



**Garrett**

# SEXUAL MISCONDUCT POLICY (TITLE IX)

# SEXUAL MISCONDUCT POLICY

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## Title IX

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No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance. (Title IX of the Education Amendments, 1972)

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## **Policy Statement**

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Sexual misconduct is unacceptable and will not be tolerated at Garrett-Evangelical Theological Seminary (“Seminary”). The Seminary prohibits discrimination based on sex in its educational programs and activities. Accordingly, the Seminary urges an individual to make a formal report if that individual is the victim of sexual misconduct, has knowledge of another person being the victim of sexual misconduct, or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct. A report of sexual misconduct will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible. Individuals found responsible for violating this policy will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions, or any other means necessary to address the behavior. Prosecution by civil or criminal authorities may also occur.

Garrett-Evangelical Theological Seminary’s Sexual Misconduct Policy and Title IX resources can be found online at, <http://www.garrett.edu/sexual-misconduct-and-title-ix>.

The Seminary’s Title IX Coordinator is Erin Moore and she may be contacted by calling 847-866-3918, visiting room 118 in the Main Building, emailing [titlenine@garrett.edu](mailto:titlenine@garrett.edu).

## **Scope of Policy**

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This policy applies to all members of the Garrett-Evangelical Theological Seminary community, including but not limited to students, faculty, adjunct faculty, staff, administrators, and independent contractors, as well as Seminary visitors, volunteers, guests, and third parties.

## **Prohibiting Sexual Misconduct**

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Garrett-Evangelical Theological Seminary is committed to a safe and healthy environment and, as such, does not tolerate sexual misconduct in any form, including but not limited to, sexual harassment or sexual assault, gender harassment, discrimination based on pregnancy and prenatal status, stalking, and dating or domestic violence. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff, and other community members.

An attempt to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is considered a violation of this policy. Community members may also be held responsible for any misconduct by their visitors and guests.

Title IX (Title IX 20 U.S.C. Sec. 1681, *et seq.*) of the U.S. Higher Education Act protects individuals from discrimination based on sex in education programs or activities which receive federal financial assistance:

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

Discrimination on the basis of sex can include sexual harassment, unwelcomed sexual advances, or sexual violence.

## **Consent**

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Sexual activity requires consent, which is defined as informed, voluntary, and a mutual agreement between the participants engaging in a specific sexual activity. Consent must be acquired prior to or contemporaneously with sexual activity and may be withdrawn at any time from any participant. A person who is not of legal age (17 years old in Illinois) cannot consent to sexual activity.

Consent must be all of the following:

- *Knowing*: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.
- *Active*: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. Silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- *Voluntary*: Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure), or fraud (misrepresentation or material omission about oneself or the situation in order to gain permission for sexual or intimate activity).
- *Present and Ongoing*: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

## **Incapacitation**

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Consent is not present when an individual is incapacitated, voluntarily or involuntarily, due to physical condition (sleep, lack of consciousness, alcohol, drugs), or disability that impairs the individual’s ability to provide consent. Incapacitation is the physical and/or mental inability to make informed, rationale, judgements, and decisions. A person who is incapacitated may be unaware of where they are, how they got there, who they are with, or why or how they became engaged in a sexual interaction.

## **Alcohol or Drug Use**

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A person is not incapacitated merely because they have been drinking alcohol or using drugs. Incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation due to alcohol or drugs may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which they appear to be giving consent, but they do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware

of the other person's level of intoxication and look for obvious warning signs that a person may be incapacitated or approaching incapacitation (including but not limited to, slurring of speech, unsteady gait, vomiting, emotional volatility, etc.).

Using alcohol or drugs or being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

### **Amnesty Policy**

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An individual(s) who reports sexual misconduct that was directed at them or another person, either as a Complainant or a third party witness, will not be subject to disciplinary action by the Seminary for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The Seminary may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. Amnesty does not preclude or prevent action by police or other legal authorities.

