

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

Applies 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 discrimination and harassment, including sexual and gender-based harassment, sexual misconduct, intimate partner violence (domestic violence and dating violence), sexual exploitation, and stalking referred to collectively in this guide as Prohibited Behavior. Grinnell College provides ongoing education and prevention programming and training in an effort to promote an environment of respect free of sexual and other unlawful harassment and discrimination. The College also strives to make reporting concerns and incidents of Prohibited Behavior a responsibility of the community so that affected individuals can be offered support and a range of resources and that appropriate steps can be taken to assess the reported behavior, and as appropriate, eliminate the Prohibited Behavior, 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 supportive measures for students, staff, faculty, and third parties who have experienced or been affected by Prohibited Behavior.

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 behavior that may limit our community. Behavior prohibited under this policy poses a threat both to individual members of the Grinnell College community and collectively. These forms of behavior represent a fundamental failure to recognize and respect the intrinsic worth and dignity of other members of the community. Acts of Prohibited Behavior are contrary to the values and standards of the Grinnell College community and against Grinnell College policy.

The College will take all appropriate and necessary steps to prevent and correct Prohibited Behavior, including providing Interim Supportive and Protective Measures, conducting a Title IX review of the behavior, pursuing informal resolution, or taking formal conduct action. Recognizing that each report has a unique context, the College will respond promptly and equitably while tailoring the resolution to best fit the facts and circumstances and the goals of Title IX. Individuals who are found responsible for Prohibited Behavior may receive educational outcomes (sanctions) or face corrective action up to and including dismissal for students and termination for staff and faculty.

This guide is intended to:

- Provide the Grinnell College community with a clear set of behavioral standards and clear definitions of Prohibited Behavior;
- Identify the [Title IX Coordinator](#) and [Title IX Deputy Coordinators](#);
- Outline the College's response to Prohibited Behavior under Title IX of the Education Amendments of 1972 (Title IX) and the Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA);
- Outline where a College community member can seek support and/ or access [resources](#) confidentially, both on campus and in the local community;
- Explain how a College community member can make a [report/referral](#) to the College and/or to law enforcement;
- Outline the reporting responsibilities of College staff, faculty, and designated student leaders so that College community members understand how and with whom their information will be shared;
- Identify the range of Interim [Protective and Supportive Measures](#) and other resources available following a report of Prohibited Behavior to the College; and,

- Provide information about the [resolution options](#) for a report of Prohibited Behavior, including how a report against a student, staff member, faculty member, 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/have experienced a possible instance of Prohibited Behavior, regardless of whether that individual makes a report or seeks Disciplinary Resolution under this policy. The term Respondent refers to the individual(s) accused of Prohibited Behavior.

II. Scope

This policy addresses Prohibited Behavior by or against all members of the Grinnell College community. It applies to all students (domestic and international), staff, faculty, 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 policy addresses Prohibited Behavior occurring on campus or in the context of any College program or activity, regardless of where it occurs. The policy also addresses Prohibited Behavior 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, in the context of any College program or activity, or if the conduct poses a threat of danger to any member of the Grinnell College community.

In addition, student, staff, and faculty conduct is governed by applicable college policies and by the following:

- [Student Handbook](#)
- [Staff Handbook](#)
- [Faculty Handbook](#)

Where conduct involves the potential violation of both this policy and another college policy, the college may choose to investigate other potential misconduct under the procedures set forth in this policy, provided that it does not unduly delay a prompt or equitable resolution of the report.

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, gender expression, marital status, veteran status, religion, disability, creed or any other protected class under federal or state law. 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 may violate the College's [Hate Crime and Bias-Motivated Incidents 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 and gender-based harassment, sexual assault, intimate partner violence (including dating violence and domestic violence), sexual exploitation, stalking, and retaliation against Grinnell College community members of any gender, gender identity, gender expression, or sexual orientation.

