

The Office of Vice President for Student Success and Dean of Students has been charged with implementing the following procedures for employees pursuant to the Title IX Sexual Harassment Policy, with respect to investigations. The Title IX Coordinator has been charged with implementing the following procedures for employees pursuant to the Policy, with respect to hearings.

Dordt students, faculty, employees, other Dordt appointees, or third parties who believe they are directly affected by the conduct of a Dordt employee that could constitute sexual harassment (collectively “Complainants”) may: request information or advice, including whether certain conduct may violate the Policy; explore the availability of supportive measures, with or without the filing of a formal complaint; file a formal complaint; or seek informal resolution after a formal complaint is filed. These four options are described below. Complainants are encouraged to bring their concerns to the Title IX Coordinator, or the Executive Director of Human Resources, but may, if they choose, contact another University officer, who must refer the matter as appropriate.

The Title IX Coordinator is available to support individuals who make disclosures under this Policy, including with the provision of supportive measures as appropriate. As set forth below, supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the party against whom allegations are brought (the “Respondent”; collectively, the “parties”) before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education and work programs or activities without unreasonably burdening the other party. Consistent with University policy, supportive measures may include counseling, extensions of deadlines or other adjustments, modifications of work schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. Any supportive measures provided to the Complainant, or the Respondent will be maintained as confidential, to the extent that maintaining such confidentiality would not impair the ability to provide the supportive measures.

Anyone seeking support, information or advice can expect to learn about resources available at the University and elsewhere that provide counseling and support. They also will be advised about the steps involved in filing a formal complaint or seeking informal resolution after a complaint is filed. The Title IX Coordinator

Complainants may file a formal complaint alleging a violation of the Policy. A concern of sexual

statements. The investigation and hearing process are not legal proceedings, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

Following the decision to begin an investigation, the Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

The Investigative Team will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses, which may include those identified by the parties as well as relevant officers of the University or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess relevant information about the incident(s) at issue in the complaint.

If, in the course of an investigation, the Investigative Team decides to investigate allegations not included in the written notice to the parties described herein, the Investigative Team will provide notice of the additional allegations to the parties whose identities are known.

These Procedures presume that the Respondent is not responsible for an alleged Policy violation until a final determination regarding responsibility is made.

Prior to the conclusion of the investigation, the Investigative Team will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the Investigative Team does not intend to rely in making findings of fact, and inculpatory (tending to support that the alleged conduct occurred) or exculpatory (not tending to support that the alleged conduct occurred) evidence whether obtained from a party or other source, so that each party has the opportunity to respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Investigative Team will send to each party and the party's advisor (i.e., personal advisor), if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have up to 10 business days to submit a written response, which the Investigative Team will consider prior to completion of the investigative report.

At least 10 business days prior to a hearing described in Section II.F below:

* The Investigative Team will provide the Complainant and the Respondent, and their advisors, if any, with the investigative report, in an electronic format or hard copy, which will include recommended findings of fact on a preponderance of the evidence, and will give both parties five business days to submit a written response; and

(tending to support that the alleged conduct occurred) and exculpatory (not tending to support

Title IX Coordinator may

: The Investigative Team, Decision-maker, or

The parties will ordinarily have up to two weeks from receipt of the request to reach a written informal resolution, unless extended by written agreement of the Complainant and the Respondent with the approval of the Title IX Coordinator. If the parties cannot reach an informal resolution, then the investigation or hearing will resume, in accordance with the formal complaint procedures.

Both the Respondent and the Complainant may appeal the dismissal of a formal complaint or any allegations therein, or the Decision-maker's determination regarding responsibility, based on the following grounds:

1. A procedural irregularity that affected the outcome of the decision;
2. The appellant has new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the outcome of the decision;
3. The Title IX Coordinator, Investigative Team, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
4. On the record as a whole, no reasonable Decision-maker could have reached the same determination regarding responsibility.

found to have violated the Policy, ranging from an admonition, or warning up to, and including, termination. The disciplinary process will be completed and the decision on discipline provided to the Decision-maker for inclusion in the final written determination, ordinarily within 20 business days of the University's receipt of the determination regarding responsibility if no appeal is taken or 20 business days from the decision on appeal of the determination regarding responsibility.