoring, or directly supervising a student, an amorous relationship between them is inappropriate and should be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sex discrimination.

For purposes of this policy, "direct supervision" includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, and recommending in an institutional capacity for admissions, employment, fellowships, or awards.

"Teachers" includes, but is not limited to, all tenured and non-tenured full-time, part-time and adjunct faculty of the University. It also includes graduate and professional students and associates when they are serving as part-time acting instructors or in similar institutional roles, with respect to the students they are currently teaching or supervising.

"Students" refers to those enrolled in any and all educational and training programs of the University. This Policy also applies to members of the Greenville University community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, residential advisors, as well as others who advise, mentor, or evaluate students. Employees or students with questions about this policy are advised to consult with the University's Title IX Coordinator or Deputy Coordinators listed on the University website.

### **Other Conduct That May Constitute Sex Discrimination Or Violate This Policy**

In accordance with this policy, the University is empowered to investigate and sanction other conduct that is discovered because of a complaint brought under this policy that may violate Title IX and this policy. Such related conduct may include, without limitation, incidents of domestic violence, dating violence, and stalking, as those terms are defined by state and federal laws. For example:

1. Domestic Violence includes felony or misdemeanor crimes of violence, abuse, assault and/or battery by a person who is married, cohabiting, or who has a child in common with the victim.
2. Dating Violence includes felony or misdemeanor crimes of violence, abuse, assault and/or battery by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The length, type, and nature of the relationship are considered in determining if such a relationship exists.
3. Stalking includes engaging in conduct or a series of actions directed at another person if that conduct, or series of actions would cause the other person to have a reasonable fear for his or her safety.





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Violations of the rules of confidentiality as articulated herein or violations of any interim measures imposed under this may be subject to discipline pursuant to this policy or other University policies.

### **Amnesty Clause**

The University seeks to remove barriers to reporting sexual discrimination. To this end, a violation of the student handbook (such as an alcohol or substance abuse violation), when the violation is discovered because of a report of sex discrimination, will not result in dismissal for the complainant, provided that the complaint is raised in good faith and the health and safety of the individuals involved is not jeopardized. The University 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.

### **Title IX Coordinator**

The Title IX Coordinator is the individual designated by the University to coordinate the University's efforts to comply with and enforce the responsibilities of the University under this policy in accordance with pertinent Title IX regulations. Currently serving in the capacity of Title IX Coordinator is Katrina Liss, Chief Culture and Diversity Officer, 315 E. University Ave. Greenville, IL. The University has designated the duties and responsibilities of the Title IX Coordinator who shall:

1. Appoint deputy Title IX Coordinators as needed.
2. Ensure coordination with the deputy Title IX Coordinators and appropriate staff with relevant responsibilities for such activities on campus as housing, University Medical Services, Counseling Services, Campus Safety, Student Life, and Human Resources
3. Prepare and arrange for a preventive education program. Such programs will include information designed to encourage students to report incidents of sexual violence to the appropriate University and law enforcement authorities.
4. Develop specific materials that include the University's policy, rules and resources for students, faculty, coaches, and administrators and arrange for such materials to be included in all employee and student handbooks. These materials would include:
  - a. What constitutes sex discrimination, sexual harassment, or sexual violence.
  - b. What to do if a student has been the victim of sex discrimination.
  - c. Contact information for counseling and victim services on and off school grounds.
  - d. How to file a complaint with the school.
  - e. How to contact the University's Title IX coordinator.
  - f. What the University will do to respond to allegations of sexual harassment or violence, including interim measures that can be taken.
  - g. Explain that retaliation against an individual who makes a report under this policy is strictly prohibited and is itself a violation of this policy.
5. Analyze periodically any trends or patterns of sex discrimination on campus, assess the efficacy of campus-wide response to sex discrimination, and conduct an annual review of all Title IX complaints brought to the University Title IX Coordinator.





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6. Communicate with Campus Safety regarding the University's obligations under Title IX and serve as a resource regarding Title IX and its relationship to the University's obligations under the Clery Act.
7. Develop a protocol with Campus Security regarding complaints of sexual misconduct filed with Campus Safety.
8. Monitor and assess the University's overall Title IX compliance efforts.
9. In addition, the Title IX Coordinator will arrange for or conduct training for all new employees and periodic training for other employees and students. The following individuals or relevant members of the departments or offices named below shall receive at least annual training:
  - a. Members of the staff of the University Medical Services.
  - b. Members of the Campus Counseling Department
  - c. Members of Campus Safety.
  - d. Academic Deans.
  - e. Department chairpersons.
  - f. Community Life staff, including Resident Assistants and Resident Directors.
  - g. All new employees.
  - h. All other employees and all students shall be provided periodic training and information.
10. Develop internal operating procedures for any Title IX deputy coordinators and investigators, including training on that protocol.
11. Oversee and log all communications regarding reports and activities covered by this policy.

