

# **Tabor College Sexual Misconduct and Title IX Policy**

## **INTRODUCTION**

Tabor College, Hillsboro, Kansas, a four-year liberal arts college, is committed to providing a working and learning environment that is free from all forms of discrimination, including discrimination based on sex. This policy covers all forms of discrimination, including but not limited to the following forms of sexual misconduct: sexual harassment, sexual assault and sexual violence by employees, students and third parties.

Title IX (1972) is a federal civil rights law that prohibits discrimination based on sex for all educational organizations that receive Title IV federal assistance. The following policies are designed to prevent and prohibit all forms of sexual discrimination, including all forms of sexual misconduct. This policy includes, but is not limited to, employment, admission and all student-related services. Tabor College has jurisdiction over and a responsibility to address all Title IX complaints.

Tabor College is committed to ensure that students are not denied or limited in their opportunity to engage in the educational programs and activities on the basis of sex. The college will take prompt and effective steps to end sex discrimination, prevent recurrence and remedy its effects.

Members of the Tabor College community, guests and visitors have the right to be free from all forms of gender- and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to the college's attention, and a responding party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The nature of the Title IX law and policy guidelines published by the Department of Education requires there to be two processes to cover all possible occurrences of sexual misconduct. There are specific guidelines that determine which process will be used for each report of sexual misconduct. The two processes are:

- Title IX Formal Complaints Process
- Standard Process

The Department of Education has determined the criteria for Title IX formal complaints as follows: "formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed." These criteria are further informed by the parameters of Sexual Harassment as defined by the Department (see p. 2).

For all complaints that do not fall under the *formal* Title IX process, Tabor College's *standard* process will be used in determining if sexual misconduct has occurred.

### **GUIDING PRINCIPLE**

Tabor College is committed to addressing all concerns related to potential sexual misconduct directed towards anyone connected to the college. The college is equally committed to completing the process of addressing these concerns or allegations in a **fair and equitable** manner. All parties included in a process of alleged sexual misconduct, including the complainant and the respondent, will be treated equitably, with the goal of restoring and maintaining equal access to all educational programs and activities.

### **SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:**

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Sexual Exploitation

#### 1. SEXUAL HARASSMENT

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
- Sexual assault, dating violence, domestic violence or stalking (see definitions below)

#### 2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

#### 3. SEXUAL EXPLOITATION

Occurs when a Tabor community member takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than

the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another community member;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another community member;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

### **ADDITIONAL APPLICABLE DEFINITIONS:**

**Complainant:** an individual who is alleged to be the victim of conduct that could constitute sexual harassment. In Tabor College's Standard Process, this individual is referred to as the "*reporting party.*"

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (A respondent is presumed innocent until allegations of harassment are proved according to the standard of evidence regardless of process.)

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. Rape: 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 the consent of the victim. This offense includes the rape of both males and females.
- b. Fondling: Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the age of consent (18 years old).

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

- the reporting party's statement and with consideration of the length of the relationship,
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship.

**Domestic violence:** A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;

- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct 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

**Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In alignment with the MB Confession of Faith, "sexual intimacy rightfully takes place only in marriage." This is reflected in Tabor's Community Life Covenant and the Policy Manual. We recognize, however, that even in marriage, consent is required for all 1 In January of 2015, Tabor College was granted exemption on specific aspects of Title IX that conflict with elements of the Mennonite Brethren Confession of Faith. Please see Appendix A for the specific areas where exemption was granted. sexual activity. Whether married or not, the following expectations regarding sexual misconduct apply: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but nonverbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent. Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.
- Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if he/she cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because he/she lacks the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means

“No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

- Any sexual activity outside of marriage by members of the Tabor community, regardless of consent, is inappropriate and subject to intervention and/or sanction.

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want sex, 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.
- NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.
  - Incapacitation is a state in which individuals cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
  - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint or from the taking of rape drugs. Possession and use and/or distribution of any of these substances are prohibited, and administering one of these drugs to another student is a violation of this policy.
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

## **KEY COMPONENTS**

The following are general descriptions of key components that are included in both the Title IX Formal Complaint Process or the Standard Process.

### **Interim and Supportive Measures:**

At any time during the reporting or investigation phase, the college may initiate interim measures for those involved in the complaint. The college will take steps to ensure equal access to all programs and activities. Decisions regarding interim measures will be

determined considering what is fair and equitable for all parties, including the complainant and the respondent.

