



Huntington University Title IX Policy

ABRIDGED VERSION

Table of Contents

| | |
|---|----|
| Introduction..... | 3 |
| 1. Jurisdiction of Huntington University..... | 3 |
| 2. Title IX Prohibitive Behaviors..... | 3 |
| 3. Reporting a Situation of Sexual Harassment or Assault..... | 6 |
| 4. Timeline on Reporting and Promptness..... | 7 |
| 5. Procedures for a Formal Investigation..... | 7 |
| 6. Resolution Timeline..... | 8 |
| 7. Appointment of Investigators..... | 8 |
| 8. Investigation Timeline..... | 8 |
| 9. Steps in the Investigation Process..... | 8 |
| APPENDIX A: Informal Resolution (PROCESS B)..... | 12 |

Introduction

Huntington University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Huntington University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment. Whenever sexual offenses occur, trust and the sense of Christian community the university seeks to develop are violated. Such violations not only impact those directly involved in the incident, but also, subcommunities of the university that affect the broader community as a whole.

Should members of the university community have knowledge of a sexual harassment, they are urged to report the incident to campus authorities immediately. Huntington University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

1. Jurisdiction of Huntington University

This policy applies to the education program and activities of Huntington University. It applies to conduct that takes place on the campus or on property owned or controlled by HU, at HU-sponsored events, in buildings owned or controlled by HU's recognized student organizations, and occurring within the United States. The Complainant, at the time of filing a grievance, must be participating in an educational program or activity of Huntington University. The Respondent must be a member of the HU community in order for its policies to apply. Huntington University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity.

2. Title IX Prohibitive Behaviors

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. HU harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

● Dating Violence

Defined as: Violence, on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

● Domestic Violence

Defined as: Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the

domestic or family violence laws of Indiana, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Indiana.

● **Sexual Assault**

Defined as: Rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape

● **Sexual Harassment**

Defined as: Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

- 1) An employee of Huntington University conditioning (either implicitly or explicitly) the provision of an aid, benefit, or service of Huntington University on an individual's participation in unwelcome sexual conduct.
- 2) Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to the HU's education program or activity.

● **Stalking**

Defined as: Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A "reasonable person" means a person under similar circumstances and with similar identifies to the Complainant. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

● **Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

● **Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, Huntington University additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's membership in a protected class.

- **Sexual Exploitation**, defined as: Taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.
- **Sexual voyeurism**, defined as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- **Discrimination**, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Huntington University community, when related to the admission, initiation, or any other group-affiliation activity;
- **Bullying**, defined as: Repeated and/or severe; aggressive behavior; likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally

Sanctions for the above-listed Civil Rights Offenses range from reprimand through dismissal/termination.

3. Reporting a Situation of Sexual Harassment or Assault

A student who has experienced either sexual assault or harassment should follow these steps:

1. Get to a safe place and call 911 if in immediate danger. Seek support from a trusted person.
2. Seek medical attention

- Parkview Hospital: 2001 Stults Rd., Huntington, IN 46750; 260-355-3000
 - Emergency response numbers:
 - o Emergency: 911
 - o Campus Police: Lower Wright Hall; 260-224-1412
 - o City of Huntington Police: 300 Cherry St, Huntington, IN 46750; 260-358-2308
3. Preserve evidence by not washing, or cleaning, one’s body or clothing in any fashion. This includes not eating or drinking, and if at all possible not using the bathroom. Evidence to be saved in a clean paper bag.
 4. Do not delete any digital evidence (such as text messages, voice mails, pictures, or any social media posting).
 5. Contact the Title IX Coordinator.

Dr. Brian Jaworski serves as the Title IX Coordinator and oversees implementation of Huntington University Affirmative Action and Equal Opportunity plan, and Huntington University’s policy on equal opportunity, harassment, and nondiscrimination. Dr. Jaworski has the primary responsibility for coordinating Huntington University efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

A person desiring to make a report or complaint of sexual harassment against a student, employee¹, or any other individual (including third-party vendors or visitors), should contact the Title IX Coordinator in person, mail, or email.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Huntington University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information below.

Brian Jaworski, Ph.D.
 Dean of Students and Title IX Coordinator
 Office of Student Life, HUB 111
 (260) 359-4028
 bjaworski@huntington.edu

Reports can also be made through the following confidential individuals, but will not be shared without permission by the complainant:

| Name | University role | Contact information |
|--------------------|-----------------------------------|---|
| Rev. Arthur Wilson | Campus Pastor | 260-359-4031; awilson@huntington.edu |
| Martha Smith | Liscensed Mental Health Counselor | 260-359-4040; msmith@huntington.edu |

¹ Reports regarding employees will be coordinated with the Human Resources Manager to provide appropriate supportive measures.