### **Definitions of Prohibited Sexual Misconduct**

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Sexual harassment is any unwelcome conduct of a sexual nature, which includes, but is not limited to, unwelcome sexual advances; the use or threatened use of sexual favors as a basis for academic or employment decisions (so called "quid pro quo harassment"); conduct of a sexual nature that creates a hostile, intimidating or offensive academic or working environment; conduct of a sexual nature that has the effect of unreasonably interfering with an individual's academic or work performance; and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education;
- Submission to such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would sense is an intimidating, hostile or offensive employment, educational or living environment.

Sexual harassment is distinguished from a voluntary sexual relationship by the introduction of the element of coercion, threat, hostility, or unwanted attention of a sexual nature.

Examples of sexual harassment include:

- Unwelcome sexual flirtations, advances or propositions;
- Pressure for a dating, romantic, or intimate relationship;
- Pressure for sexual favors;
- Verbal abuse of a sexual nature, sexual innuendoes or humor, unnecessary references to parts of the body, off-color jokes, gossip about sexual relations, remarks about a person's

- gender, or sexual orientation;
- Visual conduct such as leering or making obscene gestures;
  - Display of derogatory or sexually suggestive or explicit graffiti, pictures, or posters;
  - Sexually explicit profanity;
  - Stalking or cyber harassment that is based on gender or sex, including but not limited to disseminating information, photos, or video of a sexual nature without consent;
  - Engaging in conduct of a sexual nature which creates an intimidating, hostile, or offensive academic or work environment;
  - E-mail, texting (“sexting”) and Internet use that violates this policy; and
  - Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

Sexual harassment can occur anywhere or anytime between and among students, faculty, staff and coworkers, in consensual and nonconsensual relationships. It can occur between members of the opposite or same sex.

All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment.

Sexual harassment does not include material or discussion that is appropriately related to course subject matter or academic curriculum, and this policy shall not abridge academic freedom.

### **Gender-Based Harassment**

Gender-based harassment includes acts of verbal, nonverbal, physical aggression, intimidation, hostility based on gender, and sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

### **Sexual Orientation-Based Harassment**

Sexual orientation-based harassment includes verbal, non-verbal and physical acts of aggression, intimidation, hostility based on an individual’s actual or perceived heterosexuality, homosexuality, bisexuality, transsexuality, or other sexual orientation.

### **Sexual Assault**

Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

- a. **Non-consensual sexual contact:** Any intentional physical contact of a sexual nature, however slight, with any object or body part, by a person(s) upon a person(s), and without effective consent.
- b. **Non-consensual sexual penetration (rape):** Any sexual penetration of any bodily opening, however slight, with any object or body part, by a person(s) upon a person(s), and without effective consent.

### **Sexual Exploitation**

Taking sexual advantage of another person for the benefit of oneself or a third party. Examples include, but are not limited to, the following actions (including when they are done via

electronic means, methods or devices):

- Prostituting another individual;
- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
- Indecent or lewd exposure or inducing another person to expose themselves when consent is not present;
- Recording any person engaged in sexual or intimate activity in a private space without that person's consent;
- Distributing sexual or intimate information, images or recordings about another person without that person's consent.

### **Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. It may include harassing or threatening another person to the point where that individual fears for his/her safety or the safety of a third party or suffers substantial emotional distress. Stalking can occur in various forms including, but not limited to, in person, through third parties, and electronically (phone, internet, etc.).

Examples of prohibited stalking behavior includes but is not limited to:

- Nonconsensual repeated communication including in-person communication, telephone calls, messaging, social media postings, letters, gifts, or any other communication that is undesired;
- Following, pursuing, waiting or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the recipient of unwelcome conduct;
- Monitoring online activities, surveillance, and other types of observation, or attempting to gather information about the recipient of unwelcome conduct;
- Making physical and/or verbal threats (directly or indirectly) against a recipient of unwelcome conduct or a loved one of that person;
- Interfering with or damaging the property (including pets) of the recipient of unwelcome conduct; or
- Defamation or slander against the recipient of unwelcome conduct, posting false information about the recipient of unwelcome conduct, and/or encouraging others to harass the recipient of unwelcome conduct.

### **Relationship Violence**

Relationship violence includes both domestic (usually between people who are married or who cohabit) and dating violence (usually between individuals engaged in a social relationship of a romantic or intimate nature).