The Title IX Coordinator will remain in contact with all parties regarding potential adjustments to housing, course schedule and other activities, as well as updates throughout the investigation. The Title IX Coordinator will ensure that all parties are made aware of available resources such as: counseling, advocacy, legal assistance, local law enforcement and health services.

An individualized safety and risk analysis will be conducted by the Title IX Coordinator to determine if there is an immediate threat to anyone involved in the reported misconduct. If the level of threat warrants, the Title IX Coordinator will consider removing the respondent for the health and safety of other students or employees. If the respondent is an employee the Title IX Coordinator is permitted to place him/her on administrative leave if threat level warrants such action. ~~The~~ Any respondent will have an opportunity to immediately challenge this decision upon notification of removal. The Community Life Council (CLC) will review this challenge for final determination.

The college will take necessary actions to remedy the discriminatory effects on the complainant and/or the respondent, including, but not limited to, “no contact” orders, course/classroom adjustments and housing relocation. The college will take reasonable steps to prevent recurrence of sex discrimination and/or harassment.

Reasonable support measures, including but not limited to counseling and school/work modifications, will be granted without charge. The complainant or the respondent may request these measures at any point before or after the filing of a complaint. Services may also be requested when no formal complaint has been filed.

### **Investigation:**

For complaints for either process of sexual misconduct, the college has identified investigators who have completed training modules on the elements of investigation of sexual misconduct. Investigators are trained on the core principles of equity. The investigation begins with a presumption of innocence, which does not imply misconduct did not occur, but ensures that the respondent is not treated as if the misconduct did occur. Investigators will interact with all parties involved in an impartial manner without prejudice. The process of investigation will be an objective evaluation of all information and evidence. Creditability determination will not be based on a person’s status in the process (complainant/respondent).

### **Retaliation:**

Title IX prohibits all forms of retaliation, and Tabor College will follow up on all reports of retaliation against any person involved in the investigation or Title IX formal complaint process or the standard process. Any employee or student who violates this policy will be subject to discipline, up to and including termination/dismissal from the college. Retaliation is any form of intimidation, harassment, violence, or retribution.

### **Standard of Evidence:**

The preponderance of the evidence will be the evidentiary standard that is used in resolving all complaints. This standard means that a particular outcome was more likely than not to

have occurred. The purpose of the investigation/hearing is to determine if misconduct has occurred and if so, what actions the college will take to eliminate sexual discrimination, harassment, violence and hostile environment, as well as prevent recurrence. This includes imposing potential sanctions against the respondent and providing remedies to the complainant and the Tabor College community.

## **Title IX Formal Complaint Process**

### **ASSIGNED ROLES**

Title IX Coordinator: Frank Johnson

Deputy Coordinator: Jim Paulus

Investigators: Emir Ruiz Esparza, Lara Vanderhoof

Designated Individuals with Institutional Authority: Frank Johnson, Jim Paulus, Rusty Allen, Mike James, Marty Ziesemer, Deborah Penner, Amy Ratzlaff, Rick Bartlett

Tabor College Appointable Advisors: Erica Haude, Lara Vanderhoof, Shawn Reed, David Ediger

Campus Advocates (non-responsible employees): Ryan Lee, David Ediger, Sydney Fountain, Lauren Carlton

Responsible Employees (mandatory reporters): all employees not listed as a Campus Advocate

Adjudicator: Jim Paulus

Appeals Officer: Dave Faber

### **PROCEDURES**

The following procedures are intended to provide prompt and equitable resolution of complaints of sex misconduct that fall under the definition of “Title IX formal complaints” as outlined by the Department of Education and the policy above for all members of the Tabor Community (e.g. students and employees, guests, vendors).

The formal complaint process is guided by the following foundational elements:

- Equitable treatment: all complainants and respondents treated with dignity equitably. In the event a determination is made against the respondent, the complainant will be afforded remedies to restore or preserve equal access to his/her educational program or activity.
- Objective evaluation: all evidence presented in the formal complaint process will be given an objective evaluation subject to credibility determinations free from biased based on a person’s status as a complainant, respondent or witness. Further, objective evaluations will be characterized by 1) impartial consideration of all evidence, 2) no prejudgment of parties, witnesses, or facts at issue, or how facts are presented, and 3) no deference to recommendations of an investigator.

