

Trine University

Title IX Policies and Procedures

I. GENERAL INFORMATION

Federal law prohibits discrimination on the basis of gender (Title IX of the Education Amendments of 1972). The University has designated the following person(s) as Title IX Coordinator(s) to monitor compliance with these statutes and to resolve reports of discrimination based on gender.

Title IX Coordinator: Jamie Norton, Director of HR, Shambaugh Hall, Room 322, One University Ave, Angola, IN 46703, 260.665.4847.

Deputy Title IX Coordinator: Randy White, Vice President of Student Services, University Center, Room 214, One University Ave, Angola, IN 46703, 260.665.4171.

Deputy Title IX Coordinator: Jacqueline Delagrange, Director of Master of Science in Criminal Justice, Capri Hall, Angola, IN 46706, 260.203.2693.

All members of the University community should contact the Title IX Coordinator or one of the Deputy Coordinators if they are personally subjected to or if they observe conduct that may be in violation of Trine University's policies prohibiting discrimination or harassment on the basis of sex. This includes acts of bias or discrimination in program/activities, sexual harassment, sexual assault, sexual exploitation, nonconsensual sexual acts and sexual misconduct.

To seek advice and confidential resources: Members of the community may seek confidential guidance and support through the following campus resources. These resources may be consulted at any time in the process, including prior to making an official report. **Because content of discussions with confidential resources is not reported to the Title IX Coordinator, such discussions do not serve as notice to the University to address the alleged discrimination or harassment.**

- Trine University Counseling Services (Student Services)
260.665.4172 (after hours call Campus Safety 260.316.1877)
- Cameron Hospital (416 E. Maumee St., Angola 260.665.2141)
- Fort Wayne Sexual Assault Treatment Center/Forensic Nursing Specialists
(2270 Lake Ave., Suite 201, Fort Wayne 260.423.2222)

Please also note that emergency response procedures and resources to assist victims of sexual harassment, sexual exploitation or acts of sexual misconduct (including sexual assault) are available by contacting Trine University Campus Safety (Conrad Hall, 260.316.1877) or the Angola Police Department (911 or 260.665.2121).

II. BEHAVIORS THAT VIOLATE THIS POLICY AND WHICH MAY BE INVESTIGATED AND ADJUDICATED UNDER TITLE IX

Sex or Gender Discrimination in Programs and Activities: Conduct that denies or limits a person's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of a person's sex or gender. Examples of the types of discrimination that are covered under Title IX include, but are not limited to; failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

Sex/Gender discrimination also includes discrimination or verbal/physical harassment which is based on a person's gender but which is not sexual in nature. Trine University's policies prohibit gender-based harassment including harassment or discrimination on the basis of sex stereotyping.

Sexual Harassment: Unwelcome conduct of a sexual nature that is either severe or pervasive, including unwelcome sexual advances, requests for sexual favors, or other physical and expressive behavior of a sexual nature that creates an intimidating or offensive environment. Examples may include but are not limited to slurs, threats, derogatory or suggestive comments, unwelcome jokes, exposure to sexually-oriented literature or pictures, teasing or sexual advances and other similar verbal or physical conduct, including e-mail, phone calls or other online communications.

Sexual Exploitation: Nonconsensual, unjust 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. Examples of sexual exploitation include but are not limited to: prostitution, videotaping or photography without consent; going beyond the boundaries of consent, peeping tommy, inducing incapacitation for the purposes of engaging in sexual activity with the incapacitated person, or knowingly transmitting HIV or an STD.

Non-Consensual Sexual Acts/Sexual Misconduct: Any attempted or actual sexual contact directed against another person in the direct absence of effective, mutually understandable consent. The use of force or perceived force to coerce a person into performing sexual acts against his/her will, or not forcibly or against that person's will, where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity; or any groping, touching, or fondling of another against his/her will or where the victim does not or is incapable of giving consent. Examples of sexual acts include but are not limited to contact with breasts, buttocks, groin, genitals, or mouth; oral copulation; or any form of vaginal penetration.

