

APPENDIX B

Policies on Sexual and Relationship Misconduct

1. Introduction

Grand View University affirms its recognition that sexual harassment, sexual violence, sexual assault, intimate partner violence, relationship abuse, domestic violence, dating violence, stalking, and retaliation are in violation of Grand View University's mission, as well as University policies and procedures. All claims of any such misconduct will be investigated and, where necessary, reported to the appropriate authorities following the University's confidentiality policy (outlined in Section 6).

Grand View University's sexual and relationship misconduct policy applies to all, regardless of sexual orientation or gender identity. All students within the Grand View University community are obligated to review and abide by their responsibilities under this policy.

Grand View University does not unlawfully discriminate on the basis of age, race, religion, creed, color, sex, sexual orientation, national origin, ancestry or disability in admission or access to, or treatment of employment in, its programs and activities, services or practices, including those individuals impacted by sexual and relationship misconduct.

Any person having inquiries concerning the University's compliance with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act is directed to contact Grand View University's Title IX Coordinators:

- Student Issues: Dr. Jay Prescott, V.P. for Student Affairs
 - Office Address: Student Life and Student Success Center
 - Telephone Number: 515-263-2885
 - Email: jprescott@grandview.edu

Grand View University's Title IX Coordinators have primary responsibility for managing the day-to-day responsibilities associated with the University's Title IX compliance obligations. The Title IX Coordinators work to ensure that students are aware of their options and resources with respect to reporting and filing complaints alleging sexual and relationship misconduct. The Title IX Coordinators are responsible for collecting the relevant facts related to any reported Title IX incident and assessing whether a further review or investigation is necessary in order to ensure the safety of the impacted student and the community. As a neutral party, the Title IX Coordinator will coordinate and delegate the investigation of alleged discrimination as necessary. Adam Voigts, V.P. for Administration and Finance, has ultimate oversight responsibility of the University's Title IX compliance obligations.

The Title IX Coordinator has ultimate responsibility for compliance with Title IX of the Education Amendments of the 1972 Civil Rights Act and the Violence Against Women Act Reauthorization of 2012 (VAWA). Any person also may contact the Department of Education, regarding the University's compliance with regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act.

2. Responsibilities

Grand View University is committed to educating the Grand View University community about sexual and relationship misconduct, and will cooperate fully with law enforcement officials whenever a reporting party chooses to involve them. Students who are reporting a criminal incident to Grand View University also have the option to file a report with the local police, who will conduct their own investigation. Grand View University maintains a highly professional working relationship with the Des Moines Police Department. Grand View University partners with Mid-Iowa Sexual Assault Response Team (SART) to provide advocacy and support services to individuals who have experienced sexual and relationship misconduct. Mid-Iowa SART is an innovative, multidisciplinary team created for the purpose of providing quality, compassionate, consistent and on-going care to impacted individuals. All area law enforcement agencies and the Polk County Attorney's Office are SART team members contributing to the goal of restored physical, emotional, mental and spiritual health of those they assist.

Anyone who has experienced or witnessed an incident of sexual and relationship misconduct, is strongly encouraged to immediately report it to Grand View University Campus Security (263-6000) and the Des Moines Police Department (911). Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

Grand View University will conduct its own investigation for all reported acts of sexual and relationship misconduct involving Grand View University students. Grand View University will support students who report any of these acts and will hold accountable any student found to be responsible for them. The University takes seriously its responsibilities to inform members of the University community when a report of sexual and relationship misconduct leads to the determination that members of the community may be a risk for a subsequent incident.

Grand View University will process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

3. Prohibited Conduct

Grand View University define Sexual and Relationship Misconduct to include sexual harassment, gender-based harassment, sexual violence, sexual assault, intimate partner violence, relationship abuse, domestic violence, dating violence, stalking, and retaliation. Each term is below with detailed definitions.

A. Harassment on the Basis of Sex or Gender

1. **Sexual harassment** is *unwelcome conduct* of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; unwelcomed sexual joking / teasing, or other verbal or nonverbal conduct of a sexual nature, including *non-consensual sex acts, non-consensual sexual touching, and sexual exploitation*. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.
2. **Gender-based harassment** is *unwelcome conduct* of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.
3. Conduct is considered **unwelcome** if the victim did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct can involve persons of the same or opposite sex.
4. **Harassing conduct** is verbal, written, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or educational environment. Examples of harassing conduct may include various types of unwelcome behavior, such as unwelcome: touching, sexually explicit offensive jokes, sexually degrading graphic, verbal or written comments or questions of a sexual nature; sexual innuendo, sexual threats, obscene gestures; inappropriate humor and jokes about gender specific traits or sexual orientation; sexual propositions; telephone calls that are repetitious, annoying, disturbing and/or threatening; sexually suggestive or insulting sounds and actions, including, whistling, leering, and obscene gestures.
5. **Quid pro quo** sexual harassment exists when there are:
 - a. Unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature; and
 - b. Submission to or rejection of such conduct results in adverse educational or employment action.