Retaliation or reprisal against *any* person, including the Complainant(s), Respondent(s), and witnesses for making a report in good faith, cooperating with an investigation, or participating in a resolution process 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 corrective action independent of any sanction(s) imposed in response to the underlying allegations of Prohibited Behavior. The College will promptly respond to any act of Retaliation.

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 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 Behavior, 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 their pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Faculty and staff members may refer to parental leave in the [faculty](#) and [staff](#) handbooks under the Family and Medical Leave Act (FMLA) and Iowa Civil Rights Act.

A pregnant student has the option to continue their education (including athletic participation, if applicable). A pregnant student also has the option to request a leave of absence or withdraw from the institution. For students who self-identify as pregnant and wish to continue their education, the College will develop individualized educational programs working closely with faculty members on course- and activity-specific reasonable accommodations. The Title IX Coordinator and Office of Disability Resources will collaborate to support the pregnant or parenting student. Students will be provided equal access to curricular and extra-curricular activities and will be excused from activities and classes as is deemed necessary by the student or their healthcare provider. Students will be given a reasonable amount of time to make up any course work that is missed. If a student requests a leave of absence because of pregnancy or related medical condition, the College will assist the student in their reinstatement at the conclusion of the leave so that the student's academic and athletic status can be restored.

Pregnant Student Athletes: Grinnell College adheres to the NCAA bylaws and guidance related to [pregnant and parenting student-athletes](#).

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 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 physical and sexual abuse, to the Iowa Department of Human Services, [law enforcement](#) and [Campus Safety](#).

Under Iowa state law, designated professionals, including educators, health care professionals, mental health professionals, law enforcement professionals, child care workers, and social workers, who have frequent contact with minors must make a report of child abuse within 24 hours when they reasonably believe a child has suffered abuse. Many College employees are considered mandatory reporters under state law.

State-mandated reporters must report abuse as follows:

1. Within 24 hours, orally report suspected abuse to the Iowa Department of Human Services at 1-800-362-2178.
2. Within 48 hours, make a written report of suspected abuse to the Department of Human Services.
3. Immediately, make an oral report to law enforcement if there is reason to believe that immediate protection of the child is necessary.

The College must act immediately in response to suspected sexual or physical abuse of a minor. The law requires the reporting of suspected child abuse when the person reporting “reasonably believes a child has suffered abuse.” It is not the reporter’s role to evaluate, validate or investigate the suspected 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.

Mandated reporters who make a good faith report of suspected child abuse will be protected from civil and criminal liability. A mandated reporter who knowingly and willfully fails to report suspected abuse may face criminal prosecution for a simple misdemeanor.

Any other person who believes that a child has suffered abuse may make a report of the suspected abuse to the DHS as a permissive reporter.

In addition to those individuals who are legally required to report suspected abuse to the state, under this Policy, College staff and faculty 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. Any staff or faculty member who suspects child abuse or neglect involving a minor has the responsibility to report. This includes but is not limited to, faculty, staff, coaches, student staff, and administrators.

In addition to the responsibilities designated above, a report must be made as follows:

- In the event of an emergency, first call the police at **911**.
- Suspected abuse must be reported within twenty-four (24) hours to both:
 - **Grinnell Police Department Dispatch Center:** 641-236-2670
and
 - **Grinnell College Campus Safety:** 641-269-4600
- Additionally, College employees who are not mandated reporters under state law may choose to report to:
 - **Iowa Department of Human Services:** 800-362-217

When reporting suspected child abuse, oral and written reports should contain the following information, if it is known:

- The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care;
- The child's present whereabouts;
- The child's age;
- The allegation of child abuse, including the nature and extent of the child's injuries and any evidence of previous injuries;

- The name, age, and condition of other children in the same household.
- Any other information that may be helpful in establishing the cause of the abuse or neglect to the child.
- The identity of the person or persons responsible for the abuse or neglect to the child.
- The name and address of the person making the report.

