

**GRINNELL COLLEGE POLICY, PROCEDURES AND GUIDE TO PREVENTING, REPORTING, AND
RESPONDING TO SEXUAL MISCONDUCT
AND OTHER FORMS OF INTERPERSONAL VIOLENCE**

*Applies to all forms of sexual and gender-based harassment, sexual assault, sexual exploitation,
intimate partner violence (including dating violence and domestic violence), stalking and retaliation.*

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I. Purpose and Intent

Grinnell College is committed to providing a learning, living and working environment that is free from all forms of discrimination and harassment, including sexual and gender-based harassment, sexual misconduct, intimate partner violence, and stalking (referred to collectively in this guide as Prohibited Conduct). Grinnell College provides ongoing education and prevention programming and training in an effort to promote an environment free of sexual and other unlawful harassment and discrimination. The College also strives to make reporting concerns and incidents of Prohibited Conduct a responsibility of the community so that affected individuals can be offered support and a range of resources that Grinnell has developed, and appropriate steps can be taken to assess the reported conduct, and as appropriate, eliminate the Prohibited Conduct, prevent its recurrence, and address its effects.

This document, referred to interchangeably as a policy or guide, contains the College's policies and procedures for preventing, reporting and responding to sexual misconduct and other forms of interpersonal violence. The guide also contains information about options, resources, and remedies for all students, employees and third parties who have experienced or been affected by Prohibited Conduct.

All Grinnell College community members have a responsibility to adhere to College policies and local, state, and federal law. Sexual misconduct and interpersonal violence, as used in this guide, are broad terms meant to capture the many varied forms of conduct that may impact our community. Conduct prohibited under this policy poses a threat both to individual members of the Grinnell College community and to the community collectively. These forms of

conduct represent a fundamental failure to recognize and respect the intrinsic worth and dignity of other members of the community. Acts of Prohibited Conduct are contrary to the values and standards of the Grinnell College community and against Grinnell College policy, and the College will respond accordingly, considering both the severity of the conduct and the threat it poses to the community. Individuals who are found responsible for Prohibited Conduct may receive educational outcomes or face corrective action up to and including dismissal for students and termination for employees.

The College is prepared to take all appropriate steps to prevent and correct Prohibited Conduct, including providing interim remedial and protective measures and support, conducting a Title IX review of the conduct, pursuing informal resolution, or taking formal conduct (corrective) action. Recognizing that each report has a unique context, the College will respond promptly and equitably while tailoring the solution to best fit the facts and circumstances.

This guide is intended to:

- Provide the Grinnell College community with a clear set of behavioral standards and Prohibited Conduct;
- Identify the [Title IX Coordinator](#) and [Title IX Deputy Coordinators](#) and outline the College's response to Prohibited Conduct under Title IX of the Education Amendments of 1972 (Title IX) and the Violence Against Women Reauthorization Act of 2013 (VAWA);
- Outline where a College community member can obtain support and/ or access [resources](#) confidentially, both on campus and in the local community;
- Explain how a College community member can make a [report](#) to the College and/or to law enforcement;
- Outline the reporting responsibilities of College employees so that College community members understand how and where their information will be shared;
- Identify the range of interim measures and other supportive resources available following a report of Prohibited Conduct to the College; and,
- Provide information about the options for [resolving](#) a report of Prohibited Conduct, including how a report against a student, employee or third party will be investigated, evaluated, and adjudicated by the College.

This guide uses the term Complainant to refer to the individual(s) who has experienced a possible instance of Prohibited Conduct, regardless of whether that individual makes a report

or seeks formal conduct (corrective) action under this policy. The term Respondent refers to the individual(s) who has been accused of Prohibited Conduct.

[Retaliation](#) or reprisal against **any** person, including the Complainant(s) or the Respondent(s), for making a report in good faith, cooperating with an investigation, or participating in a [grievance procedure](#) is a violation of the College's non-retaliation policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in conduct (corrective) action independent of any educational outcome (corrective action) or interim measures imposed in response to the underlying allegations of Prohibited Conduct. The College will promptly respond to any act of Retaliation.

II. Scope

This policy prohibits Prohibited Conduct by or against all members of the Grinnell College community. It applies to all students, employees, volunteers, independent contractors, and visitors, including any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at Grinnell College. It also applies to community members of any gender, gender identity, gender expression, or sexual orientation.

The College has jurisdiction over Prohibited Conduct occurring on campus or in the context of any College program or activity, regardless of where it occurs. The College also has jurisdiction over Prohibited Conduct occurring off campus, during semester breaks, or between semesters, if the Complainant(s) and/or Respondent(s) are Grinnell College students and the off-campus conduct is likely to have continuing adverse effects on campus life and activities, or if the conduct poses a threat of danger to any member of the Grinnell College community.

III. Related Policies

A. Non-Discrimination Policy

The College does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, gender, sexual orientation, pregnancy, childbirth, gender identity or expression, marital status, veteran status, religion, disability, creed or any other protected class. Grinnell College is committed to a policy of nondiscrimination in matters of admission, employment, and housing, and in access to and participation in its education programs, services, and activities. Discrimination or harassment on any of the bases covered by state or federal antidiscrimination statutes is unlawful and a violation of the Grinnell College Non-Discrimination Policy.

Grinnell College recognizes that harassment can relate to an individual's membership in more than one protected class. Targeting individuals on the basis of their membership in any protected class is also a violation of Grinnell's Community Standards and Responsibilities and may violate the College's Hate Crime and Bias-Motivated Incident Policy. Under these circumstances, the College will coordinate the investigation and resolution, provided that doing so does not unduly delay prompt and equitable resolution under this policy.

This policy prohibits sexual harassment, sexual violence, sexual assault, and intimate partner violence against Grinnell College community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

B. Academic Freedom and Integrity

The application of the College's nondiscrimination policies will often involve conflicting interests. This may especially be the case when it is applied to questions of freedom of speech and freedom of association. Because of these inherent difficulties, the evaluation of verbal or written conduct may not be simple or straightforward. The primary mission of the College is liberal education. Liberal education cannot take place without the free, open, and civil exchange of ideas. As such, the application of this policy will strive to consider how best to preserve that free, open, and civil exchange of ideas. The College believes that ideas, creativity, and free expression thrive and, indeed, can only exist for the entire community in an atmosphere free of discrimination and sexual harassment. The essential importance of academic freedom is recognized, and a standard of reasonableness will guide the College. Only when academic freedom is used to disguise, or is the vehicle for Prohibited Conduct, will it be questioned.

C. Pregnant and Parenting Students, Faculty, and Staff

Grinnell College does not discriminate against a student, staff, or faculty member because of her pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from pregnancy/childbirth. Faculty and staff members may refer to maternity leave in the [faculty](#) and [staff](#) handbooks under FMLA and Iowa Civil Rights Act. Students are provided equal access to curricular and extra-curricular activities and will be excused from activities and classes as is deemed necessary by the student's doctor and will be given a reasonable amount of time to make up the work that she misses. A pregnant student may continue her studies and activities for as long as she wants, unless the student and her physician decide otherwise.

Pregnant Student Athletes: Grinnell College adheres to the NCAA options as described below by the National Association of College and University Attorneys (NACUA). The following is excerpted from Gender Equity: Pregnant and Parenting Student Athletes, NACUA 2003.

NCAA bylaws offer student-athletes extensions that may apply during a student's athletic career, typically referred to as a "red-shirted" year. Under these rules, student-athletes may be granted an additional year of competition due to "hardship." These rules allow student-athletes to complete four seasons of participation during the first 10 semesters or 15 quarters in which the student is enrolled in a collegiate institution in at least a minimum full-time program of studies for Divisions II and III.

In addition, NCAA bylaws specifically permit member institutions to approve an extra one-year extension of the five-year period or 10- semester/15-quarter period of eligibility for a female student-athlete due to her pregnancy. The bylaw allows pregnant student-athletes to complete four years of competition within six years or 12 semesters/18 quarters. A pregnant student-athlete who competed during, but did not complete the season, may be granted a hardship waiver and be awarded an additional season of competition, provided there is contemporaneous medical documentation that indicates the student-athlete was unable to compete for the remainder of the season.

D. Child Abuse Reporting Policy

In compliance with [Iowa Code 261.9 \(1\)\(h\): Child Abuse Reporting Law](#), the College will report all suspected child abuse and neglect involving minors, including sexual assault, to [law enforcement](#) and [Campus Safety](#). College employees who, in the scope of their employment responsibilities, examine, attend, counsel, or treat a child must report physical or sexual child abuse to law enforcement and Campus Safety when they see, know about, or reasonably suspect the physical or sexual abuse of a child. This includes most College employees, including, but not limited to, faculty, coaches, student employees, administrators and staff. If an employee is not sure whether they are required to report, they are encouraged to err on the side of caution and report.

The College must act immediately in response to suspected sexual or physical abuse of a minor. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of child protective services and law enforcement authorities. The source of abuse does not need to be known in order to file a report.

A report must be made as follows:

- In the event of an emergency, first call the police (911).
- Suspected abuse must be reported within twenty-four hours to both:
 - **Grinnell Police Department Dispatch Center:** 641-623-5679 *and*
 - **Grinnell College Campus Safety:** 641-269-4600
- Additionally, you may choose to report to:
 - **Iowa Department of Human Services:** 800-362-2178

When reporting suspected child abuse, the community member will need to provide the following information to the best of their knowledge:

- Name of the alleged victim(s)

- Name of the alleged perpetrator(s)
- Time and date of the incident(s) being reported
- Location where the incident(s) occurred; and
- Any additional information supporting the suspicion that misconduct has occurred.

The College will attempt to protect the identity of any employee who makes a good faith report of suspected physical or sexual abuse of a child. If an employee or faculty member feels that they are being retaliated against for making a good faith report of suspected physical or sexual abuse of a minor or because they have aided and assisted in the assessment of a child abuse report, they must report this immediately to the Assistant Vice President of Human Resources.