6. A Hostile Environment exists when Sex-Based Harassment is sufficiently severe or pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the reporting party) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- a. the frequency of the conduct;
- b. the nature and severity of the conduct;
- c. the identity and relationships of persons involved;
- d. the location of the conduct and the context in which it occurred;
- e. whether the conduct was physically threatening;
- f. whether the conduct was humiliating;
- g. the effect of the conduct on the alleged victim's mental or emotional state;
- h. whether the conduct was directed at more than one person;
- i. whether the conduct arose in the context of other discriminatory conduct;
- j. whether the conduct unreasonably interfered with the reporting parties educational or work performance;
- k. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
- l. whether the speech or conduct deserves the protections of academic freedom.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

Sex or gender-based actions which are offensive or inappropriate, but do not rise to the level of creating a hostile environment, can still be reported and, where appropriate, Grand View University will take remedial steps intended to end or prevent such actions in the future.

B. Sexual Assault

Sexual assault is any sexual act done by force or against the will of another. Examples of sexual assault under this policy include, but are not limited to the following behaviors:

- **Penetration of an Orifice** – 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.
- **Fondling** – the deliberate touching, however slight, of the intimate body parts of another person for sexual gratification or using force to cause a person to touch his or her own or another person's intimate parts without
 - Intimate body parts include, but are not limited to: genitalia, groin, breast, buttocks, or clothing covering any of those areas

- **Ejaculation onto Another Person Without Consent**
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

C. Sexual Exploitation

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Examples of sexual exploitation under this policy include, but are not limited to the following behaviors:

- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person;
- Causing the prostitution of another person;
- Recording, photographing, or transmitting images, sounds, or information of private sexual activity and/or the intimate parts (including, but not limited to genitalia, groin, breasts or buttocks) of another person without the consent of all parties or beyond the consent given;
- Allowing third parties to observe private sexual acts without consent;
- **Voyeurism** – either the secretive observation of another’s sexual activity or secretive observation of another for personal sexual pleasure;
- Knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV;
- **Indecent Exposure** – intentionally showing one’s genitalia in public or in the presence of a non-consenting individual;
- **Sexual Intimidation** – an implied or actual threat to commit a sex act against another person, or behavior used to coerce participation in a sex act;

D. Intimate Partner Violence

Intimate partner violence is also referred to as dating violence, domestic violence, and relationship abuse or violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship by the other person in the relationship. It also includes any person who is currently or former spouse / intimate partner, shares a child in common, and is or was cohabitating with the other person in the relationship. It may involve one act or an ongoing pattern of behavior. Intimate partner violence affects individuals of all genders, gender identities and expressions, sexual orientation, and racial, ethnic, social, and economic backgrounds.

Intimate partner violence can encompass a broad range of behavior, including, but not limited to: physical violence, sexual violence, emotional violence, economic abuse, threats, assault, property damage, and violence or threat of violence to one’s self, one’s sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner.

The University will not tolerate intimate partner violence of any form. For the purposes of this

policy, the university does not define intimate partner violence as a distinct form of misconduct. Rather, the University recognizes that sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, and retaliation all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the potential reporting party.

E. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Behaviors may include, but are not limited to: persistent calling, texting, or Internet posting, as well as physical stalking.

F. Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of Sexual and Relationship Misconduct or participating in any proceeding under this policy. Retaliation includes restriction, interference, threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Sexual and Relationship Misconduct. Retaliation can be committed by any individual or group of individuals, not just by a Respondent or Complainant. Those found to be responsible for retaliation will be disciplined accordingly. Retaliation does not include good faith actions lawfully pursued in response to a report of Sexual and Relationship Misconduct

4. Definitions

Consent – Must meet the following standards:

- A voluntary and affirmative agreement to engage in sexual activity.
- Someone who is incapacitated cannot consent (see definition below for incapacitation).
 - Past consent does not imply future consent.
 - Silence or an absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Can be withdrawn at any time.
- Coercion, force, or threat of either invalidates consent.

Incapacitation – Exists when:

- A person is asleep or unconscious (such as due to the use of drugs or alcohol).
- A person is still conscious, but has lost the ability to make a judgment to give proper consent and the ability to resist has been taken away (such as due to the use of drugs or alcohol).
- An intellectual or other disability prevents the person from having the capacity to give consent.

Intimidation - Threats or other conduct which in any way create a hostile environment, impair the

University's operations; or frighten, alarm, or inhibit others. Psychological intimidation or harassment includes making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Physical intimidation or harassment may include holding, impeding or blocking movement, following, stalking, touching, or any other inappropriate physical contact or advances. Attempting to or actually raping you.

Reporting Party – Any individual(s) who bring forward information about a potential sexual and relationship misconduct incident involving a member of the Grand View University community.

Responding Party – Any individual(s) who are being investigated for violating Grand View University Sexual and Relationship Misconduct policy

5. Where To Go For Help

If you or someone you know have been sexually assaulted, impacted individuals should get help immediately. Impacted individuals may be in shock and should not be alone. The following people are available for you to choose to assist or summon another to help:

Internal Grand View University Assistance:

- **Residence Life Staff:**
 - Resident Assistant (RA) – RA on each floor or contact Campus Security to talk to the RA on duty.
 - Hall Director – (263-2885 - weekdays 8am -4:30pm) | Evenings/Weekends: Contact Campus Security (263-6000).
 - Assistant Director of Residence Life - (263-2884 - weekdays 8am -4:30pm).
 - Director of Residence Life: (263-2886 - weekdays 8am -4:30pm).
- **Student Life Personnel:**
 - Vice President for Student Affairs: (263-2885 – weekdays 8am -4:30pm).
 - Associate Vice President for Student Affairs ((263-2887 - weekdays 8am -4:30pm).
 - Director of Counseling - **confidential** (263-2986 - weekdays 8am -4:30pm).
 - Assistant Director of Counseling - **confidential** (263-2881 - weekdays 8am -4:30pm).
- **Health Services** (263-2823 – Monday, Tuesday, Thursday 7:30am – 3:30pm).
- **Campus Security** (263-6000 – Available 24/7).
- **Human Resources**
 - Vice President for Administration and Finance (263-2821 - weekdays 8am -4:30pm).
 - Human Resources Manager (263-2816 - weekdays 8am -4:30pm).
 - Human Resources Generalist (263-6116 - weekdays 8am -4:30pm).
- **Title IX Coordinator**
 - Faculty and Staff Issues (263-6121 - weekdays 8am -4:30pm).
 - Student Issues (263-2885 - weekdays 8am -4:30pm).
- Campus Pastor – **confidential** (263-6004 - weekdays 8am -4:30pm).