### **Title IX Coordinator and Deputy Coordinator**

#### **Title IX Coordinator:**

**Ms. Katrina Liss**

**Chief Culture & Operations Officer**

**(618) 664-7014**

[Katrina.liss@greenville.edu](mailto:Katrina.liss@greenville.edu)

#### **Deputy Coordinator:**

**Mr. Ross Baker**

**Dean of Students**

**(618) 664-7115**

[Ross.baker@greenville.edu](mailto:Ross.baker@greenville.edu)

Any person may make a report to the Title IX Coordinators listed above by person, by mail, by telephone, by email. A report may be made at any time by email or telephone.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

### **Complaint Resolution Process**

#### **SEXUAL HARASSMENT GRIEVANCE PROCESS**

This grievance process consists of three phases: investigation, hearing, and appeal. All three phases of the grievance process will have certain qualitative elements, including:

- Complainants and respondents will be treated equitably.



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- There will be an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
- There will be no presumptions of creditability based on a party's status as a complainant, respondent, or witness
- All institutional participants in the process will be clear of a conflict of interest or bias.
- There is a presumption that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of this process.
- Equal opportunity to identify and have considered witnesses (including fact and expert witnesses) and other relevant inculpatory and exculpatory evidence.
- Timely access to all information considered by the Investigating Officer and Hearing Officer.
- Equal opportunity to review any statements or evidence provided by the other party.
- Equal access to review and comment upon any information independently developed by the Investigating Officer and Hearing Officer should the Investigating Officer or Hearing Officer share such information with the other party.
- Equal opportunity to appeal determinations pursuant to *Appeals*, below.

All phases of this process will be completed within reasonably prompt timeframes and thoroughly investigated, decided, and resolved in accordance with the Sexual Harassment Grievance Process. Any delays during this process shall only occur with good cause and after written notice to the parties has been provided.

### **Privacy And Confidentiality**

The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. The University will not utilize procedures that invade legally recognized privileges (e.g., attorney-client, priest-penitent, patient-counselor, etc.) or access documents that may be protected under those privileges (e.g. health, psychiatric or counseling records) unless the party holding the privilege has waived it in writing. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the procedures outlined in this policy. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality.

### **Clear and Convincing Evidentiary Standard**

In making any determination on the resolution of the complaint, the evidentiary standard is the clear and convincing standard used; that is, the evidence is highly and substantially more likely to be true than untrue that sexual harassment occurred. The clear and convincing standard is used for all cases regardless of the status of the respondent.

### **Notice of Formal Complaint**

Within five (5) business days of the Title IX Coordinator receiving a formal complaint, the Title IX Coordinator will transmit a written notice to the complainant and respondent that includes:



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- A physical copy of this policy or a hyperlink to this policy.
- Sufficient details known at the time so that the parties may prepare for an initial interview with the Investigating Officer, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
  - A statement that the respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
  - Notifying the complainant and respondent of their right to be accompanied by an advisor of their choice;
  - Notifying the complainant and respondent of their right to inspect and review evidence; and
  - Notifying the complainant and respondent of the University's prohibitions on retaliation and false statements.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.

### **Informal Resolution**

Informal means of resolution may be used only after a formal complaint is filed at any time prior to the final determination, with voluntary written consent of both parties. This Policy prohibits informal resolution in any case where an employee is accused of sexually harassing a student.

The following standards apply to any informal resolution method that is utilized:

- The informal process can only be used with both parties' voluntary written cooperation and appropriate involvement by the institution (e.g., the Title IX Coordinator)
- Either party is permitted to withdraw from the informal resolution process and resume the formal process at any time prior to a resolution being reached.
- If either party does not complete the action required by the Informal Resolution, the party will be in violation of the Title IX Sexual Harassment policy and may receive further sanction.

### **Formal Resolution Process**

Formal means of resolution entails a full investigation of the formal complaint. During a formal resolution, the formal complaint will be adjudicated by a Hearing Officer.