E. Protection of Minors

Grinnell College strives to protect the welfare of children who are on campus or who are participating in an off-campus program sponsored by the College. The [Policy for the Protection of Minors](#) provides guidelines for maintaining a safe environment for minors at the College. Areas addressed by the policy include screening and training of Authorized Staff, establishment of communication and transportation plans for programs covered under this policy, child-to-staff ratios, and expectations of appropriate conduct by those who interact with minors. The policy applies to all students, faculty, staff, and volunteers who supervise programs that include minors and are organized by Grinnell College or use College facilities. Other individuals or organizations doing business at or with the College may be required to acknowledge and comply with the provisions of this policy. The policy applies to the Grinnell campus, all properties owned or leased by the College, and all off-campus sites at which students, faculty, staff and volunteers participate in College-sponsored activities. This policy does not supersede state or federal laws that apply or pertain to minors. Grinnell's Child Abuse Reporting (above) is a related policy and is applicable to all persons under the age of 18 and is the responsibility of all employees and faculty to comply with the policy.

F. Conflict of Interest Policy

Grinnell College has an obligation to demonstrate and document good governance in order to protect the integrity and credibility of the College and to maintain the trust and confidence of our constituents. All College employees involved in investigating or resolving a report of Prohibited Conduct will receive appropriate training in support of their role, and will be impartial and free from actual conflict of interest or bias. The College maintains a separate [Conflict of Interest Policy](#). The Policy is also intended to address conflicts that arise when a College employee's personal interests or relationships conflict with the ability of such employee to act in a neutral manner with regard to a complaint against a faculty member, staff member or student.

IV. Title IX

A. Notice of Non-Discrimination under Title IX

Grinnell College does not discriminate on the basis of sex in its educational, extra- and co-curricular, athletic, or other programs, or in the context of employment. Sex discrimination, which includes sexual and gender-based harassment and violence, is prohibited by [Title IX](#) of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under [Title VII](#) of the Civil Rights Act of 1964, Iowa Code Section 216.9, Iowa Code Section 216.6, and other applicable statutes. In addition, the College's response to sexual assault, dating violence, domestic violence and stalking is governed by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA).

The College, as an educational community, will promptly and equitably respond to reports of Prohibited Conduct in order to eliminate the conduct, prevent its recurrence, and address its effects on any individual or the community.

Title IX provides educational processes, remedies, and outcomes. Conduct that violates Title IX may also constitute criminal conduct under local, state, or federal laws. While the College will act using the educational lens of Title IX, Complainants always have the option to report Prohibited Conduct to the appropriate law enforcement agencies, and will be fully supported by the College in doing so.

B. Role of the Title IX Coordinator

The President of the College has appointed a senior administrator, the Vice President for Strategic Planning and Chief of Staff, to serve as Title IX Coordinator. This office is currently held by Angela Voos. The Title IX Coordinator can be contacted by telephone, e-mail, or in person during regular office hours (8 a.m. - 5 p.m., Monday-Friday; 7:30 a.m. - 4:30 p.m., Monday-Friday during summer hours).

Angela Voos, Title IX Coordinator
Nollen House
1121 Park St.
Grinnell, IA 50112
641-269-4999
voos@grinnell.edu

The Title IX Coordinator oversees the College's centralized review, investigation, and resolution of reports of Prohibited Conduct. The Title IX Coordinator also coordinates the College's compliance with Title IX. The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of Prohibited Conduct;
- Knowledgeable and trained in relevant state and federal laws and College policy and procedure;
- Available to advise any individual, including a Complainant or Respondent, about the courses of action available at the College, both informally and formally;
- Available to provide assistance to any College member regarding how to respond appropriately to reports of Prohibited Conduct;
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- Responsible for compiling Annual Reports.

C. Role of the Title IX Deputies

Title IX Deputy Coordinators who can also offer assistance in the areas of conduct process, prevention, athletics, confidential response and support, and case management are available in the following offices:

Mary Greiner, Assistant Vice President for Human Resources

Deputy Title IX Coordinator for Staff Conduct

641-269-4818 | greinerm@grinnell.edu

Old Glove Factory 734 Broad St.

Jen Jacobsen '95, Assistant Dean of Students and Director of Student Wellness and Prevention

Deputy Title IX Coordinator for Prevention

641-269-3704 | jacobsen@grinnell.edu

BEAR Center Office F201

Sarah Moschenross, Dean of Students

Deputy Title IX Coordinator for Student Conduct Process

641-269-3714 | moschenr@grinnell.edu

JRC 3rd Floor

Jeff Pedersen '02, Assistant Professor of Physical Education, Head Football Coach and Assistant Track Coach

Deputy Title IX Coordinator for Athletics
641-269-4848 | pedersej@grinnell.edu
BEAR Center Office F138

Deanna Shorb, Dean of Religious Life
Deputy Title IX Coordinator for Confidential Response and Support
641-269-4981 | shorb@grinnell.edu
CRSSJ 1233 Park St.

Bailey Thompson, Strategic Planning Assistant
Deputy Title IX Coordinator for Case Management
641-269-4999 | thompsob@grinnell.edu
Nollen House

D. The Title IX Team

The Title IX Coordinator is supported by an interdepartmental Title IX team, comprised of Deputy Title IX Coordinators, the Dean of Students, Dean of the College, Assistant Vice President of Human Resources, the Director of Campus Safety, and others as may be necessary.

To achieve a learning, living, and working environment that fosters a productive and comfortable learning space and workplace, the College encourages all community members to report Prohibited Conduct. Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Title IX team to ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the reported conduct, prevent its recurrence, and address its effects. This team, led by the Title IX Coordinator, assists in the review, investigation, and/or resolution of the report.

The members of this team oversee the resolution of reported conduct through the [College's grievance procedures](#). The process followed will be determined by the role of the Respondent (e.g., student, staff member or faculty member). Each process is guided by the same principles of equity, fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint.

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator and/or to the United States Department of Education's Office for Civil Rights, Region Five, 500 West Madison St., Suite 1475, Chicago, IL, 60661, Tel: 312-730-1560 ([U.S. Office for Civil Rights](#)). Questions about violations of Iowa statutes can be directed to [The Iowa Civil Rights Commission](#). Employees may also file complaints with the [U.S. Equal Employment Opportunity Commission](#).

E. Sexual Assault Response Team (Poweshiek County)

Grinnell College convenes a county-wide sexual assault response team every quarter (or more frequently as needed) to develop best practices in supporting sexual misconduct cases. The team is comprised of representatives from:

- Crisis Center/Women’s Shelter
- Crisis Intervention Services
- Grinnell College: Title IX, Campus Safety, Student Health and Counseling Services
- Grinnell Police Department
- Grinnell Regional Medical Center

V. Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct. In any report, investigation, or resolution of a report under this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation(s).

A. The Distinction Between Privacy and Confidentiality

Privacy: Privacy means that information related to a report under this policy will only be shared with those College employees who “need to know” in order to assist in the review, investigation, or resolution of the report. Moreover, all College employees who are involved in the College’s Title IX response, including outside adjudicators, receive specific training and guidance about safeguarding private information.

The privacy of student education records will be protected in accordance with the College’s policy for compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual’s medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to personnel records is restricted in accordance with Grinnell College policy.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other person without express permission of the individual, or as otherwise permitted or required by law. Community members wishing to seek [confidential](#) assistance may do so by speaking with professionals who have a statutorily-protected or designated confidentiality. For students, these professionals include the counseling and medical staff at Student Health and Counseling Services (SHACS), the Chaplain and Associate Chaplain, Ombuds, and Grinnell Advocates. Employees may also access confidential assistance through the Employee Assistance Program. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii)

the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

B. Employee Reporting Responsibilities

Grinnell is deeply committed to responding promptly, compassionately, and equitably to reports of sexual misconduct. To meet these goals, employees, faculty members, and certain student leaders are required to report disclosures of sexual misconduct to the Title IX Coordinator. With the exception of designated confidential resources, **all** College employees, including students in leadership positions or volunteers responsible for the welfare of other students, are **required** to share information about Prohibited Conduct with the Title IX Coordinator. Examples of students who have a duty to share information with the Title IX Coordinator include, but are not limited to Community Advisers (CAs), Student Government Association (SGA) executives, Peer Educators and Mentors, Student Athlete Mentors, Team Captains, and Language Assistants.

The Title IX Coordinator is supported by a Title IX team, comprised of Deputy Title IX Coordinators and the Dean of Students, Dean of the College, Assistant Vice President of Human Resources, the Director of Campus Safety, and others as may be necessary. Members of this team (as needed), led by the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant's expressed course of action, and the necessity for any interim remedial or protective measures to protect the safety of the Complainant or the community. As set forth in Section XI.B (titled Complainant Agency and Autonomy), the College will balance a Complainant's request for a particular course of action with its dual obligation to provide a safe and non-discriminatory environment for all Grinnell College community members.

1. Research Exemption to Reporting Responsibility of Employee

A narrowly defined exception to these reporting responsibilities exists for specific types of research regarding sexual misconduct. Sexual misconduct includes, but is not limited to: sexual harassment, sexual assault, partner violence, dating violence, relationship abuse, stalking, gender-based harassment, unwanted touching, and quid pro quo.

For research regarding sexual misconduct, the burden of reporting could have a negative impact on the ability for researchers to effectively study sexual misconduct and other forms of interpersonal violence. There are some systems in place to protect participants of studies: All researchers must conduct their research in accordance with the requirement of Grinnell's IRB, and, where applicable, any sponsor requirements. These requirements, based in federal and state human subjects regulations and laws, in addition to ethical and professional codes of conduct work to ensure the protection of human research subjects.