External Grand View University Community Assistance:

- Des Moines Police 911.
- Polk County Victim Services - 24-Hour Rape Crisis Line (288-1750).

- Polk County Crisis and Advocacy Services and Mid-Iowa Sexual Assault Response Team (SART) (515-286-3600).
- Iowa Domestic Violence Hotline 1-800-942-0333.
- Iowa Sexual Abuse Hotline 1-800-284-7821.
- Children and Families of Iowa- Domestic Violence Services Crisis Line (800-942-0333).

These people will hear your account and offer support and counsel. You will be strongly encouraged to simultaneously report your experience to law enforcement officials, and Grand View University will make sure that you are not alone. Once law enforcement is contacted, Grand View University will cooperate with law enforcement officials in the investigation. **Grand View will not share information with law enforcement without the complainant's consent or unless the complainant has reported the incident to law enforcement.**

Impacted individuals will be strongly encouraged to seek medical attention. Impacted individuals of sexual violence often have feelings of shame, fear and self-accusation. Rather than remain isolated or silent, please be aware that support and assistance are available. Any person reporting sexual violence will be treated with care, concern and confidentiality. Remember – sexual violence can happen to anyone. You are not alone.

6. Reporting an Incident

Who can report? Any member of the Grand View University community can, and are strongly encouraged to, report sexual and relationship misconduct to a designated reporting official. Non-members of the community may also report sexual and relationship misconduct incident and are strongly encouraged to notify law enforcement officials.

Reporting and Confidentially Disclosing: Know the Options

Grand View University encourages individuals impacted by sexual and relationship misconduct to talk to somebody about what happened – so support can be given where it is needed, and Grand View University can respond appropriately.

Different employees on campus have different abilities to maintain a student's confidentiality.

- Privilege Employees: Privilege employee are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Responsible Employees: Responsible employees **are required** to report all the details of a sexual and relationship misconduct incident (including the identities of the reporting party and potential responding party) to the Title IX coordinator once the details of an incident have been revealed. Any report to a responsible employee constitutes as a report to the University. Grand View University is obligate to review every report to determine the appropriate steps to address the situation and if a Title IX investigation is required. Before the details of an incident are revealed to an employee, the employee is encouraged to make known the options and resources available on Grand View University campus for help and support.

This policy is intended to make any potential reporting party aware of the various reporting and confidential disclosure options available so informed choices about where to turn should a person become impacted by sexual and relationship misconduct. The University encourages impacted individuals to talk to someone identified in one or more of these groups:

A. Privileged and Confidential Communications

- ***Professional and Pastoral Counselors*** - Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report **any** information about an incident to the Title IX coordinator without the student's permission.

Following is the contact information for Privilege employees at Grand View University:

- Kent Schornack – Director of Counseling
Location: Student Life Office, Student Center
Phone: 515-263-2986 **Hours:** Weekday 8:15am – 4:30am
- Kenlyn Gordon – Assistant Director of Counseling
Location: Student Life Office, Student Center
Phone: 515-263-2881 **Hours:** Weekday 8:15am – 4:30am
- Counseling Department Intern
Location: Student Life Office, Student Center
Phone: 515-263-6016 **Hours:** Weekday - Various hours
- Russell Lackey – Senior Campus Pastor
Location: Viking House
Phone: 515-263-6004 **Hours:** Weekday 8:15am – 4:30am

A reporting party who speaks to a professional or pastoral counselor must understand that, if the reporting party wants to maintain confidentiality, the University may be unable to conduct an investigation into the particular incident or pursue disciplinary action.

Even so, these counselors will still assist the reporting party in receiving other necessary protection and support, such as rights advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A reporting party who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors will provide the reporting party with assistance if the reporting party wishes to do so.

NOTE: While these privileged employees may maintain a reporting party confidentiality vis-à-vis the University, they may have reporting or other obligations under Iowa's state law regarding mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.

ADDITIONALLY: If the privilege employee believes that the potential responding party is a threat to the Grand View University community they will share the incident with the Title IX Coordinator. Then if the University confirms that the potential responding party pose a serious and immediate threat to the Grand View community, Adam Voigts, V.P. for Administration and Finance and Dr. Jay Prescott, V.P. for Student Affairs, or their designee, will be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the original reporting party. An investigation may then take place with the University being the new reporting party.

B. Reporting to Responsible Employees

- A “Responsible Employee” is a Grand View University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual or relationship misconduct, or who a reporting party could reasonably believe has this authority or duty.

When a reporting party tells a responsible employee about an incident of sexual violence, the student has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the reporting party and that the University will need to determine what happened – including the names of the reporting party, the respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the reporting party consent or unless the reporting party has also reported the incident to law enforcement.