### **Investigation**

After the notice of the formal complaint has been made, the Investigating Officer will commence an investigation as soon as practicable, after the formal complaint is made. During the course of the



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investigation, the Investigating Officer may receive counsel from University administrators, the University's attorneys, or other parties as needed. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation.

The parties will be given equal opportunity to inspect and review any evidence gathered during the investigation directly related to the allegations raised in the formal complaint, including inculpatory and exculpatory evidence. The Investigating Officer will send the evidence to the party and the party's advisor in electronic form and give them at least 10 business days to submit a written response, which the Investigating Officer will consider before finalizing the investigation.

After the period for the parties to provide any written response to the evidence has expired, the Investigating Officer will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the Investigating Officer will transmit a copy to the Title IX Coordinator. The Investigating Officer will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form. This report will be sent at least 10 business days prior to any hearing.

At any point in the investigation, if the Investigating Officer determines that the conduct alleged in the formal complaint, if assumed true: (a) does not constitute Sexual Harassment; (b) did not occur in the Institution's Education Program or Activity; or (c) did not occur against a person in the United States, then the University will dismiss the complaint for purposes of this grievance procedure. However, the University reserves the right to address such conduct under another policy, such as a Student Code of Conduct.

### **The Hearing Process**

#### ***Convening and Appointment of Hearing Officer***

At the conclusion of the Investigating Officer's investigation, the Title IX Coordinator or Deputy Coordinator will convene a hearing officer who has received proper training consistent with this policy. In keeping with federal Title IX policy, the Title IX Coordinator or the Investigator assigned to investigate the complaint shall not be assigned as the initial hearing officer.

#### ***Notice of Appointment of Hearing Officer***

After the Hearing Officer is appointed, a written notice will be promptly transmitted to the parties notifying them of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures.

#### ***Written Response to Investigation Report***

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;



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- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be compelled to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the hearing;
- Any other accommodations that the party seeks with respect to the hearing.
- The name and contact information of the advisor who will accompany the party at the hearing; and
- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting questioning.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the formal complaint are supported by a clear and convincing standard of the evidence; and
- Argument regarding whether any of the allegations in the formal complaint constitute Sexual Harassment.

### ***Notices of Attendance***

The Hearing Officer or designee will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is required at the hearing as a witness. The notice will advise the subject of their duty to appear for the hearing at the specified date and time and advise the subject to contact the Hearing Officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The failure to abide by a notice of attendance is a violation of this policy.

The University has no authority to compel the attendance of any witness who is not an employee or a student, and a notice of attendance will not be issued to any such individual.

### ***Convening Live Hearing***

The Hearing Officer will convene and conduct a live hearing pursuant to the University's Hearing Procedures. The Hearing Officer will permit each party's support person/advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those bearing on



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credibility. The Hearing Officer will determine the relevance of questions and explain in real time any decision not to permit a question.

### ***Cross-Examination***

Cross-examination will be conducted directly, orally and in real time by the party's support person/advisor of choice and never by a party personally. At either party's request, the University will provide the parties with separate rooms and use technology so the decision-maker and parties may simultaneously see and hear the questions.

If a party or witness refuses to submit to cross-examination, then Hearing Officer shall ignore that person's statement and reach a decision based on the remaining body of relevant evidence. The Hearing Officer, will not, however, draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.

There will be an audio recording of the hearing that will be made available to the parties equally for inspection and review.

### **Determining Complaint Outcomes and Notification**

After the hearing, the Hearing Officer will issue a written determination of responsibility applying the clear and convincing evidence standard, and make a determination as to whether or not a violation of the policy occurred. The written determination will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the formal complaint;
- A description of the procedural steps taken by the University upon receipt of the formal complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a clear and convincing evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- Sanctions and any steps deemed necessary to 1) maintain an environment free from discrimination and harassment and 2) protect the safety and well-being of the complainant and other members of the University Community. Sanctions can include other remedial measures to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and/or retaliation; and
- A description of the University's process and grounds for appeal, as specified below.

The Hearing Officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal. The range of sanctions if it is determined that the underlying conduct is a violation of this policy, includes: no-contact orders; classroom reassignment; and the provision of counseling, other support services training.



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Written formal warning, suspension, expulsion, or other appropriate institutional sanction(s), depending on the severity of the incident and taking into account any previous conduct infractions. The written determination, including any sanctions imposed, will be included in the parties' University files. The written determination shall be final, subject only to the right of appeal set forth in *Appeals* below.