Reporting Exception

Employees/faculty/student researchers engaged in IRB-approved research and employees/faculty/staff who administer IRB-approved research about campus-based sexual misconduct (and other forms of interpersonal violence) will be exempted from their Title IX reporting responsibilities within a narrow scope and with the following provisos:

- Research must be IRB approved.
- Exemption only applies when the employee is acting in their role as researcher and when the information is formally gathered as part of the research protocol/participation, not in any other instances of disclosure.
- Researcher must have IRB-approved, trauma-informed training to support survivors/victims.
- Consent must explicitly outline the difference related to Title IX reporting and researcher vs. employee responsibilities.
- Participants must be given victim/survivor resource information both confidential and non-confidential resources, on and off campus, including the Title IX office and the College's Title IX policy.

This research exemption does not apply to the following:

- Does not apply to students participants under the age of 18.
- Does not apply to student participants over 18 who disclose violence involving a minor.
- Does not apply to other instances of state laws that might intersect with the issue (Iowa Code sections 232.67-232.75).
- Does not apply to disclosures that reference risk or threat of imminent harm to self or others.

C. Release of Information

The College complies with the Clery Act, which requires the College to inform community members about certain crimes that occur on or near campus and are reported to designated employees of the College. Consistent with the Clery Act, if a report of Prohibited Conduct discloses a serious or continuing threat to the College campus community, the College may issue a timely warning to protect the health or safety of its members. The timely warning will not include any identifying information about the Complainant. The College may also share non-identifying information about reports received in the College's daily crime log, the Annual Security Report or in aggregate form, including data about educational outcomes (sanctions) in College

publications. In addition, the College will provide annual crime statistics to the U.S. Department of Education.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, Iowa law, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

VI. Prohibited Conduct

The College prohibits all forms of sexual and gender-based harassment, sexual misconduct, intimate partner violence and other forms of interpersonal violence. These are umbrella terms which encompass a broad range of behavior. Grinnell College community members are fully supported in using the words that they feel express and/or represent their experience - including words like rape, abuse, attack, or fondling - even when the College policy uses these other, more overarching terms when adjudicating and classifying allegations. Within these broad categories, the College specifically prohibits sexual or gender-based harassment, sexual assault, sexual exploitation, intimate partner violence/relationship abuse, stalking, and retaliation.

Examples of Prohibited Conduct can be found on the College's [Sexual Respect](#) website. An individual who is uncertain about whether their experience meets one of the definitions below should consult with the Title IX Coordinator. In all instances, the College encourages reporting of conduct that is unwelcome or harassing, regardless of whether it appears to meet one of the stated definitions below. The Title IX Coordinator can assist an individual in identifying available courses of action based on the conduct at issue.

A. Harassment on the Basis of Sex or Gender

1. Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one of the following conditions is present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or participation in social, co- or extra-curricular activities (*quid pro quo*); or
- Submission to or rejection of such conduct is used as the basis for decisions affecting that individual (*quid pro quo*); or
- Such conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive working,

academic, or social environment under both an objective and subjective standard (*hostile environment*).

2. Gender-Based Harassment

Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature when one of the following conditions is present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or participation in social, co- or extra-curricular activities (*quid pro quo*); or
- Submission to or rejection of such conduct is used as the basis for decisions affecting that individual (*quid pro quo*); or
- Such conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive working, academic, or social environment under both an objective and subjective standard (*hostile environment*).

3. Evaluating a Hostile Environment

In evaluating whether a hostile environment exists under either sexual or gender-based harassment, the College will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities; and

- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

4. Additional Guidance about Sexual or Gender-Based Harassment

Sexual or gender-based harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- May be committed by or against an individual or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and third parties who witness or observe harassment and are affected by it.

B. Sexual Assault

Sexual assault means having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault includes the following acts:

Related to Non-consensual Sexual Intercourse: Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.

Related to Non-consensual Sexual Contact: Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, causing the other to touch their own intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, groin, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner. Non-consensual Sexual Contact can occur whether individuals are clothed or unclothed.

C. Sexual Exploitation

Sexual exploitation is knowingly committing non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples include, but are not limited to:

- Observing, recording or photographing another individual's nudity or sexual activity or allowing another to observe, record or photograph consensual sexual activity without the knowledge and consent of all parties involved in a place where the individual would have a reasonable expectation of privacy;
- Streaming or distribution of private images, photography, video or audio recording of sexual activity or nudity without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Exposing another individual to a sexually transmitted infection or virus without their knowledge; and

- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

D. Intimate Partner Violence/Relationship Abuse/Dating Violence/Domestic Violence

Intimate partner violence is also referred to as dating violence, domestic violence, and relationship abuse or violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship by the other person in the relationship. It may involve one act or an ongoing pattern of behavior. Intimate partner violence, may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities and expressions, sexual orientation, and racial, ethnic, social, and economic backgrounds.

Intimate partner violence can encompass a broad range of behavior, including, but not limited to:

- Physical violence
- Sexual violence
- Emotional violence
- Economic abuse
- Threats
- Assault
- Property damage
- Violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner.

The College will not tolerate intimate partner violence of any form. For the purposes of this policy, the College does not define intimate partner violence as a distinct form of misconduct. Rather, the College recognizes that sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the Complainant.

E. Stalking

Stalking is a course (more than once) of unwelcome conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, and/or cause reasonable fear of harm or injury to that person, or to a third party, such as a roommate or friend. The feared harm or injury may be physical, emotional, or psychological, to the personal safety, property, education, or employment of that individual. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Stalking can look like:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.
- Unwelcome/unsolicited emails, instant messages, and messages on on-line bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; and/or
- Sending/posting unwelcome/unsolicited messages with another username.

F. Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation can be committed by any individual or group of individuals, not just by a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

VII. Consent and Related Concepts

A. Consent

This policy is based on affirmative consent. In the spring of 2012, the Grinnell College student body voted overwhelmingly to revise the then-existing Sexual Harassment and Misconduct policy to incorporate affirmative consent. Consent to engage in sexual activity must be given knowingly, voluntarily, and affirmatively. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or clear, unambiguous actions that indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual contact does not constitute consent to engage in all forms of sexual contact.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings or potential policy violations. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by mutually understandable words or clear, unambiguous actions that indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly and unambiguously indicates a willingness to engage in sexual activity.
- Consent is not affirmative if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate

an individual's ability to exercise their own free will to choose whether or not to have sexual contact.

- An individual who is physically incapacitated from alcohol and/or other drug consumption (voluntarily or involuntarily), or is unconscious, asleep, unaware, or otherwise mentally or physically helpless is considered unable to give consent.
- In the state of Iowa, consent can never be given by minors under the age of 16.

When evaluating consent, the College will consider the objectively apparent indicia of consent (or lack of consent) from a reasonableness perspective.

B. Coercion

Coercion is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. When someone makes it clear that they do not want to engage in 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.

C. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity.

D. Incapacitation

An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent, because an individual is mentally and/or physically helpless, asleep unconscious, or unaware that the sexual activity is occurring. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. Where alcohol and/or other drugs (including prescription drugs) are involved, incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs. The impact of alcohol and other drugs varies from person to person. Although every individual may manifest signs of incapacitation differently, typical signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting,

unsteady gait (i.e., a manner of walking, stepping, or running), incontinence, odor of alcohol or other substance, combativeness, and/or emotional volatility.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy. This includes persons whose incapacity results from ingestion of a “date-rape”, “predatory” drug, and alcohol. Possession, use, and/or distribution of drugs, including Rohypnol, Zolpidem, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs, including alcohol, to another person for the purpose of inducing incapacity is prohibited under College policy and state criminal statutes.

E. Alcohol and/or Other Drugs

In general, the College considers sexual contact and/or intercourse while under the influence of alcohol and/or other drugs to be risky behavior. Alcohol and other drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. From the perspective of the Complainant, the use of alcohol and/or other drugs can limit a person’s ability to give consent knowingly, voluntarily, and affirmatively. From the perspective of a Respondent, the use of alcohol and/or other drugs can create an atmosphere of confusion over whether or not consent has been given knowingly, voluntarily, and affirmatively. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent and amount of the ingestion of alcohol and/or other drugs by the Complainant or of the extent to which the use of alcohol and/or other drugs impacted a Complainant’s ability to give consent. For example, an individual who is in a blackout may appear to act normally and be giving consent but may not actually have conscious awareness, the ability to consent, or later recall the events in question. The extent to which a person in this state affirmatively gives mutually understandable words and/or clear, unambiguous actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the person’s level of alcohol consumption and/or level of impairment must be evaluated in determining whether consent has been given.

Being intoxicated or impaired by alcohol and/or other drugs is never an excuse for an act of Prohibited Conduct and does not diminish one’s responsibility to obtain consent.

VIII. Prohibited Relationships by Persons in Authority

When there is no supervisory relationship between students, or between members of the faculty, or between staff members, or between faculty and staff members, any

recommendations by the College concerning consensual sexual relations would constitute an unacceptable invasion of privacy.

Even when there are supervisory relationships, no institutional mission exists which would pre-empt individual rights to privacy. However, faculty, staff, and others (including volunteers) who educate, supervise, evaluate, employ, counsel, coach, and/or otherwise guide students should understand the power differential in the relationship they have with students and/or subordinates. In cases involving a student who meets the legal age of consent in his or her state, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual.¹ Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of the community, and they undermine the professionalism of faculty and staff.

Unlike relationships where no basic institutional interests are at stake, such as those between members of the faculty or between members of the faculty and the staff, relationships between faculty/staff members and students should be informed by the goals of Grinnell College as an institution of higher education. Both faculty and staff members are expected to maintain professional, non-sexual relations with students.

When a member of the faculty or the staff is in a position to educate, supervise, evaluate, employ, counsel, coach, and/or otherwise guide a student, sexual relations are unconditionally unacceptable. When such a supervisory relationship is present, sexual relations are clearly detrimental to the educational process and to an environment free of favoritism and the appearance of favoritism.