The only employees at Grand View University that are not required to report as “Responsible Employee” are the Professional and Pastoral Counselors referenced in the preceding section.

Before a reporting party reveals any information to a responsible employee, the employee will ensure that the reporting party understands the employee’s reporting obligations – and, if the reporting party wants to maintain confidentiality, direct the reporting party to confidential resources. Responsible employees will not pressure a reporting party to reveal or not reveal information, but will honor and support the reporting party wishes.

Requesting Confidentiality - How Grand View Will Weigh the Request and Respond

If a reporting party discloses an incident to a responsible employee but wishes to maintain confidentiality, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the reporting party.

If the University honors the request for confidentiality, a reporting party must understand that Grand View's ability to meaningfully investigate the incident and pursue disciplinary action against the potential responding party may be limited.

Although rare, there are times when Grand View University may not be able to honor a reporting party's request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

- Dr. Jay Prescott, V.P. for Student Affairs (263-2885)
- Dr. Jason Bauer, Associate V.P. for Student Affairs (263-2885)
- Adam Voigts, V.P. for Administration and Finance (263-2821)
- Erica Kluver, Human Resources Manager (263-2816)

When weighing a reporting party's request for confidentiality the above designated individual(s) will consider a range of factors, including the following:

- The increased risk that the potential responding party will commit additional acts of sexual and relationship misconduct such as:
 - whether there have been other related complaints about the same potential responding party;
 - whether the potential responding party has a history of arrests or records from a prior school indicating a history of violence;
 - whether the potential responding party threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple potential responding parties;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the reporting party is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- Whether the reporting party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If Grand View University determines that it cannot maintain a reporting party's confidentiality because of the presence of one or more of these factors, the University will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

Grand View University will remain ever mindful of the reporting party's well-being, and will take ongoing steps to protect the reporting party from retaliation or harm and work with the reporting party to create a safety plan. Retaliation against the reporting party, whether by students or University employees, will not be tolerated. Grand View University will also:

- Assist the reporting party in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see Section 5);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the potential responding party pending the outcome of an investigation), withdraw from/retake a class without penalty, access academic support such as tutoring or adjustments for assignments or tests; and
- Inform the reporting party of the right to report a crime to campus or local law enforcement – and provide the reporting party with assistance if the reporting party wishes to do so.

The University may not require a reporting party to participate in any investigation or disciplinary proceeding.

Because Grand View University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If Grand View University determines that it can respect a reporting party's request for confidentiality, the University will also take immediate action as necessary to protect and assist the reporting party.

7. Grand View University's Investigation Process

All incidents should be reported in a timely manner. Once a report has been made to a Responsible Employee at Grand View University, the Responsible Employee needs to report the incident to the appropriate Title IX Coordinator. The determination for an investigation process will commence no later than 48 hours after the report has been received. Reports of sexual and relationship misconduct will be thoroughly investigated in a timely manner by Grand View University, and when requested by the reporting party, assistance will be given in reporting the incident to the local police. Grand View University will cooperate fully with the local police department and will share information when appropriate. Grand View University will maintain the confidentiality of the reporting party as much as possible and only share information with people at the local Police Department responsible for handling the case. Please note that all investigations will include the reporting party, the responding party, and available witnesses.

The investigation process is estimated to take no longer than twenty business days and a resolution should be expected within ten business days after the investigation is complete. The investigation process has a maximum sixty day timeframe (not including appeals) to be completed.

A reporting party will be asked to share all available information about the incident. The reporting party's cooperation is essential. If the reporting party chooses not to participate in the investigation process, the reporting party must understand that Grand View's ability to meaningfully investigate the incident and pursue disciplinary action against the responding party(s) may be limited. If the reporting party chooses not to participate in the investigation process, the reporting party will be made aware that Grand View University's investigation will continue.

Students and/or employees with knowledge of alleged sexual and relationship misconduct must submit a report to the following Title IX Coordinators:

- Student Issues:
 - Dr. Jay Prescott, V.P. for Student Affairs (Title IX Coordinator)
 - Office Address: Student Life and Student Success Center
 - Telephone Number: 515-263-2885
 - Email: jprescott@grandview.edu
 - Dr. Jason Bauer, Associate V.P. for Student Affairs (Deputy Title IX Coordinator)
 - Office Address: Student Life and Student Success Center
 - Telephone Number: 515-263-2887
 - Email: jbauer@grandview.edu
- Faculty/Staff Issues:
 - Adam Voigts, V.P. for Administration and Finance (Title IX Coordinator)
 - Office Address: Humphrey Center E33
 - Telephone Number: 515-263-2821
 - Email: avoigts@grandview.edu
 - Erica Kluver, Human Resources Manager (Deputy Title IX Coordinator)
 - Office Address: Humphrey Center E36a
 - Telephone Number: 515-263-2816
 - Email: ekluver@grandview.edu

If the person wishes to remain anonymous they can use the EthicsPoint system – Grand View University's system for making reports anonymously. All reporting options can be found online at <https://www.grandview.edu/student-life/services/violence/reporting>

Student Life Investigation Process

The general process outlined under the Student Conduct Code for enforcing Grand View University's rules, regulations, procedures, policies, standards of conduct and orders will be followed in cases of sexual assault and harassment. Mediation will not be used in sexual misconduct cases at Grand View University.