In the event the Hearing Officer finds that the Respondent has committed an act of sexual harassment as defined by this policy, the matter will proceed as follows:

**Students:** If the Respondent is a University Student, the office of Community Life will determine and administer the appropriate disciplinary action. If the University Student is found to have committed a sexual assault, the Office of Community Life may initiate expulsion proceedings pursuant to the Student Handbook and Student Code of Conduct

**Staff:** If the Respondent is a staff member, the Title IX Coordinator or Deputy Coordinator will recommend the appropriate disciplinary action to the Director of Human Resources. If a staff member is found to have committed a sexual assault, then his or her employment may be terminated in accordance with the Employee Handbook.

**Faculty:** If the Respondent is a faculty member and his or her conduct warrants discipline that is less severe than discharge or suspension, the Title IX Coordinator will recommend sanctions to the Chief Academic Officer. In cases where the faculty member's actions warrant discharge or termination of employment, the Title IX Coordinator will recommend to the President that termination proceedings be initiated. If the President accepts the recommendation, the matter will proceed in accordance with the terms of the University's Faculty Handbook providing for Dismissal for Cause. If a faculty member is found to have committed a sexual assault, then the matter may proceed in accordance with the terms of the University's Faculty Handbook providing for Dismissal for Cause.

Except where suspension or expulsion has been imposed, any appeal of the investigator's decision and recommendation shall stay the imposition of disciplinary action under this section, but only during the pendency of the appeal. If the disposition of the appeal does not alter the recommended sanction, disciplinary action pursuant to this section shall proceed. Any actions pertaining to the safety and well-being of either party, or other remedial measures put in place by the Title IX Coordinator may, in the discretion of the Title IX Coordinator, remain in place even during an appeal process.

### Appeals

#### Grounds for Appeal

The complainant or respondent may appeal the determination or any dismissal of the complaint on the following grounds only:

- **Question of Procedure:** there was a procedural irregularity that affected the outcome;
- **New Evidence:** there is new evidence not reasonably available that could affect the outcome;





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- **Conflict of interest or Bias:** there was a conflict of interest or bias by the institutional participants that affected the outcome.
- **Severity of Sanction:** the sanction, punishment, or the corrective action imposed is disproportionate to the violation. Mere dissatisfaction with the sanction is not grounds for appeal.

Appeals must be filed with the Title IX Coordinator/Deputy Coordinator within five (5) business days of receiving the outcome notification letter. The Title IX Coordinator/Deputy Coordinator will forward the request to an Appeals Officer.

The appeal must be in writing and contain all of the following information:

- Name of the complainant
- Name of the respondent;
- A statement of the determination of the complaint, including corrective action, if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

When an appeal has been filed, the non-appealing party will be (1) notified of such in writing within ten (10) business days of the submission of the appeal and (2) allowed to submit a written statement in response. The appealing party may request a meeting with the Appeals Officer, but the decision to grant a meeting is left to the Appeals Officer's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

### **Resolution of the Appeal**

The Appeals Officer will resolve the appeal within twenty (20) business days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision. The parties will be notified in writing if the Appeals Officer's decision will take longer than 20 business days and the basis for the reasonable delay.

The decision of the Appeals Officer is final.

The Appeals Officer shall issue a written decision describing the appeal and the rationale for the result that is provided to the parties simultaneously.

### **Retaliation / False Complaints**

#### **Retaliation**

It is a violation of this Policy to retaliate against any person making a complaint under this Policy or against any person cooperating or participating in an investigation under this Policy. Retaliation should be reported promptly to the Title IX Coordinator and may result in appropriate disciplinary action independent of other sanctions or interim measures administered under this Policy.

#### **Filing a False Complaint**



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Any Complainant who knowingly makes false charges alleging violations of this policy may be subjected to disciplinary action. A good faith complaint which is later not substantiated is not considered to be a false complaint.

### **Policy on Consensual Intimate Relationships Between University Community**

There are various approaches an institution could take to address the issue of consensual romantic relationships between persons. (See definitions below). One extreme is to ban all such relationships. The other is to pretend such relationships do not exist. The University has chosen a middle ground in this policy. This policy not only points out the potential legal and ethical pitfalls of intimate relationships in a university setting, but also, and more specifically in the Standards and Procedures section, asserts the University's right to protect the integrity of its own operations from the conflicts of interest and disruptions in the academic and employment environments that can arise from intimate relationships involving members of the University community.