- Training of key participants: all key participants - Title IX Coordinator, Deputy Coordinator, Investigators, Adjudicator - undergo training to competently fulfil their roles and responsibilities in the formal complain process. All key participants must be be no conflict of interest and not rely on sex stereotypes so as to promote fair and impartial investigations and adjudications.
- Presumption of Innocence: as noted in the Additional Applicable Definitions section of this policy, respondents are presumed innocent until allegations of harassment are proved according to the standard of evidence regardless of process.
- Prompt timeframes: Tabor College strives to resolve all formal complaints in a reasonably prompt timeframe, while also allowing for temporary delays or limited extension when good cause can be established.
- Sanctions and remedies: Tabor College reserves the right to respond to sex discrimination, harassment, and violence in ways it deems necessary to eliminate a hostile environment, remedy previous offense, and prevent recurrence. Sanctions for perpetrators may include up to suspension or termination/dismissal from the college.
- Standard of evidence: as noted in the Key Components section of this policy, Tabor College utilizes the preponderance of the evidence as the evidentiary standard used in resolving all complaints. This standard means that a particular outcome was more likely than not to have occurred.
- Appeal processes and standards: appeals may be granted on the following bases:
  - a procedural irregularity that affected the outcome;
  - new evidence that was not reasonably available at the time the determination or dismissal was made and could affect the outcome; and
  - the Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias that affected the outcome of the matter.
- Supportive measures: as noted in the Key Components section of this policy, Tabor College is committed to providing reasonable support measures, including but not limited to counseling and school/work modifications, will be granted without charge. The complainant or the respondent may request these measures at any point before or after the filing of a complaint. Services may also be requested when no formal complaint has been filed.
- Legal privilege: the formal complaint process neither requires, allows, relies upon or otherwise uses questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

### **Dismissal of Complaints**

*Required dismissal:* in keeping with the revised Title IX rule from the Department of Education, Tabor College must dismiss a formal complaint of sexual harassment “for purposes of sexual harassment under title IX” if the alleged conduct:

- would not constitute sexual harassment even if proved;
- did not occur in the school’s education program or activity; or

- did not occur against a person in the United States.

Such a dismissal does not preclude action under the Standard Process defined in this policy. conduct.

*Optional dismissal:* Schools may dismiss a formal complaint of sexual harassment if, at any time:

- a complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw;
- the respondent is no longer enrolled or employed by the school; or
- specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

Upon a required or optional dismissal, schools must promptly and simultaneously send written notice to the parties.

**Consolidation of formal complaints:** in the event that allegations of sexual harassment arise out of the same facts or circumstances, Tabor College reserves the right to consolidate complaints provided they are 1) against more than one respondent, 2) by more than one complainant against one or more respondents, or 3) by one party against the other party.

### **Record Keeping**

Records will be kept policy pertaining to all formal complaints for a period of 7 years and include the following:

- records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment;
- the basis for the school's conclusion that its response was not deliberately indifferent;
- documentation that the school took measures designed to restore or preserve equal access; and
- if the school did not provide supportive measures, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

In the event there was an adjudication, the records also must contain:

- any determination regarding responsibility;
- any audio or audiovisual recording or transcript;
- any disciplinary sanctions imposed on the respondent;
- any remedies provided to the complainant; any appeal and the result; and
- any informal resolution and the result.

**Advisors:** all parties may have an advisor present during any aspect of the formal complaint process. In the event a party does not have one, Tabor College can provide one at no cost. Advisors maybe, but is not required to be, an attorney. Tabor College will not restrict any party's advisor, but does limit how advisors participate in proceedings. These restrictions apply equally to all parties.

**Hearing Process:** central to the formal complaint process is a live hearing in which each party’s advisor can cross-examine the other party and any witnesses. All cross-examination will be conducted directly, orally, and in real time by the party’s advisor (parties are not permitted to conduct cross-examination of each other). The hearing is conducted by an adjudicator who will make relevance rulings on all advisor cross-examination questions. The adjudicator will make a binding determination at the conclusion of the cross-examination process.