The specific procedures to be used at each step of the process are described in the following sections. Basic standards of fairness will be observed in the determination of:

- The truth or falsity of the charges against the responding party (the preponderance-of-the-evidence (i.e., more likely than not) standard will be used in any Title IX fact-finding and related proceedings, including any hearings)
- Whether the alleged misconduct violates this code; and if so,
- The sanctions to be imposed, if any.

The criteria for judging student misconduct shall include, but not be limited to, the standards of conduct as stated above. The reporting party and responding party will have equal rights, opportunities, and treatment throughout the investigative process to the greatest extent possible.

The standards and procedures set forth in this document are those used by Grand View University in sexual and relationship misconduct disciplinary matters. Grand View University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus and community. This includes the right to suspend, expel, or request the withdrawal of a student at any time, with or without specific charge or hearing. The student does have the right to request the Vice President for Student Affairs to review misconduct disciplinary matters.

Any Faculty, staff, or student may report a sexual and relationship misconduct incident either by filing a written complaint or speaking in person with the Title IX Coordinator (listed above). A well written report should include the following:

- Name of individuals involved.
- Description of the alleged inappropriate conduct.
- Reference to the student conduct policy in question.
- Name and telephone number of the faculty, student or staff member initiating the complaint.

The Title IX Coordinator will make a Title IX determination for the case and if appropriate assign the case for investigation by a Student Life Title IX Investigator. The Title IX Investigator will set up an initial conference with the reporting party and responding party. The reporting party and responding party will be informed in writing of the charges and the maximum penalty which may result from consideration of the disciplinary matter or potential charges depending on the stage of the investigation.

When an initial conference is scheduled with the Title IX Investigator:

- The responding party must attend the scheduled conference. The respondent's failure to attend without good cause and prior notification or a verifiable emergency may constitute a waiver of the respondent's right to participate and appeal further.
- The respondent must submit all of his/her evidence within three (3) business days of the initial conference. The respondent will have the right to waive the three (3) days and declare that all evidence has been submitted.

Individual conferences will be held with the students involved in the case. Grand View

University does not allow for cross-examination by the reporting party and responding party. Each student will have the opportunity to present evidence and witnesses to the Title IX Investigator. Evidence that may, or may not be, allowed in sexual and relationship misconduct cases include, but are not limited to:

- Prohibiting questioning or evidence about the reporting party's prior sexual conduct.
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Each student has the right to the assistance of an advisor (friend, advocate, parent, other) during the initial conference. Obtaining an advisor is the student's responsibility. The advisor must be available at the time the conference is scheduled. The advisor must only observe the initial conference. He/she is not allowed to ask questions or make any comments. If an advisor does not follow the stated guidelines they will receive a warning and if the guidelines are not followed a second time the advisor will be asked to leave the conference.

Additionally, because of the potential conflict of interest, the Vice President for Student Affairs or his/her designee must approve any Student Affairs staff serving as an advisor to a student prior to the Student Affairs staff member's involvement in the discipline process.

The student must advise the Title IX Investigator at least 24 hours prior to the conference date if he/she will be accompanied by an advisor at the initial conference.

If either party feels there are potential conflicts of interest issues with the Grand View employee overseeing the case a written appeal can be made to the Vice President for Student Affairs requesting a conference. The Vice President for Student Affairs will consider all evidence brought forward in the case and will take one of the following actions:

- Determine there is no conflict of interest and allow the investigation to proceed.
- Determine there is a conflict of interest and assume the role of lead investigator of the case (or appoint another designated Responsible Employee to lead the investigation of the case).

The conflict of interest decision of the Vice President for Student Affairs shall be final and not subject to further appeal. If there is question the Vice President for Student Affairs has a conflict of interest, the written appeal can be made to the Vice President for Administration and Finance who will then make the judgment.

Once all of the evidence is submitted or a student waives their right for three (3) business days to submit evidence, the Title IX Investigator will consider all evidence brought forward in the case and will take one of the following actions:

- Terminate the proceedings, exonerating the respondent
- Dismiss the case after appropriate counseling and advice; or
- Impose an appropriate sanction.

The reporting party and responding party involved will be notified in person via meeting with Title IX Investigator and in writing via letter at meeting or Grand View University email. The reporting party and responding party should be notified as simultaneously as possible of the decision of the Title IX Investigator. The reporting party will be notified of any sanctions imposed on the responding party that directly relate to the reporting party and to his/her ongoing safety as a student at Grand View University. The responding party will not be notified of the individual remedies offered or provided to the reporting party.

The reporting party and responding party may appeal the decision of the Title IX Investigator by filing a written appeal with the Vice President for Student Affairs within three (3) business days of the Title IX Investigator decision. The Vice President for Student Affairs shall render a decision on the appeal within fifteen (15) business days of its filing. The decision of the Vice President for Student Affairs shall be final and not subject to further appeal.

8. Retaliation

No employee or student who, in good faith, seeks advice concerning a matter of sexual and relationship misconduct, files a harassment grievance, serves as a witness in the investigation of a harassment grievance, or files a sexual assault complaint shall be subject to restriction, interference, coercion, or reprisal. Retaliation constitutes a violation of Grand View University's harassment policy. All acts of retaliation will be investigated thoroughly. Those found to be responsible for retaliation will be disciplined accordingly.