#### **General Nature of the Problem**

Intimate relationships between senior and junior members of the Greenville University community--that is, between two persons where one party (the senior) possesses direct academic, administrative counseling, or extracurricular authority over the other (the junior) are a matter of significant concern to the University because of the legal, ethical, and administrative problems they can pose. Those problems are most severe when a consensual relationship takes place between an instructor (e.g., professor, adjunct faculty member, teaching assistant, graduate assistant) and a student when the student is enrolled in one of the instructor's courses for which the student will receive a grade, or when the student is likely to be enrolled in such a course in the future. These problems can also arise in situations between counselors and counselees and coaches and student athletes. Given the potential for such problems, the University strongly recommends that members of the University community avoid any senior-junior consensual intimate relationships.

The University urges that all such relationships be avoided regarding undergraduate students. At Greenville University, a large majority of undergraduate students who are enrolled in the on-campus programs are between the ages of eighteen and twenty-two. Many are living away from home for the first time. Because of the unique susceptibility of these young men and women, instructors are under a special obligation to preserve the integrity of the instructor-student relationship with undergraduate students. If, however, members of the community choose by mutual consent to enter such relationships, the University requires that they take specific steps (as set forth below in the "Standards and Procedures" Section) to minimize the problems that may arise from them. Sanctions shall be commensurate with the magnitude of the harm, if any, caused.

#### **Examples**

There are many ways problems can arise when a senior member of the Greenville University community engages in an intimate relationship with a junior member. First, when one person could grade, advance, promote, recommend, or otherwise influence the employment or academic status



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of the other, there is the possibility that what appears to be a consensual relationship is incorrectly perceived to be so. Some recipients of romantic advances may fear that refusal will result in loss of an employment or academic benefit. They may go along with the requested relationship even though it is, in fact, unwelcome to them (and may even cause them psychological harm). The United States Supreme Court has ruled that such a person is a victim of illegal sexual harassment and that a school can be liable for monetary damages for an instructor's coercive engagement with a student. The University insists on an environment free from sexual coercion and intimidation in which to study and work and, of course, also wants to avoid the legal liability that can result from harassment. A senior in the position of authority who may desire a romantic relationship with a junior has strong reasons to avoid it, since what seems initially to be consensual may be unwelcome or coercive from the junior's perspective. The junior may file an internal grievance or a formal lawsuit, creating a risk that the person in authority will suffer negative career consequences and may have to pay damages to the victim. Because of the serious consequences to the senior in the relationship, that person also subjects himself or herself to the possibility of coercion or blackmail.

Even when such a relationship is genuinely consensual (and therefore does not constitute sexual harassment or raise the other concerns noted above), the relationship can cause problems for both parties and harm the academic and work environment at the University. There is the appearance and often the reality of a conflict of interest on the part of both parties to the relationship. Others may believe that the senior favors the junior because of the intimate relationship, thus creating an atmosphere of suspicion and resentment among other juniors who think the junior in the relationship is obtaining undeserved benefits. The junior's professional reputation or academic standing may be injured because of the perception that the benefits were due to their personal relationship with the senior, rather than to the junior's own work or study.

There is also a serious risk that one party may exploit the other. The senior may be interested in the junior solely for purposes of gratification, but the junior may construe that attention as related to the junior's intellect, as revealed through his or her studies or work. If the junior participates in a romantic relationship and then discovers the true situation, there is a potential for a damaging loss of self-esteem by the junior (especially where the two are instructor and young student and there is a significant age disparity between them). There is also the risk of the junior exploiting the senior. For example, a junior might seek out a relationship solely because of a desire to obtain some academic or employment benefit from the relationship (such as a higher grade or a promotion).

### **Standards and Procedures**

For the reasons expressed in the previous section of this Policy, the University strongly urges members of the University community to refrain from engaging in romantic or intimate relationships with another member of the University community when one person possesses direct authority over the other, whether that authority is used by one who is an instructor, counselor or supervisor of the other or by someone who can directly influence the academic or work status of the other (e.g., a senior instructor serving as a member of the tenure committee for a junior instructor, an instructor serving as the thesis advisor for a graduate student, a senior student on a board or



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club voting whether a junior student should attain the same status, a supervisor filling out a performance evaluation for his or her subordinate.

If, nevertheless, two members of the University Community commence such a relationship, the University requires that they take the measures described below, in order to lessen or minimize the conflict of interest and disruption of the academic and employment environment that can arise in such situations. The University emphasizes that the following measures cannot eliminate entirely the substantial likelihood of conflict and disruption, and that the course of action strongly preferred by the University would be for the two to refrain from engaging in consensual intimate relations for as long as necessary to prevent conflict and disruption.