III. REPORT FILING AND INVESTIGATION

A. To file a report

To file a report of programmatic gender discrimination, sexual harassment, sexual exploitation, non-consensual sexual acts, or acts of gender discrimination against an individual, student(s), faculty, staff or a third party, the complainant should file a report with the Title IX Coordinator, or one of the Deputy Title IX Coordinators. The complainant may make a verbal or written

statement to the Title IX Coordinator or a Deputy Coordinator, detailing the alleged violation. It is important that the complainant explain what result he or she desires for the resolution of the report.

The report should be filed as soon as possible and preferably within 180 days after the alleged unlawful discriminatory practice. However, all reports regardless of time will be investigated. Prompt reporting will enable the University to investigate the facts, determine the issues, provide an appropriate remedy or disciplinary action, and prevent further harm to the complainant or others who may be at risk. Substantial delays between the incident and reporting may limit the ability of the investigator to gather information and respond to the report.

B. Procedures for investigating and resolving alleged violations

All reports of Title IX violations will be investigated in a timely manner. All investigations should be completed within 45 days after the report is made. However, due to University breaks and availability of witnesses that time line may be extended to gather information. If resolution of the matter will take more than the allocated time, both the complainant and the individual accused of discrimination or harassment will receive written notice of the delay and the reason why the delay is necessary.

Individuals making reports of discrimination or harassment (complainants) shall be informed about options for resolving potential violations. These options include informal dispute resolution, referral to other University offices or procedures as outlined in the appropriate University handbook, formal investigation by Title IX Coordinators, and referral to resources outside the University process. The University shall respond, to the greatest extent possible, to reports of discrimination or harassment brought anonymously or brought by third parties not directly impacted by the alleged discrimination or harassment.

The University encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of University policy as determined by the Title IX Coordinator, but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation.

Informal resolution includes but is not limited to options such as referral to another campus office or program, mediation, separation of the parties, referral of the parties to counseling programs, or conducting targeted educational and training programs. Informal resolution arrangements should normally be documented in writing and signed by the parties. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. The timelines and deadlines set forth in the Policy may be suspended or extended during any period in which the parties are engaged in informal resolution.

Some reports of discrimination or sexual misconduct will not be appropriate for informal resolution, but may require a formal investigation at the discretion of the Title IX Coordinator.

If informal resolution options are inappropriate or are not pursued, then the Title IX Coordinators or a designee will initiate the investigation process, including interviewing the complainant and the person accused of the Title IX violation (respondent). The respondent shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. Notice to the respondent shall include the identities of the parties involved, the specific sections of the Trine policies allegedly violated, the conduct allegedly constituting the potential violation, and the date and location of the alleged incident. Respondent shall be provided this information sufficiently in advance of any interview so as to prepare a meaningful response. If the respondent(s) cannot be located, attempts at notification shall be documented.

Complainants and other individuals bringing reports of discrimination or harassment will be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the discrimination or harassment, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes. Depending on the severity of the allegation, the Coordinators may take such action(s) prior to the conclusion of the investigation to ensure the safety and well-being of the complaining party and any other persons that might be involved in the investigation (i.e., witnesses).

The complainant and respondent will have equal opportunity to provide witnesses or other relevant information for the investigation. The parties may submit questions that they believe should be directed by the investigator to the other party or to any witness. Disclosure of facts to third-party witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.

The University will use a preponderance of evidence standard for resolution of alleged Title IX violations. All parties, including the complainant and the respondent, will receive fair and equitable treatment and equal access to information during the investigation.

Throughout the investigation each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meetings or proceeding related to the investigation or any report prepared pursuant to this policy. While the advisors may provide support and advice to the parties at any meeting or proceedings, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings or proceedings. The advisor may be required to leave the meeting if disruptive. If the advisor is an attorney or other retained person, then the advisor must be retained at the initiative and expense of the complainant or respondent. If a party's advisor is an attorney, the University's attorney may also attend any meeting.

Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of behaviors violating this policy, either before or after the incident in question, regardless of whether there has been a prior finding of a Title IX policy violation, may be deemed relevant to the determination of responsibility for the incident under investigation. The sexual history of a complainant or respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Title IX policy violation and will be considered only in limited circumstances.

The investigator has the discretion to determine the relevance of any evidence and to include or exclude certain types of evidence.