9. Preserving Evidence

If a student decides to report a sexual assault it is important to preserve as much evidence as possible. This could include, but is not limited to:

- Preserve all physical evidence (do not bathe, douche, brush teeth, wash hands, or change clothing).
- Use a clean jar to collect any urine or secretions.
- When a member of the Mid-Iowa Sexual Assault Response Team (SART) arrives ask for the Sexual Assault Nurse Examiner (SANE) to help with the evidence you have gathered and to assist in getting medical attention.

Evidence gathered by Grand View University in the investigative process will be stored in secure University offices and database systems separate from any investigation law enforcement might be conducting. Evidence will be kept no longer than seven years after the individuals involved have graduated from the University.

The Title IX Officer(s) will maintain and track all reports of sexual assault and sexual harassment and report, at least annually, concerning their number, nature and disposition to the President. The Title IX Officer(s) will keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for potential legal purposes and to identify individuals or departments likely to benefit from training so that training priorities can be established.

10. Sexual Assault Response Team (SART) Process and Resources

Grand View University partners with Mid-Iowa Sexual Assault Response Team (SART) to provide advocacy and support services to survivors of sexual violence. Mid-Iowa SART is an innovative, multidisciplinary team created for the purpose of providing quality, compassionate, consistent and on-going care to impacted individuals of sexual assault.

Mid-Iowa SART assists impacted individuals of sexual assault from the moment they are contacted through potential court proceedings, offering expertise and enhanced services in sexual assault cases. Individuals are immediately connected with advocates (confidential support individuals not required to report **any** information about an incident to the Title IX coordinator without permission) from Polk County Crisis and Advocacy Services and, following the assault, may elect to be examined and treated by Sexual Assault Nurse Examiners (SANEs). SANEs are registered nurses who have received specialized training in the collection of forensic evidence and loving care of survivors and are on call 24/7.

Many area law enforcement agencies and the Polk County Attorney's Office are SART team members contributing to the goal of restored physical, emotional, mental and spiritual health of the impacted individual. Services provided include 24-hour crisis intervention, medical and legal advocacy, and counseling for survivors. Mid-Iowa SART also conducts professional training about sexual violence, provides community education, develops prevention programming, and helps other organizations develop policies to address sexual violence.

If you have been sexually assaulted, you should get help immediately. You may be in shock and you should not be alone. You will be strongly encouraged to seek medical attention. Survivors of sexual violence often have feelings of shame, fear and self-accusation. Rather than remain isolated or silent, please be aware that support and assistance are available to you. Any person reporting sexual violence will be treated with care, concern and confidentiality. The Mid-Iowa Sexual Assault Response Team (SART - 515-286-3600) will hear your account and offer support and counsel.

11. Health Care Options for Survivors of Sexual Assault:

On-campus options:

- Grand View Student Health Clinic
 - Location: Johnson Wellness Center
 - Phone: 515-263-2823
 - Hours: Monday (8:30am -11:15am) Tuesday / Thursday (7:30am – 3:30pm)
 - Other information: Charges are only for any lab testing and immunizations and are very reasonably priced. No insurance needed.

Off- campus options:

- Local Hospitals
 - Iowa Lutheran Hospital (closest to Grand View's campus)
 - Location: 700 East University Ave, Des Moines, IA 50316
 - Phone: 515-263-5612
 - Mercy Medical Center
 - Location: 1111 6th Ave. (University and 6th Ave.), Des Moines, IA
 - Phone: 515-247-3121

- Iowa Methodist Medical Center
 - Location: 1200 Pleasant St., Des Moines, IA 50309
 - Phone: 515-241-6212
- Broadlawns Medical Center
 - Location: 1801 Hickman Road, Des Moines, IA 50314
 - Phone: 515-282-2200
 - Other: Accepts patients without insurance
- Walk-In Clinics
 - UnityPoint Health Clinic (closest to Grand View's campus)
 - Location: 2301 E. 14th St., Des Moines, IA 50316
 - Phone: 515-262-0404
- Other Resources:
 - Mercy Nurse – 515-243-2584
 - My Nurse – 1-800-424-3258
 - Call for advice on symptoms and where to go for care.
 - Both are answered 24 hours 7 days a week

12. Ongoing Assistance

On-campus and off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with Grand View University unless the survivor requests the disclosure and signs a consent or waiver form.

On-campus resources for survivors of sexual misconduct:

- Kent Schornack – Director of Counseling (515-263-2986)
- Kenlyn Gordon – Assistant Director of Counseling (515-263-2881)

Off-campus resources for survivors of sexual misconduct:

Iowa Domestic Violence Hotline 1-800-942-0333

Iowa Sexual Abuse Hotline 1-800-284-7821

Iowa Coalition Against Sexual Violence (CASA) has 28 member sexual assault crisis centers serving survivors of sexual assault throughout Iowa. Staff members work on several initiatives including: technical assistance and training to member centers; civil legal assistance for survivors of sexual assault, including immigration assistance; improving responses to sexual assault within communities of color; a training initiative for assisting survivors with developmental disabilities; a national project providing peer-based assistance to other sexual assault coalitions; statewide sexual assault prevention; training for allied professionals; and public policy efforts at the state and national level.

* Iowa CASA does not provide crisis counseling services, but we can provide referrals to local rape crisis centers.