Even when no supervisory relationship is present, sexual intimacy between a student and a member of the faculty or staff can be detrimental to the ideal of a professional educational environment. Although the initiator of a sexual relationship may be a student, it is the institutional responsibility of the faculty or staff member to address such a situation, at its inception, in a professional manner. Moreover, a member of the faculty or staff against whom a student makes a complaint of sexual harassment may find it difficult, because of the difference of status between the two persons, to prove that the relationship at issue was a fully consensual one.

Any individual may file a complaint alleging harassment and/or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against any person(s) who report concerns about potentially non-consensual relationships is prohibited and constitutes a violation of this policy.

¹ Page 4 – Questions and Answers on Title IX and Sexual Violence, OCR

IX. Resources and Support

A. Overview

The College is committed to treating all members of the community with dignity, empathy, and respect. Any individual affected by Prohibited Conduct, whether as a Complainant, a Respondent, or other individual, will have equal access to support and counseling services through the College. The College recognizes that deciding whether or not to make a report and choosing how to proceed can be difficult decisions. We encourage any individual who has questions or concerns to seek the support of campus and community resources. These resources can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

B. Confidential Resources

Grinnell College encourages all community members to make a prompt report of Prohibited Conduct to both local law enforcement and the College. For individuals who are not prepared to make a report but are still seeking information and support, there are several statutorily-protected confidential resources available, as designated below. In addition, the Ombuds office is a designated confidential resource at Grinnell who will not disclose shared information with the College, but may be required to share information pursuant to court order or subpoena. As set forth in the Confidentiality section, these confidential resources will not share information with the College unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

On-Campus Confidential Resources
<p>Dean of Religious Life and Chaplain, Deanna Shorb shorb@grinnell.edu</p>
<p>Associate Chaplain and Rabbi, Rob Cabelli cabellir@grinnell.edu</p> <p>641-269-4981 1233 Park Street, Grinnell, IA 50112</p>
<p>Director of Student Health & Counseling Services, Deb Shill shilldeb@grinnell.edu</p>

641-269-3230

Lower Level, Forum, Grinnell, IA 50112

All SHACS staff are confidential resources, including receptionists, nursing staff, psychologists, psychiatrists, and physicians.

Grinnell College Ombuds, Chinyere Ukabiala

ukabiala@grinnell.edu

641-269-9399

Joe Rosenfield '25 Center 311, Grinnell, IA 50112

Grinnell College Campus Advocates

641-260-1615 (24 hrs)

Grinnell Advocates are students trained and certified in sexual assault and intimate partner violence advocacy. To contact a Grinnell Advocate, call Campus Safety (x4600) and ask for a Grinnell Advocate to contact you at your preferred phone number. Individuals are not required to disclose a name or any identifying information to Campus Safety in order to speak with a Grinnell Advocate.

Off-Campus Confidential Resources

[Amani Community Services - African American Victim Support](#)

319-804-0741 (confidential)

Amani Community Services is a culturally specific domestic violence agency serving African Americans.

[Crisis Center and Women's Shelter for Intimate Partner Violence/Abuse and Stalking](#)

1-800-464-8340 or 641-683-1750 (confidential, 24 hrs)

Outreach Services: Appanoose, Davis, Jasper, Jefferson, Lucas, Mahaska, Marion, Monroe, Poweshiek, Wapello and Wayne counties, providing support groups, individual counseling, and court advocacy.

[Crisis Intervention Services](#)

1-800-270-1620 (confidential, 24 hrs)

CIS is a **local** organization which provides support, information, and advocacy to survivors of sexual assault and domestic violence.

[Iowa Affirmation and Resources Chat \(ARCh\)](#)

ARCh offers real-time, online, text-based support and referrals in multiple languages and is available for the use of all Iowans who have experienced abuse, stalking, or sexual violence, as well as their loved ones.

L.U.N.A. Latino/a Resources Victim Support

515-271-5060 (confidential)

866-256-7668 – Crisis Line

Sexual assault and domestic violence services for Latino population in Iowa

[Monsoon United Asian Women of Iowa - Asian and Pacific Islander Victim Support](#)

866-881-4641 (confidential, 24 hrs)

Monsoon United Asian Women of Iowa serves victims / survivors of domestic violence and sexual assault in Asian and Pacific Islander (API) communities in Iowa.

[Nisaa - African Immigrant Victim Support](#)

1-866-881-4641 (confidential, 24hrs)

Domestic violence and sexual assault services for African refugee populations in Iowa

[Transformative Healing - LGBTQIA Support](#)

515-850-8081 (Main) (confidential)

515-850-7664 (Des Moines Mobile Advocate) (confidential)

319-389-8430 (Iowa City Advocate) (confidential)

C. Campus Resources

In addition to the confidential resources listed above, Grinnell College community members have access to a variety of resources provided by the College. All of the staff listed below are trained to support individuals affected by Prohibited Conduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these

resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Campus Resources: Regular Business Hours (8 a.m.-5 p.m., Mondays-Fridays)
<p>Title IX Coordinator, Angela Voos voos@grinnell.edu</p> <p>Deputy Title IX Coordinator for Case Management, Bailey Thompson thomsob@grinnell.edu</p> <p>641-269-4999 Nollen House, 1121 Park Street, Grinnell, IA 50112</p>
<p>Dean of the College, Michael Latham latham@grinnell.edu</p> <p>641-269-3100 Nollen House, 1121 Park Street, Grinnell, IA 50112</p>
<p>Assistant Vice President of Human Resources, Mary Greiner greinerm@grinnell.edu</p> <p>641-269-4818 Old Glove Factory, Grinnell, IA 50112</p>
<p>Dean of Students, Sarah Moschenross moschenr@grinnell.edu</p> <p>641-269-3714 310-G Joe Rosenfield '25 Center, Grinnell, IA 50112</p>
Campus Resources: 24 Hours a day/7 days a week
<p>Campus Safety and Security 641-269-4600 (24 hours) Campus Safety Office, 1432 East Street, Grinnell, IA 50112</p>
<p>Student Affairs Dean or RLC on call 641-269-4600</p>
Grinnell-in-London Campus Resources
<p>Professor Donna Vinter Grinnell-in-London Resident Director 75 Stile Hall Gardens</p>

London W4 3BT
HOME: +44 (0) 20 8995 0049
MOBILE: 07754 182 389
OFFICE: +44 (0) 20 7813 3265
d.vinter@imperial.ac.uk

Ms. Helen Reed
Grinnell-in-London Program Assistant
22 Maida Avenue
LONDON E4 7JN
MOBILE: 07578 732 940

Grinnell-in-London Emergency Response

City of London Police (24hrs)
Emergency Response **999**
Non-Emergency Response **101**

IES London (24 hrs)
5 Bloomsbury Place
London WC1A 2QP
Emergency number: 07801 514 547
Back-up emergency number: 07595 482 973

D. Community Resources

Students, faculty, and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on- or off-campus.

Other Community Resources

Grinnell Police Department Dispatch Center
641-623-5679 or **911**

Grinnell Regional Medical Center
641-236-2380 Emergency Room

- HIV/AIDS and Sexually Transmitted Infections (STI) testing
- Medical exam

<ul style="list-style-type: none"> • Sexual assault exam (SANE Nurses are available on call) • Morning after pregnancy prevention <p>These exams do not obligate you to file criminal charges; evidence is stored by the police to preserve the chain of evidence.</p>
<p>National Domestic Violence Hotline 1-800-799-SAFE (7233)</p>
<p>Central Iowa Family Planning (Grinnell Office) 641-236-7787</p> <ul style="list-style-type: none"> • Medical exam • Counseling • Information and referral
<p>Polk County Crisis and Advocacy Services 515-286-3600 Crisis Line 515-286-3535</p>
<p>RELAY IOWA (Language Line Translation) 1-800-735-2942 (TTY) *deaf or hard of hearing or 1-800-735-2943 (VOICE)</p>
<p>Crime Victim Compensation Program 515-281-5044 or 1-800-373-5044 Iowa Attorney General’s Office, Crime Victim Assistance Division 321 East 12th Street, Des Moines, IA 50319</p>
<p>Iowa Coalition Against Sexual Assault 515-244-7424</p>

X. Reporting and Community Responsibility

The College is committed to providing a variety of welcoming and accessible ways for community members to voice concerns about and report instances of Prohibited Conduct. These categories are meant to be inclusive and expansive, not exclusive.

The College recognizes that the decision whether or not to report Prohibited Conduct is personal, and that there are many barriers, both individual and societal, to reporting. Not every individual will be prepared to make a report to the College or to law enforcement, and individuals are not expected or required to pursue any specific course of action. The College will approach the assessment of each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution. As outlined in the Resources section of this policy, there are confidential resources on campus and in the community available to individuals not wishing to make a report to the College.

Complainants, victims and survivors are fully supported in using the words that they feel express and/or represent their experience - including words like rape, abuse, attack, or fondling - even when the College policy uses these other, more overarching terms when adjudicating and classifying allegations. Reporting an issue is the best way for the community to help an individual receive the resources, support, and accommodations available at Grinnell. Not only does reporting help the individual, but increased communication about issues related to sexual misconduct and interpersonal violence can help prevent future acts of Prohibited Conduct. The information community members report can illuminate patterns of behavior, immediate threats to the safety of the community, and systemic issues.

At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, including conduct (corrective) action. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. College officials will do everything possible to respect an individual's autonomy in making these important decisions and to provide support that will assist each individual in making that determination. Unless there is an immediate threat to the community or a minor is involved, the Complainant can help set the pace and make decisions about how best to proceed (including not naming the other party/ies at the time of the report).

A. Emergency/Immediate Reporting Options

The College encourages all individuals to seek immediate assistance from a medical provider and/or law enforcement. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will assist any Grinnell College community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the College's resources and complaint processes.