The appropriate investigator/adjudicator will complete a written report of their findings to the Title IX Coordinator after the investigation is completed. The draft report shall be provided to the parties. The parties shall have the opportunity to respond in writing to the report in advance of the final determination. The investigator's written report will be completed at or before the end of the 45 day investigation period. However, the time for completion of the written report may be extended if necessary, and approved by the Title IX Coordinator. If the report deadline is extended, both the complainant and the respondent shall receive written notice of the extension.

Generally, an investigation will result in a written report that, at a minimum, includes a statement of the allegations and issues, a summary of the information considered, findings of fact, and a determination by the investigator as to whether University policy has been violated. For allegations of discrimination or harassing behavior, determinations will generally fall within one of three possible categories:

- (a) Substantiated: It is more likely than not that the allegation is true.
- (b) Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.
- (c) Unfounded: It is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.

The complainant and the respondent will be informed of the outcome of the investigation.

Sanctions that may be imposed if a finding is made that harassment or discrimination has occurred include, but are not limited to, suspension, expulsion of students or termination of employment. The appropriate sanction will be determined on a case-by-case basis taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

The University takes allegations of sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a report pursuant to this Policy or during the investigation of such a report may be subject to discipline or under certain circumstances, legal action. Reports of conduct that are found not to violate policy are not assumed to be false.

If a complainant no longer desires to pursue a report through the University's proceeding, the University reserves the right to investigate and resolve the report as it deems appropriate.

The University reserves its discretion as to whether to pursue alleged violations of this Policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, because the respondent is no longer a student or employee of the University, or because the allegations, if true, would not violate the Policy.

The University reserves the right to determine whether to pursue violation of policy by students or employees other than the respondent, including a complainant or witness, which come to light during the investigation of an incident of sexual violence. In order to encourage reporting of sexual violence, under appropriate circumstances University administrators may choose to deal with violation of University policy in a manner other than disciplinary action.

If the investigation also involves a police investigation, the Title IX Coordinators or their designee may not wait on the outcome of a police or criminal investigation to investigate and adjudicate reports.

C. REQUESTS FOR RECONSIDERATION

Once written notification of the resolution has been provided, both the complainant and the respondent have the opportunity to request reconsideration of the result, including the issue of whether a policy violation occurred, and any sanction(s) imposed. Any request must be submitted in writing to the Title IX Coordinator within seven (7) calendar days after the party is notified in writing of the resolution and must set forth the grounds upon which the request is based. The Title IX Coordinator or another designated University representative shall resolve the request. Neither the complainant nor the respondent will be entitled to a hearing in connection with any request for reconsideration, but the University may request written submissions from either party or consider any other information as deemed appropriate by the University. Both parties will be informed in writing of the outcome of any request for reconsideration within fourteen (14) days of the date by which all requested information is received, unless the University determines that additional time is required.

D. CONFIDENTIALITY AND PRIVACY

The University shall protect the privacy of individuals involved in a report of discrimination or harassment to the extent allowed by state and federal law and University policy. However, the University cannot assure confidentiality of reports made to the Title IX Coordinator or the deputies. A report of discrimination or harassment may result in the gathering of extremely sensitive information about the event(s) that may have occurred.

The University attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or harassment will be considered in determining an appropriate response. However, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment that is free from discrimination or harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

E. ADDITIONAL PROVISIONS

If the Title IX Coordinator is the person alleged to have violated this policy, the report may be filed with the University President. The President will appoint someone other than the Title IX Coordinator to investigate the report. The President may be reached as follows:

Earl D. Brooks, II, Ph.D.
President
Trine University
Sponsel 308
One University Ave.
Angola, IN 46703
brookse@trine.edu
260.665.4101.

The complainant may also, or instead of following the procedures in this policy, elect to file a complaint with the Office of Civil Rights at any time. The address for the OCR office for Indiana is:

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, STE 1475
Chicago, IL 60661
Voice Phone 312.730.1560
FAX 312.730.1576
TDD 800.877.8339

Ft. Wayne Sexual Assault Treatment Center 260.423.2222

24-Hour Rape Crisis Hotline888.311.7273
(888.311.RAPE)

Ft. Wayne Women’s Bureau260.426.7273
or888.311.7273

CAVA (Community Anti-Violence Alliance)260.624.3600

RAINN Network: www.rainn.org