Relationship violence is defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner or another person. Relationship violence can be physical, sexual, mental or emotional abuse, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Individuals encompassed in this definition include, but are not limited to: persons who have or have had a dating or engagement relationship; persons who have or have had a social relationship of a romantic or intimate nature, including same sex couples; current or former spouses, domestic partners, parents, children, stepchildren and other persons related by blood or by current or prior marriage; persons who share or formerly shared a common dwelling; persons who have or allegedly have a child in common; persons who share or allegedly share a relationship through a child; and personal assistants and personal caregivers for the elderly or disabled.

### **Retaliation**

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Garrett-Evangelical Theological Seminary strictly prohibits retaliatory action against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of any charge of sexual misconduct. Pursuant to this policy, the Seminary prohibits any person or group to retaliate against, threaten, intimidate, interfere with, coerce or take any other adverse action against any participant (complainant, respondent, or witness), that: 1) reports sexual misconduct; 2) seeks advice concerning sexual misconduct; 3) assists or supports another individual or group that reports sexual misconduct; or 4) participates in the investigation of a sexual misconduct report.

The Seminary will take immediate and responsive action to any report of retaliation. Any individuals who engage in such actions are subject to disciplinary or remedial action, which can include expulsion from the Seminary, termination of employment, and may also be subject to criminal and/or civil action. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator.

### **Confidentiality**

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Every effort will be made to ensure confidentiality to the extent feasible, while permitting the Seminary to investigate the complaint thoroughly to take appropriate action. Once a formal investigation has begun, complete confidentiality may not be possible. When the Seminary receives a report of sexual misconduct, it has a legal obligation to respond in a timely manner, under Title IX, to provide a safe and non-discriminatory environment for all members of the Seminary community, including an individual who has experienced sexual misconduct.

If the Seminary determines that it cannot maintain a complainant's confidentiality, the Seminary will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the Seminary's response. The Title IX Coordinator will evaluate all requests for confidentiality to determine the extent to which the Seminary can honor the request, while still satisfying its obligations under Title IX and this policy. When the Seminary is obligated to provide the Seminary community with timely warnings under the Clery Act, names of individuals are not used and every effort will be made to preserve identifying information.



The Seminary will remain mindful of the complainant's well-being and will take ongoing steps to protect the complainant from retaliation or harm, and work with the complainant to create a safety plan as long as it is warranted.

The Seminary may also:

- Assist the complainant in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements, course schedule changes, or adjustments for assignments or tests; and
- Inform the complainant of the right to report a crime to local law enforcement and provide the complainant with assistance if the complainant wishes to do so.

### **Reporting Violations**

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The Seminary strongly encourages all individuals to report incidents of sexual misconduct to Seminary officials. All employees are considered "responsible employees" for Title IX purposes and are obligated to promptly report sexual misconduct of which they are aware of to the Title IX Coordinator, unless they have a recognized confidentiality privilege. Further, the Seminary encourages students and third parties who have observed or been made aware of sexual misconduct to report the incident to the Title IX Coordinator for investigation.

### **Confidential Resources**

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Despite the Seminary's strong interest in having individuals report allegations of sexual misconduct, the Seminary realizes that not every individual involved in a sexual assault is prepared to make a report to the Seminary. Certain persons have a recognized confidentiality privilege (e.g., certified counselors, a chaplain serving in that capacity, and/or off-campus mental health or rape crisis providers) and will not tell anyone your private, personally identifiable information without your permission, unless there is cause for fear for your safety, or the safety of others. (Confidential resources may submit non-identifying anonymous information about violations of this policy to the Title IX Coordinator or the Human Resources Department for purposes of legally required statistical reporting under the Clery Act.)

### **On-Campus Student Chaplain**

Garrett-Evangelical has a full-time student chaplain, Rev. Dr. Karen Mosby. Rev. Mosby is located in Stead Hall Office 306, 847-866-3982, via email at [karen.mosby@garrett.edu](mailto:karen.mosby@garrett.edu).