Assistance is available from the College 24 hours a day year-round by calling the Campus Safety Department (641-269-4600) and/or the Grinnell Police Department (911 for emergencies or (641-623-5679) for all other calls). Any individual may request that a member of the Campus Safety Department and/or the Grinnell Police Department respond and take a report. An individual may also request to speak with a Student

Affairs Dean on call (641-269-4600) or a member of the Student Health and Counseling Services (SHACS) staff (641-269-3230 during academic year business hours). There is no requirement that an individual file an incident report with the Campus Safety Department and/or the Grinnell Police Department in order to speak with a Student Affairs Dean or a member of the Student Health and Counseling Services staff.

An individual can also contact a Student Health and Counseling Services nurse (during business hours) and/or the Grinnell Regional Medical Center (24 hours/day). A medical provider at Grinnell Regional Medical Center can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infections and/or pregnancy) and, second, to properly collect and preserve evidence.

An individual may request a support person (friend, Residence Life Coordinator (RLC), confidential campus resource, trained campus advocate or DVA/SAC advocate), to accompany the individual during the exam. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the College's [grievance procedures](#) and/or criminal action.

Emergency Response
911
Grinnell Police Department 641-623-5679
Health and Safety

Student Health and Counseling Services

641-269-3230

Available during regular office hours during academic year

Monday-Friday 8am to 5pm

Grinnell Regional Medical Center

641-236-7511-Receptionist

641-236-2380-Emergency Room (ER)

B. Campus Reporting Options

The College recognizes that an individual may choose to report Prohibited Conduct to any trusted employee of the College. For example, a student may choose to confide in a Residence Life Coordinator, a faculty member, a mentor, or a coach, all of whom are considered “responsible employees” who must report the incident to the Title IX Coordinator under this policy. An employee may choose to confide in a supervisor, also considered a “responsible employee.” Under this policy, any employee who receives a report of Prohibited Conduct must share the report with the Title IX Coordinator. The trained Title IX Coordinator is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to reports of Prohibited Conduct to eliminate the conduct, prevent its recurrence, and address its effects.

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any incident to the Title IX Coordinator, the Director of Campus Safety, the Dean of the College, the Assistant Vice President of Human Resources, or the Dean of Students.

C. Anonymous Reporting

Any individual may make an anonymous report concerning Prohibited Conduct, or may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the College’s ability to respond or pursue appropriate action.

Anonymous reports may be made by telephone at 855-667-1753 or online at <http://grinnell.ethicspoint.com>. All reports will go to the Title IX Coordinator for review. EthicsPoint is a service that allows anyone to report suspected misconduct or other issues with complete anonymity or confidentiality. This service allows the person making the report and College administrators to confer about additional details, while the reporting party’s identity remains anonymous and unknown to the college.

EthicsPoint utilizes its own secure servers, outside of the College network, as well as their own call center. While the reports will be forwarded to College administrators for appropriate review and action, the source of all reports submitted to EthicsPoint will remain confidential and will not be shared with College administrators without permission.

D. Reporting Considerations: Timeliness of Report, Location of Incident

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, the College will still seek to meet its Title IX obligation by providing reasonably appropriate remedial measures, assisting the Complainant in identifying external reporting options, and taking steps to end the conduct, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have continuing adverse effects on campus life and activities, or pose a threat of danger to any member of the Grinnell College community, will also be addressed under this policy.

Because some forms of Prohibited Conduct involve interactions between persons that are not witnessed by others, a Complainant's account cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting Prohibited Conduct under this policy, as College investigators receive specific training in the investigation of Prohibited Conduct.

Any individual may make a report, including Grinnell College students, faculty and staff members, and members of the bargaining unit against a student, faculty member, staff member, or member of the bargaining unit.

E. Coordination with Law Enforcement

The College fully supports Complainants' rights to pursue criminal action for incidents of Prohibited Conduct that may also be considered crimes under Iowa criminal statutes. Under federal law, a Complainant has the right to notify, or decline to notify law enforcement. If a Complainant chooses to make a report to external law enforcement, the College will assist the Complainant(s) in making a criminal report and will cooperate with law enforcement agencies if the Complainant(s) decides to pursue the criminal process to the extent permitted by law. Except where the Complainant(s) is/are younger than eighteen (18) years old or the matter involves a threat to health or safety, the College will respect the Complainant's choice whether or not to report an incident to local law enforcement. In a case of suspected child abuse, the College and its members have a responsibility and duty to report the concern under the [Child Abuse Reporting Policy](#).

The College's policy, definitions, and burden of proof may differ from Iowa criminal law. A Complainant may seek resolution through the College's conduct (corrective) action process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether Prohibited Conduct under this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

F. Amnesty for Alcohol and Other Drug Use

The welfare of students, staff, and faculty is of paramount importance. The Grinnell College community encourages the reporting of Prohibited Conduct. Sometimes, students are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. Similarly, students are sometimes hesitant to offer assistance to others for fear that they may get themselves in trouble. (For example, an underage student who has been drinking might hesitate to bring a Complainant to Campus Safety for reporting and/or assistance.) It is in the best interest of the Grinnell College community for individuals to report allegations of Prohibited Conduct to College officials.

Fear of punitive response from the college should not impede a student's willingness to call for help in such situations. In cases of physical assault or sexual misconduct, the student coming forward with a complaint shall not face campus conduct charges related to alcohol or other drugs. When a student experiences a physical or psychological crisis while under the influence of alcohol or other drugs, neither the student in crisis nor the student(s) calling for help will be subject to punitive disciplinary action. Educational measures to prevent future incidents may still apply. Please be advised that criminal/civil processes function separately from campus procedures and may or may not effect each other. This amnesty policy applies only to campus conduct procedures.

G. Active Bystanderism

The College considers the welfare of students, faculty, and staff to be of paramount importance. The College recognizes that at times Grinnell community members, on and off campus, may need assistance. The College urges all community members to offer help and assistance to others in need and take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. Taking action may include indirect or direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, and/or seeking assistance from a person in authority, such as faculty members, coaches, deans, safety, or police.

H. Obligation to Provide Truthful Information

All College community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading

information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

I. Group Infractions

When members of a student group or organization, individuals acting collusively, or members of a club, or team act in concert in violation of this policy, they may be charged as a group, and conduct action may proceed against the group as joint Respondents.

J. Reports Involving Minors

In compliance with Iowa Code 261.9 (1)(h): Child Abuse Reporting Law, the College will report all suspected child abuse and neglect involving minors, including sexual assault, to law enforcement and Campus Safety. Grinnell's [Child Abuse Reporting Policy](#) is described in section II.

XI. Responding to a Report: Initial Assessment and Interim Measures

The Title IX Coordinator, working with the Title IX team, will ensure that the College responds to all reports in a timely, effective, and consistent manner that treats everyone with dignity and respect. The College is committed to creating a culture of respect and accountability, and will provide reasonably available interim measures to support the individuals involved and protect the College community. The Title IX team is positioned to provide seamless support, assess individual and campus safety needs, and effectively respond to reports of Prohibited Conduct.

Not every member of the Title IX team is involved in every issue; only those who “need to know” attend to the issue at hand. Usually the team includes the Title IX Coordinator, Director of Campus Safety, and, depending on who is involved in the issue, one or more of the following: Dean of Students, Assistant Vice President of Human Resources, or Dean of the College.

Generally speaking, the initial assessment and subsequent [grievance procedures](#) against a Respondent are overseen by an administrator designated as the Senior Official:

- For reports against a **student**², the Senior Official is the **Dean of Students**.
- For reports against a **staff member**, the Senior Official is the **Assistant Vice President of Human Resources**.

² Language Assistants are considered students by Grinnell College when participating as Respondents in a conduct process under Title IX.

- For reports against a **faculty member**, the Senior Official is the **Dean of the College**.

The first step in response to a report is an initial assessment. The initial assessment will consider the nature of the report, the Complainant's expressed preference for resolution, and the appropriate course of action, which may include Informal or Formal Resolution.

As described in greater detail below, Informal Resolution encompasses a wide variety of actions that may be taken, in support of a Complainant's request, to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects. Informal Resolution does not involve disciplinary action against a Respondent. Formal Resolution, which involves an investigation to determine if there has been a policy violation, may result in the imposition of sanctions through conduct (corrective) action. The decision whether to pursue Informal or Formal Resolution will be made by the Senior Official, in consultation with the Title IX Coordinator. There is no burden on the Complainant to affirmatively seek one form of resolution over another; to the contrary, it is always the College's burden to determine the appropriate course of action in light of the known facts and circumstances.

A. Title IX Review and Assessment

In response to every report of Prohibited Conduct, the College will make an immediate assessment of the reported information and respond to any immediate health or safety concerns raised by the report. Appropriate steps may include reasonably available interim measures to provide for the safety of the individual and the campus community.

As part of the initial assessment of the facts, the Title IX team will:

- Assess the nature and circumstances of the report;
- Address immediate physical safety and emotional well-being;
- Notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- Notify the Complainant of the right to seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Enter the report into the College's daily crime log if required by the Clery Act;
- Assess the reported conduct and discern the need for a timely warning under the Clery Act;

- Provide the Complainant with written information about on- and off-campus resources;
- Notify the Complainant of the range of interim measures available to them;
- Provide the Complainant with an explanation of the procedural options, including Informal Resolution and Formal Resolution;
- Explain the role of and offer an advisor, advocate, or support person;
- Assess for any pattern of conduct by Respondent;
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g. confidentiality concerns);
- Explain the College's policy prohibiting retaliation and that the College will take prompt action in response to any act of retaliation; and
- Determine age of Complainant and if the Complainant is a minor, make the appropriate notifications under the Child Abuse Reporting Policy.

The initial review will proceed to the point at which a reasonable assessment of the safety of the individual and of the campus community can be made, and the Senior Official, in consultation with the Title IX Coordinator, has sufficient information to determine the appropriate manner of resolution. The Title IX assessment includes explicit consideration of a Complainant's requested course of action, as outlined in greater detail in the following section on Complainant Agency and Autonomy.