If a staff or faculty member believes 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 or Title IX Coordinator.

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 applicable to all persons under the age of 18. It is the responsibility of all staff and faculty and any students working with minors 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 staff and faculty involved in responding to, investigating, or resolving a report of Prohibited Behavior 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

comprehensive [Conflict of Interest Policy](#). The Policy is also intended to address conflicts that arise when a College staff or faculty member's personal interests or relationships conflict with their ability 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, and it does not tolerate discrimination or harassment on the basis of sex or gender. The College complies with [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.

Under Title IX, sexual discrimination includes sexual and gender-based harassment and violence. 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 Behavior in order to eliminate the behavior, prevent its recurrence, and address its effects on any individual or the community. As appropriate, the College's responses may include supportive measures and remedies (Supportive Measures/Remedial Resolution), educational interventions or community remedies (Voluntary Resolution), and investigation adjudication and disciplinary or corrective action (Disciplinary Resolution).

Conduct that violates Title IX may also constitute a crime under local, state, or federal laws. While the College will address Prohibited Behavior as part of its obligations under Title IX, Complainants always have the option to report Prohibited Behavior 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 College has designated a Title IX Coordinator to oversee the implementation of this policy and to ensure compliance with Title IX, Title VII, and, in conjunction with the Coordinator of Clery Compliance, the Clery Act and other applicable laws.

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). The College's Title IX Coordinator is

Bailey Asberry, Title IX Coordinator

Nollen House
1121 Park St.
Grinnell, IA 50112
641-269-4999
titleix@grinnell.edu

The Title IX Coordinator oversees the College's centralized review, investigation, and resolution of reports of Prohibited Behavior. The Title IX Coordinator is:

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

C. Role of the Title IX Deputies

The College has identified Deputy Title IX Coordinators who are available to offer assistance and answer questions about the policy, conduct process, prevention

and education, athletics, and confidential and non-confidential resources. The College's Deputy Title IX Coordinators are:

Mary Greiner, Assistant Vice President for Human Resources
Deputy Title IX Coordinator and Senior Official for Staff Conduct
641-269-4818 | greinerm@grinnell.edu
Old Glove Factory 734 Broad St.

Jen Jacobsen '95, Assistant Dean for Health and Wellness
Deputy Title IX Coordinator for Sexual Respect
641-269-3704 | jacobsen@grinnell.edu
Bear Center Office F201

Ben Newhouse, Dean of Students
Deputy Title IX Coordinator and Senior Official for Student Conduct
641-269-3713 | newhouse@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 and Chaplain
Deputy Title IX Coordinator for Confidential Response and Support
641-269-4981 | shorb@grinnell.edu
CRSSJ 913 8th Ave.

D. The Title IX Response Team

The Title IX Coordinator is supported by a multidisciplinary Title IX team that includes the College's Deputy Title IX Coordinators, the Dean of Students, the Dean of the College, the Assistant Vice President of Human Resources, the Director of Campus Safety, the Coordinator of Clery Compliance, and others as necessary. The members of the multidisciplinary team may vary depending on the roles of the Complainant and Respondent, but will be narrowly comprised to best safeguard the privacy of the individuals involved.

To foster a productive and supportive learning, living, and working environment, the College encourages all community members to report Prohibited Behavior. Although a report may come in through many sources, the College is committed

to ensuring that all reports are referred promptly to the Title IX Coordinator. This centralized reporting structure ensures that impacted parties receive timely information about available resources and reporting options. It also allows the College to take immediate and appropriate steps to address reports in a prompt and equitable manner and ensure that all individuals have equal and consistent access to policy.

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](#)) (or OCR@ed.gov or 800-421-3481). Concerns about the College's application the Clery Act may be addressed to the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov). Concerns about the College's application of Title VII or Title IX in the employment context may be referred to the Equal Employment Opportunity Commission (at info@eEOC.gov or 800-669-4000). Questions about violations of Iowa statutes can be directed to [The Iowa Civil Rights Commission](#).