Children and Families of Iowa- Domestic Violence Services

1111 University Ave.
Des Moines, IA 50314
Office: 515-471-8699
Fax: 515-243-3404
Crisis Line: 800-942-0333

www.cfiowa.org

Domestic Abuse, Emergency Shelter

** CFI's domestic violence services provide a unique approach to helping survivors of domestic violence rebuild their lives. They offer help for those whose lives are affected by domestic violence, healing for survivors of domestic abuse, and hope to those who want to create safer homes and communities.*

LUNA

4313 Fleur Drive
Des Moines, IA 50312
Office: 515-271-5060
Fax: 515-271-5062

www.lunaiowa.org

Domestic Abuse

** L.U.N.A. honors and upholds every woman's right to freedom from violence. Services are for those who have suffered or are suffering abuse whether it be physical, sexual, emotional, or other forms of abuse, or if you have been sexually or physically assaulted by someone unknown to you.*

Service include: 24-Hour Crisis Line, One-On-One Counseling, Group Counseling, Safety Planning, Court Advocacy, Community Referrals , Domestic Violence and Sexual Assault Training.

Monsoon

4952 Franklin Avenue
Des Moines, Iowa 50310
Office: 515-288-0881
Fax: 515-244-7424

www.muawi.org

Domestic Violence, Sexual Abuse - Asian/Pacific Islander Community

** Monsoon United Asian women of Iowa's mission is to end all forms of gender-based violence and build healthy communities through transformative justice and social change. They serve all 99 counties in Iowa, and their services are both free and confidential.*

Service include: direct services, community outreach and education, violence prevention and technical assistance.

Polk County Crisis and Advocacy Services

2309 Euclid
Des Moines, Iowa 50310
Office: 515-286-3600
Fax: 515-286-2032

<http://cms.polkcountyiowa.gov/CFYS/pages/crisisAdvocacy.aspx>

Sexual Abuse, Homicide Services

** Polk County Crisis & Advocacy Services (PCCAS) is a division of the Polk County Department of Community, Family & Youth Services that provides assistance to survivors of crime in Polk County regardless of race, gender, age, ethnicity, sexual orientation, physical or mental disabilities.*

Services include: Rape/Sexual Assault Care Program, Intra-Family Sexual Abuse Program, Violent Crime Program, Volunteer Program, Support Groups, Community Educator, Lending Library, and Victim Impact Panels

NISAA

4952 Franklin Avenue

Des Moines, Iowa 50310

Office: 515-288-0881

Fax: 515-244-7424

Domestic Abuse, Sexual Abuse- African Refugee Community

** Nisaa provides direct services to survivors of domestic violence and sexual assault in the African communities in Iowa and perform community outreach and educational services.*

Victim Assistance & Crime Victim Compensation Program

The Polk County Attorney's Office sends a victim packet to all survivors to be returned with the amount of losses due to injury to property damage where a suspect has been identified and charged with the crime. If the defendant is found guilty or pleads guilty to the offense, the Court will order the defendant to pay restitution to the survivor.

For more information, please contact the Polk County Attorney's Office, Restorative Justice Center, 206 Sixth Avenue, Des Moines, Iowa 50309, or call (515) 286-3057.

The Crime Victim Compensation Program provides financial resources for survivors of crime or dependents of victims who died as a result of a crime. It helps survivors with their out-of-pocket costs from crime-related injuries. This program does not require that the suspect be identified and arrested, only that you cooperate in every way possible with the Criminal Justice System toward the apprehension. For help, complete the form located on the Iowa Attorney General Crime Victim Compensation Program website or call (515) 281-5044.

NOTE: While these off-campus counselors and advocates may maintain a survivor's confidentiality vis-à-vis Grand View University, they may have reporting or other obligations under Iowa's state law regarding mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.

13. Prevention and Education

Grand View University is committed to the prevention and education of the Grand View University community about sexual assault. The following are prevention and education programs to promote the awareness of rape, acquaintance rape, and domestic violence, dating violence, sexual assault, and stalking:

- Primary prevention for all incoming students and new employees
 - Statement that the institution prohibits offenses
 - Student Handbook
 - Faculty Handbook
 - Staff Handbook
 - Haven Training
 - Definition of domestic violence, dating violence, sexual assault, and stalking
 - Student Handbook
 - Faculty Handbook
 - Staff Handbook
 - Resident Assistant Training
 - Haven Training
 - Definition of consent in reference to sexual activity
 - Student Handbook
 - Faculty Handbook
 - Staff Handbook
 - Sex in the Dark Program
 - Resident Assistant Training
 - Student Health 101 Magazine
 - Impact Leadership session with Athletic Teams
 - Presentations to residential students
 - GV Unplugged
 - Haven Training
 - Safe and positive options for bystander intervention
 - Mentors in Violence Prevention (MVP) Training
 - Sexual Assault Media Campaign
 - Classroom Presentations
 - Residence Floor Meetings
 - Impact Leadership session with Athletic Teams
 - GV Unplugged
 - Haven Training
 - Engaging Men Student Group
 - Information on risk reduction, to recognize warning signs of abusive behaviors, and how to avoid harming others.
 - Spring Break Awareness
 - Healthy Relationships Week
 - Sex in the Dark Program
 - Student Health 101 Magazine
 - GV Unplugged
 - Proactive Behaviors flyer
 - Haven Training
 - Engaging Men Student Group

- Ongoing prevention and awareness campaigns for students and faculty (including the above mentioned)
 - Creating a Caring Community
 - Spring Break Awareness
 - Healthy Relationships Week
 - Sex in the Dark Program
 - Student Health 101 Magazine
 - Haven Training
 - Engaging Men Student Group
 - Take Back the Night

The following are a descriptive list of educational opportunities about sexual harassment and sexual assault that take place annually during the academic school year:

