

DORDT UNIVERSITY

Title IX Sexual Harassment Policy

This policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations.

This policy should be read in conjunction with the Dordt University Sexuality, Gender Identity, and Sexual Conduct Statement.

Policy Statement

The University's Title IX Sexual Harassment Policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations. The Other Sexual Misconduct Policy is designed to address sexual misconduct that falls outside the jurisdiction of the Title IX Sexual Harassment Policy.

Dordt University is committed to maintaining a safe and healthy educational and work environment in which no member of the University community is, on the basis of sex, including

Retaliation against an individual for making a report or complaint of sexual harassment, or for participating or refusing to participate in any proceeding regarding such a complaint, or for opposing discriminatory practices is prohibited by the Other Sexual Misconduct Policy.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited by the Other Sexual Misconduct Policy.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

Definitions

Sexual Harassment

Sexual harassment is unwelcome conduct on the basis of sex, including sexual orientation and gender identity. Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, graphic, or physical conduct of a sexual nature or based on sexual orientation or gender identity, that satisfies one or more of the following: (1) an employee of the University either explicitly or implicitly conditioning the provision of an aid, benefit, or services of the University, such as an individual's employment or academic standing (for example, academic evaluation, grades, or advancement) on an individual's participation in unwelcome sexual conduct (quid pro quo); quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex; or (2) 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 University's education or work programs or activities; or (3) sexual assault, dating violence, domestic violence, and stalking. (See Appendix A for definitions).

Whether the conduct constitutes sexual harassment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Assessing the Conduct

Conduct is unwelcome if a person did not consent to it. Consent is agreement, assent, approval, or permission given voluntarily and may be communicated verbally or by actions. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

In addition, when a person is incapacitated, meaning so impaired as to be incapable of giving consent, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's incapacity. The person may be incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A

Violations of other Rules

The University encourages the reporting of all concerns regarding sexual harassment. Sometimes individuals are hesitant to report instances of sexual harassment because they fear they may be charged with other policy violations, such as underage alcohol consumption. Because the University has a paramount interest in protecting the well-being of its community and remedying sexual harassment, other policy violations will be considered, if necessary, separately from allegations under this Policy.

Appendix A

Current Definitions in Federal Law of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

- **Sex Offenses:** any sexual act including Rape, Sodomy, Sexual Assault

- **Domestic violence:** felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the relevant jurisdiction, or by 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 relevant jurisdiction.
- **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition, "course of conduct"