E. Sexual Assault Response Team (Poweshiek County)

Grinnell College participates in a countywide sexual assault response team every quarter (or more frequently as needed) to develop and share effective practices in supporting and responding to sexual misconduct cases. The team is comprised of representatives from:

- [Crisis Center/Women's Shelter](#)
- [Crisis Intervention Services](#)
- [Grinnell Police Department](#)
- [Poweshiek County Sherriff's Office](#)
- [Grinnell-Newburg Community Schools](#)
- [UnityPoint Grinnell Regional Medical Center](#)
- [Grinnell College: Title IX, Campus Safety, Student Health and Counseling Services](#)
- [Department of Human Services](#)
- [Iowa Valley Community College](#)

V. Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of Prohibited Behavior. 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 reported conduct.

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 who “need to know” in order to assist in the review, investigation, or resolution of the report. Moreover, anyone who is involved in the College’s Title IX response, including outside adjudicators, receives 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 is governed 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 Wellness (SHAW), the Chaplain, Rabbi, and Grinnell Advocates (student advocates) on campus. Students, staff, and faculty may also speak with the on-campus Ombuds, who is a college-designated confidential resource. Staff and faculty may also access confidential assistance through the [Employee and Family Resources Program](#). Confidential resources 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. Staff/Faculty/Student Leader Reporting and Referral Responsibilities

Grinnell is deeply committed to responding promptly, compassionately, and equitably to reports of Prohibited Behavior. To meet these goals, with the exception of designated confidential resources, staff and faculty members and designated student leaders are **required** to share disclosures of Prohibited Behavior with the Title IX Coordinator. Examples of student leaders 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/Tutors, Student Health and Information Center (SHIC), All Campus Events Student Safety (ACCESS), Multicultural Leadership Council (MLC) leadership, Student Athlete Mentors (SAMs), Athletic

Team Captains, Prospective Student Host Coordinators, and Language Assistants.

As set forth in the Section titled “Complainant Agency and Autonomy” below, the College will balance a Complainant’s request for a particular course of action with its obligation to provide a safe and non-discriminatory environment for all Grinnell College community members.

1. Research Exemption to Employee Reporting Responsibilities

A narrowly-defined exception to the above reporting responsibilities exists for specific types of research regarding Prohibited Behavior. Prohibited Behavior includes, but is not limited to sexual and gender-based harassment, sexual assault, intimate partner violence, sexual exploitation, and stalking.

The College recognizes that reporting obligations could negatively impact the ability of researchers to gather information about and effectively study sexual misconduct and other forms of interpersonal violence. There are systems in place to protect participants of studies. For example, all researchers must conduct their research in accordance with the requirement of Grinnell’s [Institutional Review Board](#) (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

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

- Research must be IRB approved.
- The exemption only applies when the staff/faculty/student 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.
- The researcher must have IRB-approved, trauma-informed training to support those who have been impacted by sexual misconduct or other interpersonal violence.

- Consent to participate in the study must explicitly outline the difference in reporting responsibilities for a researcher vs. staff/faculty/student leader reporting responsibilities.
- Participants must be given information about confidential resources and reporting options, both on and off-campus, as well as information about the Title IX office and the College's Title IX policy.

This research exemption does not apply to the following:

- Does not apply to student participants under the age of 18.
- Does not apply to student participants over 18 who disclose suspected child abuse involving a minor.
- Does not apply to instances of suspected child abuse or neglect as defined in Iowa Code. (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

Grinnell College complies with the [Jeanne 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 (Campus Security Authorities) of the College. Consistent with the Clery Act, if a report of sexual assault, dating violence, domestic violence, stalking or another Clery crime indicates 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 the name or identifying information about the Complainant. The College will also share non-identifying information about reports 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.