At the conclusion of the Title IX assessment, the Senior Official (Dean of Students, Dean of the College, Assistant Vice President of Human Resources), in consultation with the Title IX Coordinator and the Title IX team, will determine the appropriate manner of resolution. If the reported information would not support a policy violation, accepting all reported information as true, the College may decline to pursue an investigation. It is at the discretion of the College to determine which method of resolution is appropriate.

The Senior Official or Title IX Coordinator will communicate the decided upon manner of resolution to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the action would impact a Respondent, such as the imposition of interim protective measures that restrict the Respondent's movement on campus, the initiation of an investigation or the decision to involve the Respondent in an informal process.

B. Complainant Agency and Autonomy

Some Complainants will choose to seek support resources without pursuing conduct (corrective) action. In all cases, Complainants who come forward will be afforded support, resources, and remedies, whether or not they choose to pursue campus conduct charges.

In the course of the Title IX assessment, College officials, to the best of their ability, will consider the interest of the Complainant and their expressed preference for manner of resolution. Where possible, and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the Complainant's request. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to afford a Respondent procedural protections by providing notice and an opportunity to respond before conduct (corrective) action is taken against a Respondent.

In assessing the appropriate resolution, the College will consider the Complainant's express preference for manner of resolution in light of the following factors:

- The seriousness, persistence, or pervasiveness of the conduct;
- The respective ages and roles of the Complainant and the Respondent;
- Whether there have been other reports of Prohibited Conduct against the Respondent;
- The Respondent's right to receive information if such information is maintained in an "education record" under FERPA;
- The right of the Respondent to receive notice and relevant information before conduct (corrective) action is sought;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of Prohibited Conduct;
- Whether the Respondent has a history of arrests or prior conduct violations (at the College or elsewhere, if such information is available) indicating a history of violence;
- Whether the Respondent threatened further acts of Prohibited Conduct or other violence against the Complainant or others;
- Whether the Prohibited Conduct was committed by multiple individuals;

- Whether the Prohibited Conduct was perpetrated with a weapon, by force, or through the use of predatory behavior, including the use of incapacitating substances;
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and
- The College's obligation to provide a safe and non-discriminatory environment.

The College will take all reasonable steps to investigate and respond to the report consistent with the request for anonymity or request not to pursue a full investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College determines that action should be taken that is inconsistent with the request of the Complainant, the Senior Official or Title IX Coordinator will inform the Complainant about the chosen course of action, which may include the College initiating conduct (corrective) action against the Respondent. A Complainant will be encouraged, but not required, to participate in the investigation. Alternatively, the course of action may also include steps to eliminate the alleged conduct, prevent its recurrence and address its effects that do not involve conduct (corrective) action against a Respondent or disclosing the identity of the Complainant; this course of action may include a form of Informal Resolution.

C. Interim Measures

Upon receipt of a report of Prohibited Conduct, the College may impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. Interim measures may be both remedial (designed to address the Complainant's well-being and continued access to educational and employment opportunities) or protective (involving action against a Respondent). Remedial measures are available regardless of whether the Complainant chooses to pursue any action under this policy. The Title IX Coordinator will maintain the privacy of any interim measures provided under this policy to the extent possible. The College will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

Interim measures may be requested through the Title IX Coordinator or any Senior Official, including the Dean of Students, the Dean of the College or Assistant Vice President of Human Resources. A Complainant or Respondent may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

Reasonably available interim measures will be implemented at the discretion of the Title IX Coordinator. Potential remedies and accommodations that may be applied to the Complainant and/or the Respondent include:

- Access to medical or counseling services and assistance in setting up initial appointments, both on and off campus;
- Imposition of campus No-Contact Order or No Trespass Order
- Assistance in obtaining a civil protection order
- Facilitating a meeting with law enforcement to discuss safety planning and law enforcement options
- Rescheduling of exams and assignments (students)
- Providing alternative course completion options (students)
- A change in class schedule or transferring sections, including the ability to drop a course without penalty (students)
- A change in work schedule or job assignment
- A change of office or work space
- A change in student's College-owned residence (students)
- Assistance from College staff in completing residence relocation (students)
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter
- A voluntary leave of absence (students)
- Providing an escort to ensure safe movement between classes, work and other activities (students)
- Providing academic support services, such as tutoring (students)
- An interim restriction on residence hall access pending the outcome of a conduct proceeding (students)
- An interim suspension or ban pending the outcome of a conduct proceeding (students)

- Assistance in resolving concerns about immigration status, visas or financial aid
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy

D. Interim Suspension, Ban, or Leave (Pending the Outcome of Conduct/Corrective Action)

Where the report of Prohibited Conduct poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the campus community, the College may place an individual student or organization on interim suspension or interim ban pending the outcome of a conduct proceeding. This means pending resolution of the complaint, the individual or organization may be denied access to campus. During interim suspension, a student or group typically may not continue their course work or activities unless otherwise noted in the interim suspension letter. During an interim ban, a student will continue coursework away from campus remotely through remedial measures put in place by the College. Similarly, the College may impose a leave for an employee. Such leaves will be structured (paid vs. unpaid) at the College’s discretion. When interim suspension, interim ban, or leave is imposed, the College will make reasonable efforts to complete the investigation and conduct proceedings (but not appeal), when such is required, within an expedited time frame.

E. Time Frame for Resolution

The College seeks to resolve all reports of Prohibited Conduct within 60 calendar days of the initial report. All time frames expressed in this policy can be extended for good cause, with written notice to the parties of the delay and the reason for the delay. Good cause may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect to receive timely updates as to the status of the review or investigation. In the event that the investigation and resolution exceed this time frame for good cause, the College will notify all parties of the need for additional time, and best efforts will be made to complete the process in a timely manner while balancing principles of thoroughness and fairness with promptness.

XII. Informal and Formal Resolution Options

As described in greater detail below, Informal Resolution encompasses a wide variety of actions that may be taken, in support of a Complainant’s request, to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects. Informal Resolution does not involve disciplinary action against a Respondent. Formal Resolution, which involves an investigation to

determine if there has been a policy violation, may result in the imposition of sanctions through conduct (corrective) action. The decision whether to pursue Informal or Formal Resolution will be made by the Senior Official, in consultation with the Title IX Coordinator and the Title IX team. There is no burden on the Complainant to affirmatively seek one form of resolution over another; to the contrary, it is always the College's burden to determine the appropriate course of action in light of the known facts and circumstances.

A. Support Person (Advisor)

Complainants and Respondents have the opportunity to consult with and be accompanied by the support person (advisor) of their choice to any related meeting or proceeding under these procedures. The support person (advisor) may be any individual, including an attorney, who is not a witness or otherwise involved in the procedures under this policy. The support person cannot serve as a witness. The support person (advisor) is a nonparticipating supporter at any meeting or hearing under this policy and procedures. The support person (advisor) may advise the Complainant or Respondent on the procedural or any other aspects of the matter or assist with the party's review of documents and appeal process in a manner consistent with this policy. The support person (advisor) may not contact the other party or contact potential witnesses without express authority from the Title IX Coordinator or designee. A party may change their support person (advisor) at any point during the process. The College reserves the right to dismiss a support person (advisor) who is disruptive to College proceedings or does not abide by the restrictions set forth in this policy.

B. Informal Resolution

Informal Resolution is the term used to capture a variety of alternative actions that may be taken by the College to eliminate Prohibited Conduct, prevent its recurrence and address its effects. Informal Resolution does not involve conduct (corrective) action or conduct findings against a Respondent. Where the Title IX Coordinator concludes that Informal Resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational, extracurricular, employment and other activities at the College and to eliminate any hostile environment. As explained above, there is no burden on the Complainant to affirmatively seek one form of resolution over another; to the contrary, it is always the College's burden to determine the appropriate course of action in light of the known facts and circumstances. However, participation in Informal Resolution by a Complainant is voluntary, and a Complainant can request to end Informal Resolution and pursue an investigation or conduct (corrective) action at any time. In some instances, an Informal Resolution, by written agreement of the Complainant, the Respondent, and the College is meant to be a final resolution.

Informal Resolution is typically used when a Complainant requests anonymity, does not consent to participation in an investigation, or the alleged conduct, even if it does not

rise to the level of a policy violation, suggests the need for remedial, educational or preventive action. Depending on the form of Informal Resolution used, it may be possible for a Complainant to maintain anonymity.

Examples of protective measures and accommodations are outlined in section XI. C, Interim Measures. The form of Informal Resolution may vary from case to case, and may include the following: (a) direct approach, (b) third party mediation, or (c) indirect action taken by the Senior Official. Other potential remedies include targeted or broad-based educational programming or training.

The Direct Approach by Complainant and Third-Party Mediation methods are not available in cases involving sexual assault, and a Complainant will never be required to participate in mediation or engage in direct confrontation or contact with a Respondent.

- 1. Direct Approach by Complainant:** After a discussion with the Title IX Coordinator, Senior Official or other official designated by the College, a Complainant who feels comfortable contacting the Respondent may, but is never required to, do so. The direct approach might include the Complainant writing a letter to the Respondent asking them to change their behavior. Another option might be telling the Respondent in person exactly what behavior is offensive and asking the Respondent to stop the behavior.
- 2. Third Party Mediation:** The Senior Official or another trained and experienced individual designated by the College may mediate between the Complainant and the Respondent, or informally bring the parties together to address the conduct. This type of intervention may result in an agreement between the parties, no-contact between the parties, referral for either or both parties to counseling programs, an agreement for corrective action, targeted training or educational programs, or the implementation of remedies for the Complainant. Where the College resolves the matter by third party intervention, the Senior Official will conduct periodic review and individually follow-up with the parties to assure that the resolution has been implemented effectively.
- 3. Indirect Action Taken by the Senior Official:** The Complainant may choose an indirect approach. This approach is intended to alter and stop the Respondent's behavior without requiring the Complainant to participate in the resolution. The Complainant can request Indirect Action through the appropriate Senior Official. Indirect Action may include intervention with the Respondent without identifying the Complainant; implementing targeted or broad-based training or educational programs designed to address the conduct at issue; revising or publicizing College policies or procedures; providing increased monitoring, supervision, or security at locations or activities where the

misconduct occurred; conducting climate assessments or surveys to evaluate similar concerns; and similar measures meant to eliminate the conduct, prevent its recurrence and address its effects.

The Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be completed within sixty (60) calendar days of the initial report.

B. Formal Resolution: Investigation

1. Decision to Initiate Investigation

The College will pursue an investigation where a Complainant requests an investigation and conduct (corrective) action, where the College determines that an investigation is warranted based on the Title IX assessment, or where Informal Resolution was unsuccessful or not an appropriate form of resolution.

2. Notice of Investigation

When the College initiates an investigation, the Senior Official will issue a written Notice of Investigation to the Complainant and Respondent. The Notice will include the names of the parties, a brief description of the alleged conduct, and the potential policy violations. The investigators may amend the potential charges as part of the investigative process. The Notice of Investigation will also specify which procedures will apply based upon the role of the Respondent.

Either party may raise a challenge to the designated investigator on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of the Notice of Investigation.

3. Overview of Investigation

Where the College initiates Formal Resolution, the Title IX Coordinator will designate a trained investigator to conduct a prompt, thorough and impartial investigation of reports of Prohibited Conduct. The investigator may be a College employee or it may be an external investigator engaged to assist the College in conducting an investigation. The investigation will treat all parties with appropriate sensitivity and respect. As described in the [Statement of Privacy](#), the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The investigation is designed to provide a fair and reliable gathering of the facts. Information gathered during the review or investigation will be used to ensure the safety of the Complainant and the College campus community, and impose remedies as necessary to address the effects of the alleged conduct.

It is the responsibility of the College, not the parties, to gather relevant evidence, to the extent reasonably possible. The investigator will conduct a fair and reliable fact-gathering in light of the circumstances of the report. The investigator will be responsible for interviewing the Complainant and Respondent (separately); interviewing potential witnesses; collecting relevant documentation and physical evidence, including documents, communications between the parties, and other electronic records as appropriate; creating a timeline; and preparing a written report documenting the complete investigation.

The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Both parties will also have equal and timely access to information that will be used in the adjudication of the report, and timely notice of meetings or proceedings at which their presence will be required or requested.

Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. Witnesses will be interviewed by the investigator as part of the College's investigation, and these statements will be integrated into the final investigative report that is circulated to the Complainant, Respondent, and adjudicator. Witnesses will not be called to meet with the adjudicator.

Medical and counseling records of a Complainant and Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the opposing party.

A Complainant's prior sexual history will never be used as evidence of character or reputation, and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent asserts that the conduct was consensual, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will only be permitted if it is probative of a material fact, for example, to explain an injury or physical finding.

In gathering information, the investigator may also consider other reports of, or findings of responsibility for, similar conduct by the Respondent to the extent

such information is relevant and available. Such information may be relevant to prove motive, intent, and absence of mistake, pattern or another material fact.

Where a sufficient informational foundation exists for prior sexual history or pattern evidence, the investigator, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion in the written investigation report for consideration by the Adjudicator in its determination of responsibility and/or any assigning of a sanction.

The Senior Official, in consultation with the investigator and Title IX Coordinator, has the discretion to consolidate multiple reports against a Respondent into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct which would regularly have been heard under the Community Standards and Responsibilities section of the Student Handbook.

The investigator, in consultation with the Title IX Coordinator and/or Senior Official, will determine the relevance of any proffered information. Information that is irrelevant, more prejudicial than probative, or immaterial may be redacted. Similarly, the investigator may redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.

The purpose of the investigation is to establish whether there is a basis for believing that it is more likely than not the alleged violation of this policy has occurred. Based on the information gathered in the initial Title IX assessment and/or full investigation, the College will take appropriate measures designed to end the Prohibited Conduct, prevent its recurrence, and address its effects.

At the conclusion of the investigation, the investigator will prepare a preliminary written investigation report based on interviews with the Complainant and Respondent, and other interviews conducted or materials gathered. The investigation report will detail the information gathered, identify the potential policy violations and synthesize the areas of agreement and disagreement between the parties and any supporting information or accounts.

4. Review of Investigation Report

The Complainant and Respondent will both have an opportunity to review the preliminary investigation report. The Senior Official will send a secure, electronic link to the Complainant and Respondent to access the report and supporting materials including any information that will be used during informal and formal

disciplinary meetings and hearings. Parties can also review the materials in hard copy at a private office designated by the Senior Official. The Complainant and Respondent may provide comments or identify additional witnesses or source of evidence within five (5) business days after receipt of the preliminary report. The review period may be extended by the Senior Official where the volume of the report requires additional time for review or extenuating circumstances make the time period impractical or unadvisable. The Senior Official or designee will review any submitted responses and ask the investigator(s) to conduct additional investigation as appropriate, including interviewing additional witnesses and follow-up on issues raised during the review process. The investigator(s) will then prepare the final investigative report.

The investigator(s) will not make any findings or determinations of responsibility. The adjudicator bears the ultimate responsibility of determining, by a preponderance of the evidence, whether the Respondent is responsible for committing Prohibited Conduct in violation of this policy.

5. Acceptance of Responsibility

A Respondent may choose to accept responsibility for their conduct at any point during the investigation or thereafter. In the event that the Respondent admits responsibility for committing an act or acts of Prohibited Conduct, the Senior Official will determine whether further investigation is warranted. The Senior Official will issue a finding of responsibility and determine the manner of adjudication to render an appropriate sanction.

C. Formal Resolution: Adjudication Process when Respondent is a Faculty or Staff Member

If the Respondent is a faculty member or staff member, the final investigative report will form the basis for the Senior Official or an outside adjudicator to make decisions and recommendations. The College will determine the appropriate adjudication process depending on the complexity and facts of the case. The report will include either a finding, by a preponderance of the evidence, of a violation of this policy and a recommendation regarding disciplinary action, or a finding of no violation of this policy. Any action taken against a faculty or staff member would be consistent with applicable employment contracts and faculty/ staff handbook. (See section F. for appeal process.)

D. Formal Resolution: Adjudication Process when Respondent is a Student

If the Respondent is a student, the final investigation report will form the basis adjudication by the Senior Official (Dean of Students), another College administrator serving as the Dean's designee, or a trained individual external to the College (referred to interchangeably in this policy as the adjudicator). The adjudicator will determine

responsibility by a preponderance of evidence – whether it is more likely than not that there was a violation of [conduct standards](#) or policy.

1. Notice of Hearing/Adjudication Meeting

The Dean of Students (or designee) will contact the Complainant and Respondent to schedule meetings with each party individually. At this pre-adjudication meeting, each party will receive an explanation of the process and have the opportunity to ask any questions before the adjudication occurs. If the Complainant and/or Respondent have elected to have a support person (advisor) throughout the conduct process, the support person (advisor) is encouraged to accompany the Complainant/Respondent to this initial meeting.

Once each party has met with the Dean of Students (or designee), a Notice of Adjudication is sent to the Complainant and the Respondent. The Notice provides each party with a statement of the policy violation(s) that are alleged to have taken place and a summary of the facts underlying the allegations. In addition, the Notice provides the parties with the date, time, and place of the meeting and the name of the adjudicator.

Either party may raise a challenge to the designated adjudicator on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of the Notice of Investigation.

In general, the adjudication meeting will be scheduled approximately one to two weeks after the Notice is sent. For good cause, this time frame may be extended by the Dean of Students (or designee).

2. External Adjudicator

The College may engage an outside individual or firm (typically experienced, retired judges, trained in the intricacies of Title IX) to adjudicate cases of sexual assault or other forms of Prohibited Conduct as needed. The adjudicator will possess the requisite training and experience needed to competently and fairly adjudicate the matter, and will be free from actual bias or conflict of interest.

3. Request to Reschedule Adjudication Meeting

Either party can request to have an adjudication meeting rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Dean of Students at least five (5) business days prior to the adjudication meeting.

4. Attendance at the Adjudication Meeting

If a party does not attend an adjudication meeting, for any non-emergency or non-compelling reason, the meeting may be held in their absence at the discretion of the Dean of Students (or designee).

If a student chooses to withdraw or take a leave from the College prior to the conclusion of an investigation and/or formal resolution under this policy, the College will move forward with the adjudication and imposition of educational outcomes, if any, in absentia. The Respondent's academic transcript will be marked with a "Withdrawal Pending Student Conduct Action" notation, or, if finally resolved in absentia, with the final finding(s) of responsibility and educational outcomes, if any, in accordance with regular practice under this policy. Where a notation of "Conduct Suspension" applies, the transcript will indicate such designation.

5. Adjudication Meetings

The adjudication meetings are closed and not open to the public. The individuals from the Grinnell College community who may appear before the adjudicator are: the Complainant, the Respondent, any individuals serving as a support person (advisor), and the investigator(s). The Title IX Coordinator, designee, or College counsel may also be present.

6. Safeguarding of Privacy

Under Federal privacy laws, all statements of one party that are shared with the other party and any documents provided to the parties during the procedures may not be disclosed outside of the proceedings and any copies of documents must be returned to the Dean of Students (or designee) at the conclusion of the adjudication meeting(s) and any appeals. Any breach of this duty is subject to further student conduct action by the College.

The College does not, however, prohibit the parties from making disclosures about the incident, their participation in the proceedings or the outcome.