### **Off-Campus Counseling (Chicagoland Area)**

Garrett-Evangelical offers several free counseling sessions to current students who may be in emotional crisis. For more information about seeing a pastoral counselor, located throughout the Chicagoland area, please log into MyGets at [www.mygets.garrett.edu](http://www.mygets.garrett.edu). Click on Student Services, located at the bar on the top of the page. On the left hand side a list of offices will appear, click on the Office of Student Life. Then on the left hand side of the page, click on the Pastoral Care and Counseling link. This will take you to the Pastoral Care and Counseling page where

additional information may be found regarding counselors and their locations, how to apply for counseling, and counseling guidelines.

For further information regarding the Seminary counseling program, please contact Benjamin Reynolds, Dean of Students, located in room 306 of the Main Building, 847-866-3936, via email [benjamin.reynolds@garrett.edu](mailto:benjamin.reynolds@garrett.edu).

### **Additional Off-Campus Confidential Resources**

Evanston Hospital  
2650 Ridge Ave  
Evanston, IL 60201  
847-570-2000

YWCA Evanston/North Shore  
1215 Church Street  
Evanston, IL 60201  
847-864-8445  
<https://www.ywca-ens.org/>

Rape Victims Advocates  
180 N. Michigan Ave, Suite 600  
Chicago, IL 60601  
312-443-9603  
<http://www.rapevictimadvocates.org>

Porchlight Counseling Services  
(Free counseling for sexual and/or domestic/dating violence)  
773750-7077  
<http://www.porchlightcounseling.org>

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

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All alleged violations of this Policy should be directed to one of the following:

Erin Moore  
Asst. VP of Human Resources and Employee Engagement  
2121 Sheridan Road, Room 118  
Evanston, IL 60201  
847-866-3918  
[titlenine@garrett.edu](mailto:titlenine@garrett.edu)

The Title IX Coordinator is responsible for monitoring and oversight of overall implementation of Title IX compliance and the prevention of harassment and discrimination at the Seminary, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the Seminary community. If you have questions or concerns related to Title IX, you should contact the Seminary's Title IX Coordinator.

**Staff Complaints: Title IX Coordinator**, Erin Moore, Asst. VP for Human Resources and Employee Engagement, Main building in room 118, 2121 Sheridan Road, Evanston, IL 60201, 847-866-3918, or email [titlenine@garrett.edu](mailto:titlenine@garrett.edu).

**Faculty Complaints: Title IX Deputy Coordinator**, Mai-Anh Le Tran, Academic Dean, Pfeiffer 300 building office 333, 2121 Sheridan Road Evanston, IL 60201, 847-866-3863, or email [Maianh.tran@garrett.edu](mailto:Maianh.tran@garrett.edu).

**Student Complaints: Title IX Deputy Coordinator**, Benjamin Reynolds, Dean of Students, Main building in room 306, 2121 Sheridan Road, Evanston, IL 60201, 847-866-3936, or email [Benjamin.reynolds@garrett.edu](mailto:Benjamin.reynolds@garrett.edu).

**A report may also be submitted online at**  
<http://www.garrett.edu/sexual-misconduct-and-title-ix>.

### **Local Law Enforcement**

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Complainants are also encouraged to notify local law enforcement authorities of any criminal sexual misconduct. Individuals will be assisted, upon request, in notifying law enforcement by the Title IX Coordinator, Asst. VP for Human Resources and Employee Engagement, Academic Dean, or the Dean of Students. Law enforcement can assist you with making claims, petitioning for restraining orders, and/or advising on other options that may be available to you.

Dial 911 for an emergency.

Evanston Police Department  
1454 Elmwood Ave  
Evanston, IL 60201  
847-866-5000

<https://www.cityofevanston.org/government/departments/police/victim-youth-services>

Life Span Center for Legal Services and Advocacy  
70 E. Lake Street, Suite 700  
Chicago, IL 60601  
(312) 408-1210

<http://life-span.org/>

Email: [life-span@life-span.org](mailto:life-span@life-span.org)

### **Investigation Process**

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Complaints may be made by the person who believes their rights under the Seminary's Sexual Misconduct Policy have been violated, by a Seminary employee, any member of the Seminary, or a third party. Complaints may be made to the Title IX Coordinator, the Human Resources Office, the Academic Dean, the Dean of Students or any other employee of the Seminary. Any employee of the Seminary (other than a confidential source as described above) receiving a complaint has a mandated obligation to inform the Title IX Coordinator immediately. Complaints may also be made through the online form at <http://www.garrett.edu/sexual->

[misconduct-and-title-ix](#) or via email at [titlenine@garrett.edu](mailto:titlenine@garrett.edu).