Huntington University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. These Officials with Authority listed below may also accept notice or complaints on behalf of Huntington University.

- President
- Vice Presidents (all)

Huntington University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation.

4. Timeline on Reporting and Promptness

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Huntington University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

5. Procedures for a Formal Investigation

Huntington University will act on any formal or informal notice/complaint of violation of this policy that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as Process A.

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Huntington University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint;
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

6. Resolution Timeline

Huntington University will make a good faith effort to complete the resolution process within a thirty to sixty (30-60) day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

7. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

8. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Huntington University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

9. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant,
- In coordination with campus partners (e.g., the Title IX Coordinator) to initiate or assist with any necessary supportive measures,
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated,
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation,
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties,
- Meet with the Complainant to finalize their interview/statement, if necessary,

- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party,
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings,
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible,
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose,
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary,
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions,
- Complete the investigation promptly and without unreasonable deviation from the intended timeline,
- Provide regular status updates to the parties throughout the investigation,
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding,
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included,
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Huntington University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full 10 days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor),
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses,
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period,
- The Investigator(s) shares the report with the Title IX Coordinator for their review, and
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

10. Procedures for a Alternative Investigation Process

Huntington University investigates any allegation of sexual harassment once it has received notice of an official allegation. In the event of an investigation that the alleged behavior exhibited by a Respondent does not constitute meet the criteria of sexual harassment as defined in this policy (even if proved), or does not occur on the campus or on property owned or controlled by HU, at HU-sponsored events, or in buildings owned or controlled by HU's recognized student organizations, or did not occur against a person in the United States. Should the complaint be dismissed from a Title IX process, Huntington University and the Title IX Coordinator reserves the right to investigate through an alternative process (either through Student Life or Human Resources) after providing the Complainant and Respondant written notification of the initial finding and communicate the alternative investigation process.

Formal Title IX complaints can be withdrawn at any point by the Complainant by notifying the Title IX Coordinator in writing. Huntington University reserves the right to withdraw complaints if the Respondent is no longer enrolled or employed, or if there is not an ability to gather enough evidence to reach a determination regarding the allegations in a formal complaint. Huntington University reserves the right to continue investigating an allegation to determine any pattern in behavior that could warrant the Title IX investigation continuing.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED
THROUGH A LIMITED LICENSE
TO HUNTINGTON UNIVERSITY
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

APPENDIX A: Informal Resolution (PROCESS B)

Informal Resolution is typically used for less serious offenses and only when all parties agree to this alternate process through written consent, or when the Respondent is willing to accept responsibility for violating policy. An informal resolution must be requested to the Title IX Coordinator. This can also include a remedies-only response. The Title IX Coordinator, or his / her designee, will serve in an impartial third party role and is unable to provide a decision of responsibility. Decisions of responsibility are reserved for a formal investigation (Process A). If the complainant feels as if a formal investigation (Process A) would be more suited to fully understand the grievance, then the Title IX Coordinator must be notified. The complainant is able to make a request for a formal investigation at any point during the process.

An informal resolution process includes:

1. Complainant files a formal complaint listing the details of the grievance including the name of the respondent, date, time, and description of the alleged grievance. The complainant may also provide possible remedies to the Title IX Coordinator.

2. A meeting is conducted between the Title IX Coordinator and the respondent to share the formal complaint.
3. The complainant and respondent agree in writing to participate in the informal process.
4. The Title IX Coordinator, or his / her designee, provides mediation that could include conversations, written communications, or other forms of communication with the aim at resolving the grievance.
5. A resolved grievance could include an agreement between the complainant and respondent, a separation between the two parties, referral to counseling, or participation in an educational program. Request that the alleged behavior cease will most likely be included in this agreement.
6. The Title IX Coordinator, or his / her designee, will determine whether or not Huntington University's policy prohibiting discrimination based on sex has occurred.
7. Huntington University aims to have informal processes completed within 30 days from when the initial complaint is received.

The process described above is an informal process by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process ("Process A" described above) to resolve conflicts. The parties must consent to the use of an Informal Resolution.

The Title IX Coordinator determines if an Informal Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process ("Process A") is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of an Informal Resolution are not appealable.

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of Huntington University Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek an Informal Resolution on the remaining allegations, subject to the stipulations above.