## **REPORTING**

Tabor College encourages all employees or students who have experienced sex and/or gender-based discrimination to make a report to the Title IX Coordinator or other responsible employee. The college takes such reports seriously and will work with victims to ensure support services and safety. The Title IX Coordinator will offer options related to reporting to authorities, reporting, grievance procedures, and the potential for interim measures.

Unless declared a “Campus Advocate,” all Tabor employees are identified as “Responsible Employees.” All responsible employees who are made aware of potential sex discrimination, harassment or sexual violence, either indirectly or directly, are **REQUIRED** to notify the Title IX Coordinator. Again, the only exceptions are those employees who have been identified as campus advocates. A current list of advocates is located in the Student Life Office, Student Success Office and the Office of the Title IX Coordinator.

Title IX Coordinator: Dr. Frank Johnson  
400 South Jefferson  
Hillsboro, KS 67063  
620-947-3121 Ext 1044  
frankj@tabor.edu

Deputy Title IX Coordinator Prof. Jim Paulus  
400 South Jefferson  
Hillsboro, KS 67063  
620-947-3121 Ext 1033  
jimp@tabor.edu

## **CONFIDENTIALITY**

Students and employees who have experienced sex discrimination and would like to speak confidentially with someone should contact an identified advocate on campus or seek a referral to off-campus counseling services. Information related to these options is located in the Student Life Office, Student Success Office and the office of the Title IX Coordinator.

All inquiries, formal complaints and investigations are treated with discretion. The college reserves the right to impose interim measures. Title IX includes protection from retaliation.

Amnesty for Victims – Tabor College encourages all victims of sex discrimination to report such events and seek support services. At times, student victims may be hesitant to report because of concerns related to other Community Life policy violations. **To encourage reporting the college offers amnesty for other policy violations.**[emp added] In such instances the college will provide educational and support options as a response to these violations.

Individuals have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and

properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses and the accused individual(s).

### **FEDERAL STATISTICAL REPORTING OBLIGATIONS**

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (VAWA/Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Security Authority regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and to ensure greater community safety. Mandated federal reporters include: student life staff, local police, coaches, athletic directors, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **FEDERAL TIMELY WARNING REPORTING OBLIGATIONS**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

### **PREVENTION AND EDUCATION**

The college is committed to providing everyone in the Tabor community with adequate training related to Title IX. Training for employees includes how to receive reports of sex discrimination, reporting obligations as "responsible employees," the Title IX process and how to refer other employees and students to advocacy and other support services. Training will be offered on a regular basis to all new and continuing employees.

Title IX Task Force – The Title IX Coordinator and Deputy Coordinator will co-chair a task force that will be charged with evaluating, planning and providing educational programs related to sexual discrimination, harassment and violence. These programs will include regular climate surveys and trainings for new and returning students, faculty and staff. Topics could include bystander intervention, assisting victims and other prevention topics. The task force will develop training programs for investigators, advocates on campus and others as needed. An annual review of the Tabor College Title IX policy will be completed by the task force.

## **Standard Process**

## **ASSIGNED ROLES**

Title IX Coordinator: Frank Johnson

Deputy Coordinator: Jim Paulus

Investigator: Jim Paulus

Responsible Employees (mandatory reporters): all employees not listed as a Campus Advocate

Campus Advocates (non-responsible employees): Ryan Lee, David Ediger, Sydney Fountain, Lauren Carlton

## **PROCEDURES**

The following procedures are intended to provide prompt and equitable resolution of complaints of sex misconduct that **do not** [emp added] fall under the definition of “Title IX Formal Complaints” as outlined by the Department of Education and the policy above for all members of the Tabor Community (e.g., students and employees, guests, vendors).

1. Upon notice of a potential sexual misconduct violation, the Title IX Coordinator will initiate an initial investigation to determine if there is a reasonable cause.
2. If reasonable cause is found, and depending on campus safety assessment and potential confidentiality request from the reporting party, the Title IX Coordinator will determine if a full investigation is warranted.
3. The reporting party has the right to file a criminal complaint with local law enforcement and a Title IX complaint with the college simultaneously. The decision to file a criminal complaint is the choice of the reporting party and does not preclude the college from its responsibility to investigate and resolve formal complaints made to the Title IX Coordinator.
4. The investigation of the alleged sexual misconduct will be thorough, adequate, reliable and impartial. Investigation may include the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information. Both the reporting party and the responding party are afforded equal opportunities to present a list of witnesses or other evidence. Both the reporting party and the responding party are permitted to have advisors of their choosing present during interviews. Advisors are able to attend in an advisory role only and are not permitted to participate in the interview.
5. The assigned investigator will gather and weigh evidence and make a preliminary determination if one or more policies have been violated. A complete investigation report will be submitted to the Title IX Coordinator for sanction decision. A written notice of resolution will be sent to both parties within two business days.
6. The Title IX Coordinator will consult with the Deputy Coordinator/Investigator in determining a sanction decision. All findings are final.
7. The investigation and review of all complaints will be concluded in a timely a manner as possible. The Title IX Coordinator will notify both parties if delays are beyond the control of the college.