The College releases an annual Title IX report, which includes aggregated information about referrals and outcomes. There are important distinctions about the manner in which Clery data and Title IX data are collected which account for differences in publicly available data. Title IX reports data on the college fiscal/academic year (July 1 to June 30) and includes all referrals and reports, regardless of geography, while Clery reports on a calendar year (January 1 to December 31) and includes only crimes that occur on or near the College's designated Clery geography. The scope of conduct is typically broader under

Title IX, as it is not limited to Clery geography and includes other forms of conduct prohibited by Title IX. The Title IX office works closely with the College's Clery Compliance Coordinator to ensure that all incidents are appropriately classified and documented.

In some instances, the College is required to notify the National Science Foundation and other grant or fund awarding institutions, as appropriate, of any active investigation or findings of responsibility involving a Principal or Co-Principal Investigator employed by the College.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, Violence Against Women Reauthorization Act of 2013 (VAWA), Iowa law, and College policy. No information will be released from such proceedings except as required or permitted by law and College policy.

VI. Prohibited Behavior

The College prohibits all forms of sexual and gender-based harassment, sexual misconduct, intimate partner violence (including dating violence and domestic violence), sexual exploitation, stalking 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 specifically defined terms for the purposes of establishing whether a policy violation has been committed.

Examples of behavior that may constitute Prohibited Behavior can be found on the College's [Sexual Respect](#) website. An individual who is uncertain about whether their experience may be in violation of one of the definitions below should consult with the Title IX Coordinator or a confidential resource. 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 behavior reported.

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 and/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 may 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/or third parties who witness or observe harassment.

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 without that individual's consent or allowing another to observe, record, or photograph consensual sexual activity without the knowledge and consent of all parties involved under circumstances 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;
- Knowingly 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

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 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/abuse
- 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.

Other forms of Prohibited Behavior, including sexual and gender-based harassment, sexual assault, sexual exploitation, stalking and retaliation may constitute intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other relationship of a romantic or intimate nature with the Complainant. The College will not tolerate intimate partner violence in any form.

E. Stalking

Stalking is a course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person (under similar circumstances and with similar identities to the Complainant) to feel fear, to experience substantial emotional distress, or to fear for their safety or the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, others, or property; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking also includes cyber-stalking through electronic means, including social media, text or iMessage communications, email, cell phones, online contact or other forms of similar contact.

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 telephone calls, emails, instant messages, texts, posts, and messages, etc.;
- 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 or group for making a good faith report of Prohibited Behavior 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 Behavior. 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 Behavior.

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 automatically constitute consent to engage in other 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 and may result in a finding that consent was not present. 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 cannot be assumed to be giving consent.
- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both parties should stop, decide whether to

continue, 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 valid if it results from the use or threat of force, intimidation, or coercion, or any other factor that would overcome or remove an individual's ability to exercise their own free will to choose whether or not to have sexual contact.
- An individual who is incapacitated from alcohol and/or other drug consumption (voluntarily or involuntarily), or is unconscious, asleep, unaware that sexual activity is occurring, 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 indications 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. However, 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. A person violates this policy if they engage in sexual activity with someone they know or reasonably should know is incapacitated.

Incapacitation is the inability, temporarily or permanently, to give consent, because an individual is mentally and/or physically helpless, asleep, unconscious, or otherwise 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 at the time of the sexual contact. This may be demonstrated if an individual is unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction.

A person is not incapacitated merely because they have consumed alcohol or other drugs. When alcohol or other drugs are involved, incapacitation is a state of impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. Because alcohol and other drugs impact each individual differently, determining whether an individual is incapacitated requires an individualized assessment. The College does not expect community members to be medical experts in assessing incapacitation. In evaluating whether a person has the capacity to consent, individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness or emotional volatility.

An individual's level of intoxication may change over a period of time based on a variety of factors, including the amount and type of substance, speed of intake, body mass and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent throughout the duration of the sexual contact.