7. Adjudication Procedures

The adjudication meeting is not intended to be adversarial; rather, it is intended to be educational, corrective, and developmental. The adjudication is intended to provide fair and ample opportunity for each side to present their account/narrative to determine the facts of the case, make a determination regarding the alleged violations of this policy, College regulations and Community Standards, and to recommend appropriate educational outcomes (sanctions), if necessary. The adjudication meetings are an informal proceeding and the mechanism by which the College assesses and, as appropriate, takes formal conduct (corrective) action regarding a violation of College policy or regulation.

The adjudicator is required to review all pertinent information regarding the incident, including written statements, the investigation report, documents, items, and/or oral information from the Complainant, and Respondent.

Each adjudication meeting will begin with an explanation of the process. The adjudicator will then provide an opportunity to all parties to ask procedural questions prior to initial statements and the presentation of information.

First, the adjudicator will meet separately with a representative of the investigative team. The investigator(s) will provide an opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the adjudicator in prioritizing areas of inquiry. The adjudicator may make inquiries of the investigator at this juncture, and ask any questions that allow a more full understanding of the case.

Second, the adjudicator will meet with the Complainant and their support person (advisor). The Complainant may present their own account of the events in a narrative format. The adjudicator may pose questions to the Complainant. The Complainant may also bring an Impact Statement that addresses the impact of this event and their suggestions for educational outcomes (sanctions), to be considered if the Respondent is found responsible for any of the charges in the case.

Third, the adjudicator will meet with the Respondent and their support person (advisor). The adjudicator will read the charge(s) against the respondent and ask them to enter a plea of “responsible” or “not responsible” for each of the charges. The Respondent will be given an opportunity, and is encouraged, to present their response, again in a narrative format. The adjudicator may pose questions to the Respondent. The Respondent may also bring a Mitigation Statement that addresses the considerations relevant to sanctioning and their suggestions for educational outcomes (sanctions), to be considered if the Respondent is found responsible for any of the charges in the case.

8. Recording of Proceedings

Adjudication proceedings are digitally audio-recorded. The digital audio recording is created for two limited purposes only: for reference by the adjudicator during deliberations and for review by the appeals officer during an appeal. No other recordings of conduct proceedings are allowed, and no other access to the recordings is permitted. The College may destroy the recording at any point following seven years after the date the proceeding concludes.

9. Deliberation and Preponderance of the Evidence

After all of the information has been presented through these three adjudication meetings, the adjudicator will deliberate in private. While finding the facts in the case, the adjudicator must reach a decision on responsibility by using the preponderance of evidence. This means that the adjudicator will decide whether it is “more likely than not,” based upon the information provided through the investigation and at the adjudication meeting(s), that the Respondent is responsible for the alleged violation(s). The decision on responsibility will be shared with the Complainant and the Respondent, simultaneously and in writing.

The findings of the adjudicator will be documented in a case opinion within five (5) business days of completion of meetings. The findings will detail the findings of fact and the basis/rationale for the decision of the adjudicator, making reference to the evidence that led to the finding.

10. Educational Outcomes (Sanctions)

As mentioned above, the Complainant and Respondent will each have the opportunity to present a written Impact Statement about the impact this incident (as well as conduct proceedings) has had on them, other considerations relevant to sanctioning, and/or requested educational outcomes. These statements will be reviewed by the adjudicator only if the Respondent is found responsible for one or more of the charges against them.

If the adjudicator finds a student or student group/organization responsible for a violation of this policy, they will recommend appropriate educational outcomes to the Dean of Students (or designee). The educational outcomes are set forth in the Community Standards and Responsibilities Section of the Student Handbook. The Dean of Students (or designee) is not bound by the recommendations of an external adjudicator and has the final authority to impose appropriate educational outcomes.

A violation of this policy may result in suspension or dismissal. Educational outcomes may range from written warning to permanent separation (i.e., dismissal) from the College. They may also include educational, remedial, and/or corrective actions as warranted such as: restitution fines, deferred finding of responsibility, conduct warning, conduct probation, behavioral expectations (including a campus no-contact order), parental and guardian notification, College-owned residence suspension, College-owned residence dismissal, suspension, or dismissal from the College, withholding of registration or degree, or rehabilitative measures.

In general:

- Any student who is determined to have engaged in Non-consensual Sexual Intercourse may receive educational outcomes ranging from suspension to dismissal.
- Any student who is determined to have engaged in Non-consensual Sexual Contact (where no intercourse has occurred) may receive educational outcomes ranging from conduct warning to dismissal.
- Any student who is determined to have engaged in any other prohibited form of conduct may receive educational outcomes ranging from conduct warning to dismissal.

The Dean of Students (or designee) reserves the right to broaden or lessen any range of recommended educational outcomes in the case of serious mitigating circumstances,

contextual or historical aggravating circumstances, or egregiously offensive behavior. Neither the adjudicator, Dean of Students (or designee), nor any appeals officer will deviate from the range of recommended outcomes unless compelling justification exists to do so.

Educational outcomes may be issued individually, or a combination of outcomes may be imposed. The determination of educational outcomes is based upon a number of factors, including but not limited to: the severity of the incident; the impact on the Complainant; any ongoing risk to either the Complainant or the community posed by Respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

11. Notice of Outcome

The Dean of Students (or designee) will provide simultaneous written notification of the adjudicator's findings and the sanction imposed, to the Respondent and the Complainant in writing. Generally, the outcomes will be final and communicated to the parties within two (2) business days from the date the adjudicator submits their report.

The imposition of educational outcomes will take effect immediately and will not be postponed pending the resolution of the appeal.

12. Records

The Office of the Title IX Coordinator will retain records of all reports, allegations, and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution. Complaints resolved by means of Title IX assessment or informal resolution are not part of a student's conduct file and/or academic record.

Affirmative findings of responsibility in matters resolved by means of formal resolution are part of a student's conduct record. Such records shall be used in reviewing any further misconduct or developing educational outcomes and shall remain a part of a student's conduct record.

Generally, conduct dismissals are permanently noted on a student's transcript. Conduct suspensions are removed from a student's transcript upon their return to the College. The conduct files of students who have been suspended or dismissed from the College are permanently maintained in the Dean of Students Office. Conduct files of students who have not been suspended or dismissed are maintained for a period of seven years after the end of the academic year of said violation(s).

Student conduct records may be released to College officials on a "need-to-know" basis. Records may be released to persons and agencies external to the College with the student's permission, and in compliance with the law (FERPA). Records that are lawfully subpoenaed or ordered by a judge may be released without the student's permission. A

student's conduct record may also be released if it is in connection with a health and/or safety emergency. Further questions about student conduct record retention should be directed to the Dean of Students.

E. Appeal Processes

The Complainant and Respondent, within five (5) business days of the date of notice of outcome, may submit a written request to the Appeals Officer. If the individual designated for an appeal under this process has been involved in the conduct at issue in the complaint/grievance, or if the individual was consulted about the conduct at issue in the complaint/grievance, then the Title IX Coordinator will direct the appeal to another Senior Official or Appeals Officer. Either party may raise a challenge to the Appeals Officer on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within two (2) business days of receipt of notice of acceptance of the appeal.

Appeals will be evaluated by an impartial decision-maker, referred to as the Appeals Officer. The Appeals Officer will be determined by the role of the Respondent:

- For **student respondents**, the Appeals Officer is the **Assistant Vice President of Student Affairs**
- For **staff respondents**, the Appeals Officer is the **Vice President of Finance**
- For **faculty respondents**, the Appeals Officer is the **President**.

The Complainant and/or Respondent may appeal only the parts of the determination of responsibility and/or educational outcome(s), if applicable, directly relating to them. Dissatisfaction with the outcome of the case is not grounds for appeal. The limited grounds for appeal are as follows:

1. New evidence that was not available at the time of the investigation is presented that could be outcome-determinative; and/or
2. Procedural error(s) that had a material impact on the outcome.

If a person has questions about how to file an appeal, the person may contact the Title IX Coordinator.

The appeal shall consist of a plain, concise, and complete written statement expounding on the grounds for the appeal. When an appeal has been submitted, the Appeal Officer will notify both parties with a decision to accept or deny the appeal within five (5) business days. If accepted, each party will be given the opportunity to respond in writing to the other party's appeal. Any response by the opposing party must be submitted within five (5) business days from acceptance of the appeal.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and educational outcomes are presumed to have been decided reasonably and appropriately. The appeal is not a *de novo* review. The Appeals Officer shall consider the merits of an appeal only on the basis of the two grounds for appeal and the supporting information provided in the written request for appeal along with the record of the original adjudication meeting(s).

The Appeals Officer can affirm the original findings, alter the findings, and/or alter the educational outcomes, depending on the basis of the requested appeal. If the Appeals Officer deems that procedures were not followed in a material manner, the Appeals Officer can ask that new meetings occur before a different adjudicator. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appeals Officer will communicate the result of the appeal to the Complainant and Respondent within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

F. Finality of Formal Resolution Process

The College's resolution of the violation through the Formal Resolution process shall be considered final and binding upon the expiration of the appeal deadline or exhaustion of the appeal process. A Complainant may not elect to pursue Informal Resolution of a policy violation after the Formal Resolution process becomes final.

G. Other Remedies

Use of Grinnell College's internal complaint procedures is not a prerequisite to the pursuit of other remedies. At any time, an individual may pursue other remedies available to them under applicable state or federal law. Students and employees may also lodge complaints with the [Office for Civil Rights](#).

XIII. Prevention and Education Programs

Grinnell College is committed to the prevention of Prohibited Conduct through education and awareness programs. Incoming students and new faculty and staff receive prevention and awareness programming as part of their orientation, and all students and employees receive ongoing training and related programs on an annual basis.

For more information on prevention at Grinnell College, please visit www.grinnell.edu/sexualrespect or contact Jen Jacobsen at [jacobsen@grinnell.edu].

URLS:

[Grinnell College Sexual Respect](#)

[Grinnell College Policies](#)

[Student Handbook](#)

[Staff Handbook](#)

[Faculty Handbook](#)