8. The preponderance of the evidence will be the evidentiary standard that is used in resolving the complaint. The purpose of the investigation is to determine if misconduct has occurred and if so, what actions the college will take to eliminate sexual misconduct and hostile environment, as well as prevent recurrence. This includes imposing potential sanctions against the perpetrator and providing remedies to the reporting party and the Tabor College community.
9. Notice of potential sanctions: Tabor College reserves the right to respond to sex discrimination, harassment, and violence in ways it deems necessary to eliminate a hostile environment, remedy previous offense, and prevent recurrence. Sanctions for perpetrators may include up to suspension or termination/dismissal from the college.

## **REPORTING**

Tabor College encourages all employees or students who have experienced sex and/or gender-based discrimination to make a report to the Title IX Coordinator or other responsible employee. The college takes such reports seriously and will work with victims to ensure support services and safety. The Title IX Coordinator will offer options related to reporting to authorities, reporting, grievance procedures, and the potential for interim measures.

Unless declared a “Campus Advocate,” all Tabor employees are identified as “Responsible Employees.” All responsible employees who are made aware of potential sex discrimination, harassment or sexual violence, either indirectly or directly, are **REQUIRED** to notify the Title IX Coordinator. Again, the only exceptions are those employees who have been identified as campus advocates. A current list of advocates is located in the Student Life Office, Student Success Office and the Office of the Title IX Coordinator.

Title IX Coordinator: Dr. Frank Johnson  
400 South Jefferson  
Hillsboro, KS 67063  
620-947-3121 Ext 1044  
frankj@tabor.edu

Deputy Title IX Coordinator Prof. Jim Paulus  
400 South Jefferson  
Hillsboro, KS 67063  
620-947-3121 Ext 1033  
jimp@tabor.edu

## **CONFIDENTIALITY**

Students and employees who have experienced sex discrimination and would like to speak confidentially with someone should contact an identified advocate on campus or seek a referral to off-campus counseling services. Information related to these options is located in the Student Life Office, Student Success Office and the office of the Title IX Coordinator.

All inquiries, ~~formal~~ non-complaints and investigations are treated with discretion. The college reserves the right to impose interim measures. Title IX includes protection from retaliation.

Amnesty for Victims – Tabor College encourages all victims of sex discrimination to report such events and seek support services. At times, student victims may be hesitant to report because of concerns related to other Community Life policy violations. **To encourage reporting the**

**college offers amnesty for other policy violations.** [emp added] In such instances the college will provide educational and support options as a response to these violations.

Individuals have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses and the accused individual(s).

### **FEDERAL STATISTICAL REPORTING OBLIGATIONS**

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (VAWA/Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Security Authority regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and to ensure greater community safety. Mandated federal reporters include: student life staff, local police, coaches, athletic directors, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **FEDERAL TIMELY WARNING REPORTING OBLIGATIONS**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

### **PREVENTION AND EDUCATION**

The college is committed to providing everyone in the Tabor community with adequate training related to Title IX. Training for employees includes how to receive reports of sex discrimination, reporting obligations as "responsible employees," the Title IX process and how to refer other employees and students to advocacy and other support services. Training will be offered on a regular basis to all new and continuing employees.

Title IX Task Force – The Title IX Coordinator and Deputy Coordinator will co-chair a task force that will be charged with evaluating, planning and providing educational programs related to sexual discrimination, harassment and violence. These programs will include regular climate surveys and trainings for new and returning students, faculty and staff. Topics could include bystander intervention, assisting victims and other prevention topics. The task force will develop training programs for investigators, advocates on campus and others as needed. An annual review of the Tabor College Title IX policy will be completed by the task force.