As soon as the Seminary receives information alleging a violation under this policy, the representative receiving the concern must report the incident to the Title IX Coordinator within 2 business days. An investigation will begin within 3 business days after the Title IX Coordinator receives a formal complaint, unless unusual or complex circumstances exist. The investigation will be timely and impartial. Barring unforeseen circumstances, the investigation will be completed, including any formal proceedings that occur, within 60 calendar days from the time a formal complaint is initiated, not including any appeals. At the conclusion of the investigation and proceedings (if any), written notification about the outcome of the investigation and options for an appeal will be delivered concurrently to the complainant, the respondent, and any appropriate Seminary officials.

### **Interim Measures**

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Upon receiving a complaint of a potential violation of this policy, the Seminary may take appropriate interim measures to protect a complainant or to meet its obligations to maintain a safe, nondiscriminatory learning/working environment. The Seminary may take such steps even when a complainant asks that the Seminary keep a reported violation of this policy confidential and/or that it not investigate the matter. Such measures will vary based on the particular facts and circumstances and based on a complainant's confidentiality preferences.

These measures include but are not limited to:

1. Establishing a "no contact" order between individuals;
2. Prohibiting an individual from being on campus or at Seminary events;
3. Changing a student's or employee's status, in consultation with appropriate administrator(s);
4. Changing living arrangements in the on-campus dorms or off-campus Seminary apartments;
5. Changing work, class, or other schedules, in consultation with appropriate administrator(s);
6. Changing academic requirements or providing assistance with academic issues;
7. Providing time off from class or work, or a leave of absence;
8. Issuing a timely warning of any substantial threat or danger to the community;
9. Making information about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders;
10. Transportation arrangements; and
11. Safety planning measurements.

To request an accommodation or protective measure, complainants should contact the Dean of Academic Affairs, the Dean of Students, Title IX Coordinator, or the Human Resources.

### **Investigation Procedures and Timeline**

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The Seminary will conduct a thorough, fair, impartial, and timely investigation and resolution process. Reports of all sexual misconduct made to any Seminary employee, outside of the Quasi Sanctuary Coordinator or other confidential resources, will automatically be referred to the Title IX Coordinator. Allegations are investigated by the administrator(s) or other trained

investigator(s) designated by the Title IX Coordinator.

Barring unforeseen circumstances, the investigation process, including any formal proceedings that occur, shall take no more than 60 calendar days from the time a formal complaint is initiated, not including any appeals. If the investigation extends beyond 60 calendar days, the Seminary will explain the reason for the delay to both parties and keep them apprised of the modified timeline. The investigation process typically involves the following:

- The Seminary uses the preponderance of the evidence standard to determine responsibility of violations of its sexual misconduct policy (more likely than not to have occurred).
- The complainant and respondent each have access to the Title IX Coordinator who will serve as a resource to answer any questions about processes and resources.
- The Seminary will allow the complainant and respondent timely and equal access to each other's statements and to any new information presented throughout the investigation.
- The complainant and respondent may not directly cross examine one another, but may, at the discretion and direction of the individual(s) resolving the complaint, suggest questions to be posed by the individual(s) resolving the complaint and respond to the other party.
- The complainant and respondent have the opportunity to request a substitution if the participation of the investigator or the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.
- Following the filing of a complaint, the complainant and respondent will each receive notification in writing to attend a separate initial conference with the investigator assigned to the case. This initial conference will inform the complainant and the respondent of their rights, the Title IX process, and to gather initial statements.
- The complainant and respondent must respond to the investigator within 3 calendar days (or the next weekday following a weekend or Seminary holiday) after the notice has been sent to set up an initial conference.
- The complainant and respondent will be asked to make a preliminary formal statement at each of their respective initial conference.
- Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. The investigator must be notified at least 72 hours prior that an advisor will be present and only one advisor may be present. An advisor may not speak, write, or otherwise communicate with an investigator or investigation panel on behalf of the complainant or respondent. While the advisor may be legal counsel by profession, the advisor may not function as legal counsel during any hearing process. Advisors who do not abide by these guidelines may be excluded from the process.
- The investigator(s) may interview any witnesses who may have information of relevance to the alleged misconduct or any retaliation against witnesses for their participation in the investigation.
- The investigator(s) may request and/or review any other evidence of relevance to the misconduct.
- Following the period of fact finding, the complainant and the respondent will each receive notification in writing to attend separate formal Title IX hearings with the