### **Relationships Between Instructor and Students**

The University has determined that there is an inherent conflict of interest when an instructor and a student simultaneously maintain both a direct student-faculty relationship and a romantic relationship and, therefore, prohibits simultaneous participation in both roles. Thus, if one party to a consensual relationship is a student of the other person in a course for which the student will receive a grade, the student should immediately withdraw from the course and should never again take a course with that instructor. In such a case, it is the duty of the instructor to take all steps to assure that the student's enrollment in the course is promptly terminated. If the student is not currently enrolled in any of the instructor's courses when the relationship begins, the student should refrain from taking any future course with the instructor. If the student has that instructor as his or her advisor, the instructor must take steps to find a new advisor for the student. Whenever possible the instructor should seek to avoid teaching, advising, or doing research with the student even if the relationship has ended. In all cases where an instructor member and a student become romantically involved, the instructor must inform the school dean immediately.

### **Counselors and Couselees**

Because of the potential for emotional harm, individuals should not engage in any kind of intimate relationship when in an official counselor/couselee relationship. Romantic intimacy between a licensed counselor or therapist and a client violates professional codes of ethics. If a consensual relationship commences during an official relationship, the official relationship should immediately be terminated and never be started again, and the counselor or therapist must report such a relationship to his or her supervisor. Similarly, individuals in, or who have been in an intimate relationship, should thereafter never again enter a counseling relationship.

### **All Other Senior/Junior Relationships**

In any other situation where a senior has direct authority over a junior, and can thus advance, promote, recommend, or in any other way directly influence the academic or work status of the junior, the senior should recuse himself or herself from any decision involving the status of the junior. If the fact of recusal causes the senior to have trouble with a superior, the senior should explain the reason for the recusal to the person in authority. The senior's obligation to explain also



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exists where an unexplained failure to participate might create an inference of a negative evaluation of the junior by the senior.

### **Sanctions for Violations of This Policy; Review; Other Limitations**

Any instructor at Greenville University who violates the procedures in Standards and Procedures section of this Policy, or any other individual engaged in an intimate relationship who violates any of the procedures in the Standards and Procedures section of this Policy, shall be subject to sanctions commensurate with the severity of the offense. The sanction shall be determined in the case of an instructor, by the Chief Academic Officer, after consultation with the Dean and relevant Department Chair. In the case of other individuals covered by this section, Human Resources shall determine sanctions. In the case of a student violating these procedures sanctions shall be determined by the Dean of Students.

### **Responsible Employees and Mandatory Reporting**

Under Greenville University's Title IX's Policy, the following rules and regulations are in place regarding Responsible Employees and Mandatory Reporting

#### **Definition of Responsible Employee**

Greenville University defines a responsible employee as any employee:

1. who has the authority to take action to address complaints of sexual violence;
2. who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate university officials;  
or
3. whom a student could reasonably believe has the above listed authority or duty.

#### **Who is a responsible employee**

1. All University employees
  - o Tenure and non-tenure track faculty
  - o Specialized Faculty
  - o Academic Professionals
  - o Visiting Academic Professionals or Faculty
  - o All Graduate Student Employees
  - o Academic Hourly Employees



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- Third Party Contracted Employees hired as part of a contract with the University (excluding counseling and victim advocate services as defined in [4.4.11.3: Confidential Resources](#))
  - Campus Service employees including but not limited to administrative assistants, campus safety officers, library staff, and Resident Directors
2. Certain Undergraduate student employees
- Resident Assistants
  - Campus Safety Student Workers
  - Teaching Assistants

As the standard for who qualifies as a responsible employee is so broad, you should automatically consider yourself a responsible employee under the Title IX Sexual Harassment unless you qualify as a confidential resource or you are an undergraduate student employee not working in one of the above listed positions

### **Confidential Resources**

Under the University's Title IX Sexual Harassment Policy the following are designated as confidential resources:

- Greenville University Chaplain
- Counselors or Counseling Services contracted to the university.

All counseling or victim advocacy services are not required to report incidents of sexual misconduct to police or the University

### **Mandatory Reporting Exemptions**

The follow instances constitute instances in which a responsible employee may not have to report:

- Disclosures occurring during public awareness events such as vigils, town halls, protests, etc
- Disclosures that occurred prior to the student's matriculation to the University and was not committed by an individual who was an employee, staff, or student member of Greenville University at the time of the incident.