In evaluating consent in cases of reported incapacitation, the College asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of

circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is “yes,” there was no consent; and the conduct is likely a violation of this policy.

The perspective of a reasonable person will be the basis for determining whether a Respondent knew or 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.

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 ability, awareness of the consequences, and capacity 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. Regardless of their level of intoxication or impairment, however, a Complainant is never responsible for the intentional actions of another individual. 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 important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish incapacitation, a Complainant’s level of impairment may still be a relevant factor in establishing whether consent was sought and freely given.

A Respondent’s voluntary intoxication is never an excuse for or a defense to Prohibited Behavior, and it does not diminish one’s responsibility to determine that the other person has given consent.

VIII. Prohibited Relationships by Persons in Authority

The College prohibits sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other non-student College employees. Faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students or who have actual or apparent authority over students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates.

Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and they can compromise the integrity of the educational process. The unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with his/her employment or education at the college. Sexual harassment occurs when an individual exploits the authority given to them by the College or otherwise compromises the boundary between personal and professional roles. Although a relationship between individuals of unequal position may not necessarily constitute sexual harassment, this policy seeks to minimize the risk of such.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, may raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment. Because of the differential in power and authority, the freedom of subordinate students and employees to reject romantic sexual advances may be restricted. Even if a student or subordinate does not appear to object to participation in the relationship, this does not mean that the individual welcomes, or will continue to welcome, the relationship. When a relationship of this nature ends, an individual's frame of reference for whether or not the relationship was originally welcomed may change. Moreover, even when such relationships do not lead to harassment, they can have the appearance of impropriety and undermine the teaching and learning environment for all students and campus community members. For example, the objectivity of evaluations which occur in making recommendations or assigning grades, honors, and fellowships may be called into question when a faculty member involved in those functions has or has had a sexual relationship with a student. Similarly, these relationships may impact third parties based on perceived or actual favoritism or preferential treatment based on the relationship.

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.

Any individual with questions about this policy is encouraged to talk with the Title IX Coordinator.

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 Behavior, 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 Behavior to both local law enforcement and the College. For individuals who are not prepared to self-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 there is no statutory privilege protecting communications made to the Ombuds. 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

Dean of Religious Life and Chaplain, Deanna Shorb

shorb@grinnell.edu

641-269-4981

913 8th Ave, Grinnell, IA 50112

Director of Student Health & Wellness, Deb Shill

shilldeb@grinnell.edu

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

As noted above, the Ombuds will maintain confidentiality within the context of the College; however, communications to the Ombuds may be required to be released by court order or subpoena.

Grinnell College Campus Student Advocates

641-260-1615 (24 hrs text or call) (chat option available on GrinnellShare)

Grinnell Advocates are students trained and certified in advocacy for victim/survivors of sexual assault and intimate partner violence. To contact a Grinnell Advocate, call or text the number above or call Campus Safety (641-269-4600) 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.

Employee and Family Resources

800-327-4692 (24 hrs)

The EFR Counseling Program aims to provide easily accessible and high quality counseling services to individuals (youth and adult) and families in a safe and confidential setting to address issues of depression, anxiety, addiction, family or marital conflict, and/or other concerns that impact daily functioning and quality of life for all members of our community.

Off-Campus Confidential Resources

UnityPoint Grinnell Regional Medical Center

641-236-2380 Emergency Room

- HIV/AIDS and Sexually Transmitted Infections (STI) testing
- Medical exam
- Sexual assault exam (SANE Nurses are available on call)
- Morning after pregnancy prevention

These exams do not obligate the complainant to file criminal charges; evidence is stored by the [police](#) to preserve the chain of evidence. There is **no charge** or fee for medical services provided for victims of sexual assault.

[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 \(ARCh\)](#)

Hours are varied – see website for details

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. The staff members listed below are trained as resources to individuals affected by Prohibited Behavior and will collaborate 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 process.