investigator assigned to the case. In this hearing the complainant and respondent will have the opportunity to review and comment on the evidence.

- The complainant and respondent must respond to the investigator within 3 calendar days (or the next weekday following a weekend or Seminary holiday) after the notice has been sent to set up the formal Title IX hearing.
- Complainant and respondent will be asked to make any final statements at each of their respective formal Title IX hearings. After the conclusion of the formal Title IX hearing, no additional evidence will be accepted by the investigator, unless it is done so during the appeal process (as described below).
- Once the investigator determines she/he has enough information to write a Summary of Findings (this summary will include what more likely than not happened, findings, whether a policy violation occurred and so forth) the investigation process is complete.
- The investigator will present the Summary of Findings to the Title IX Coordinator to finalize the outcome of the investigation and issue any consequent disciplinary sanctions.
- The complainant and respondent will each be notified in writing of the outcome of the investigation, any sanctions or remedies, and the appeals process, simultaneously or as close in time as possible, within 7 days of a decision. The respondent will be notified of any sanctions, and the complainant will be notified of any sanctions that affect the complainant. (Note that in cases involving sexual violence, the complainant will be notified of *any* disciplinary sanctions imposed on the respondent, not just those sanctions that directly relate to the complainant.)
- The Summary of Findings will be kept on file within the Title IX records, which the Title IX Coordinator is in charge of maintaining.

### **Appeal Process**

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The complainant or respondent (if students or employees of the Seminary) may request an appeal of the outcome of the investigation. The request for an appeal must be submitted, in writing, to the Title IX Coordinator within 10 business days after receiving notification of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal. The original outcome and any sanctions will stand unless and until the appeal is completed.

The appeal should include a detailed description of why the appeal should be allowed based upon one or more of the criteria below. The Title IX Coordinator will assign the appeal to an administrator or other trained investigator who did not hear the case and does not have a bias toward the complainant or respondent.

The basis for an appeal is limited to the following:

1. New evidence that was not available at the time of the original Title IX hearing;
2. The sanction(s) are thought to be disproportionate to the violation(s);
3. The investigation process as described above was not followed.

The Title IX Coordinator and/or designee may deny the request for an appeal if at least one of the criteria above is not met. In such a case, the original outcome and any sanctions remain in effect.

The Title IX Coordinator and/or designee will communicate to both parties, in writing, whether or

not the appeal has been granted and, if granted, who is the new assigned investigator. The appeal investigator may use discretion to resolve the appeal based solely on written documents from Title IX hearings and the appeal letter, whether to meet with only the complainant, only the respondent, only witnesses, or both parties of the incident. Upon completion of the appeal review, the Title IX Coordinator and/or designee may make any of the following decisions:

1. Uphold the original decision and any sanction(s);
2. Overturn the original decision; remove or reduce any sanction(s);
3. Assign additional sanctions up to and including dismissal from the Seminary.

The Title IX Coordinator and/or designee will present the appeal decision within 7 days to the complainant and the respondent. The appeal decision will be sent simultaneously in writing to both the complainant and respondent regardless of who filed the appeal.

### **Alternative Procedures**

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Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with:

Office for Civil Rights – Chicago Office  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
(312) 730-1560  
TDD (800) 877-8339  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

Equal Employment Opportunity Commission – Chicago District Office  
500 West Madison Street, Suite 2000  
Chicago, Illinois 60661  
(800) 669-4000  
TDD (800) 669-6820