- **Haven Training** – Required training for all incoming students. Premier online program addressing the critical issues of sexual assault, relationship violence, stalking, and sexual harassment – among students, faculty and staff.
- **GV Unplugged**- During New Student Days; 1 hour session, event is required of all new students to Grand View. Three vignettes about situations students may find themselves in when transitioning to college – alcohol, acquaintance rape, diversity.
- **Healthy Relationships week** – Three days in February focusing on what makes a good and healthy relationship. Students could take a quiz to rate their relationships and examine healthy sexual activity within a relationship.
- **Sex in the Dark** – Event during Healthy Relationships week. Two weeks prior to event, students submit any questions they have about sex, dating, and relationships anonymously. The night of the event, the students who attend receive one of the submitted questions to ask to a panel. Panel consists of faculty and staff who answer from their understanding and help students to think through and process relationships.
- **Student Health 101** – Monthly online health magazine available to all students who wish to access it. Focuses on a range of student issues including healthy sexual activity and how to respond to sexual harassment and assault.
- **Spring Break Awareness Week** – Three days in March, the week before Spring Break. Highlights safety on spring break in regards to alcohol, sexual activity and potential of acquaintance rape and sexual assault.
- **RA Training** – One day training with RA's on counseling related items. One section that is covered is sexual assault and acquaintance rape and the connection with alcohol use and consent. Review of policy and protocol if a situation occurs.
- **Counseling & Intervention** - Work with students who have come forward with a sexual assault. Work with community resources (police, Polk County Crisis) with options and next steps for students in those situations.
- **Mentors in Violence Prevention Training** – Utilizes a leadership and bystander focus on the issues of gender violence prevention to empower others to see their role in prevention and creating a caring community.

- **Engaging Men Student Group** – Student group whose mission is to mobilize men to use their strength for creating cultures free from violence, especially men’s violence against women. They aim to stop violence before it ever happens. Instead of helping women reduce their risk of being victims of men’s violence, they focus on helping men use their strength in positive ways in all of their relationships.
- **Impact Leadership** – Session for student athletes to engage in small group discussion about leadership qualities, how to express these through daily behavior, and consent and sexual responsibility.
- **Take Back the Night** - Take Back the Night is an international event and non-profit organization with the mission of ending sexual, relationship, and domestic violence in all forms.

Other formal and informal educational experiences will also take place during the academic year. These activities and experiences are announced to the entire student body via email and other marketing avenues.

14. Training and Prevention

Grand View University is committed to the training of the Grand View University community about sexual assault and the prevention of sexual misconduct. The following are training programs conducted on campus for faculty, staff and students to raise the awareness of sexual assault issues and increase the prevention of sexual misconduct:

<u>Type of Training</u>	<u>Frequency</u>	<u>Topics</u>
New Faculty Sessions	August	Policy, Reporting and Awareness
New Staff Sessions	3-4 times/year	Policy, Reporting and Awareness
New Students	1/time/year	Policy, Reporting and Awareness
All Faculty/Staff Sessions	1-2/times/year	Policy, Reporting and Awareness
By-stander Training (selected faculty, staff, and Students)	1 ½-2 day training/ year	Mentors in Violence Prevention Training (by-stander training)
Staff Meetings	1-2 times/year	Awareness Topics, Policy Updates
Faculty Meetings	1-2 times/year	Awareness Topics, Policy Updates
Residence Life Staff Training	1-2 times/year	Policy, Reporting and Awareness, Bystander Intervention
Workshops and webinars for investigators & adjudicators	1-2 times/year	Investigations, Adjudicating, Policy

15. Granting Amnesty

Grand View University’s primary concern is the health and safety of its students. Grand View is aware that students are sometimes reluctant to seek medical attention in alcohol- and drug-related emergencies, out of fear that they may face sanctions related to possessing or consuming alcohol and drugs. Because these emergencies are potentially life-threatening, Grand View wants to do what it can to reduce barriers that prevent students from seeking assistance.

Accordingly, students who seek emergency medical attention for themselves or someone else related to the consumption of alcohol or drugs will be referred for substance abuse evaluation and/or treatment, instead of receiving the University-imposed sanctions, for the alcohol- or drug-related policy violation.

Medical Amnesty only applies when a student initiates the call for emergency medical attention and only when the emergency medical attention is needed to address alcohol or drug emergencies. It does not apply when the individual suffering from the alcohol or drug emergency is discovered by a University official (e.g., security, RA, etc.).

Medical Amnesty does not apply to violations of the Code of Student Conduct that are egregious, in the judgment of the Vice President of Student Affairs, including, but not limited to, sexual assault, weapons possession, possession of drugs that induce incapacitation (e.g. Rohypnol or other "date rape drugs"), and all drug offenses beyond mere possession. Grand View strongly encourages survivors who have been sexually assaulted after consuming alcohol or drugs and witnesses to such assaults to come forward without fear of disciplinary action by the University. Grand View strongly encourages students to seek emergency treatment when alcohol poisoning or a drug overdose is suspected.

Miscellaneous Items Related to Sexual Assault

Sexual Assault Public Awareness Events

Public awareness events or other forums (such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs") in which students disclose incidents of sexual violence, **are not considered notice** to Grand View University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

Anonymous Reporting (EthicsPoint)

Although Grand View University encourages impact individuals of sexual and relationship misconduct to talk to someone, the University provides an online system for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the University for the purpose of triggering an investigation.