Each of the campus resources below are required to refer disclosures about Prohibited Behavior to the Title IX Coordinator.

| |
|---|
| <p>Title IX Coordinator, Bailey Asberry titleix@grinnell.edu 641-269-4999 Nollen House, 1121 Park Street, Grinnell, IA 50112</p> |
| <p>Dean of the College and Senior Official for Faculty Conduct, Anne Harris harrisanne@grinnell.edu 641-269-3100 Nollen House, 1121 Park Street, Grinnell, IA 50112</p> |
| <p>Assistant Vice President of Human Resources and Senior Official for Staff Conduct, Mary Greiner greinerm@grinnell.edu 641-269-4818 Old Glove Factory, Grinnell, IA 50112</p> |
| <p>Dean of Students and Senior Official for Student Conduct, Ben Newhouse newhouse@grinnell.edu 641-269-3702 310-G Joe Rosenfield '25 Center, Grinnell, IA 50112</p> |
| <p>Campus Resources: 24 Hours a day/7 days a week</p> |
| <p>Campus Safety 641-269-4600 (24 hours) Campus Safety Office, 1432 East Street, Grinnell, IA 50112</p> |
| <p>On-Call Student Affairs Residence Life Coordinator (via Campus Safety) 641-269-4600</p> |
| <p>Grinnell-in-London Campus Resources</p> |
| <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

Kate Patch (located at Grinnell Campus)
Senior Director of Global Initiatives
1226 Park Street
HSSC, North Wing, 1st Floor
OFFICE: 641-269-4740
MOBILE: 517-610-3431
patchkat@grinnell.edu

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 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
641-236-2670 or 911

National Domestic Violence Hotline
1-800-799-SAFE (7233)

| Other Community Resources |
|--|
| <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 meeting or 1-800-735-2943 (VOICE)</p> |
| <p><u>Crime Victim Compensation Program</u> 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>The program helps victims with certain out-of-pocket expenses related to injuries from violent crime. It is funded entirely by fines and penalties paid by criminals (not by taxpayers).</p> |
| <p><u>Iowa Coalition Against Sexual Assault</u> 515-244-7424</p> |
| <p><u>Iowa Coalition Against Domestic Violence</u> 1-800-770-1650 or text "iowahelp" to 20121</p> |

X. Reporting and Community Responsibility

The College is committed to providing a variety of accessible ways for community members to voice concerns about and report instances of Prohibited Behavior.

The College recognizes that the decision whether or not to report 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 whether or not they make the decision to make a report. 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 a fair and impartial evaluation and resolution. As outlined in the Resources section of this policy and at grinnell.edu/sexualrespect, there are confidential resources on campus and in the community available to individuals who choose not to make a report to the College.

Reporting is the best way for the community to ensure that impacted individuals receive resources and support and understand the available resolution options under this policy. 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 Behavior. 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 to request any particular course of action, including disciplinary 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 agency and 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 participate in decisions about how best to proceed (including choosing to not name 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 supportive 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 resolution options. An individual also has the right to decline to notify law enforcement.

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 (641-236-2670) 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 Wellness (SHAW) 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 Wellness staff. SHAW staff are a confidential resource.

An individual can also contact a Student Health and Wellness nurse (during business hours) and/or the UnityPoint Grinnell Regional Medical Center (24 hours/day). A medical provider at UnityPoint 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 of their choice to accompany them 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 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 and/or criminal action.

| |
|--|
| Emergency Response |
| 911 Grinnell Police Department 641-236-2670 |
| Health and Safety |
| Student Health and Wellness 641-269-3230 Available during regular office hours during academic year Monday-Friday 8am to 5pm |
| Need to Talk? 641-269-4404 (24hr counseling hotline) |
| Grinnell Regional Medical Center 641-236-7511 Receptionist 641-236-2380 Emergency Room (ER) (24hrs) |

B. Campus Reporting Options

The College recognizes that an individual who has experienced a form of Prohibited Behavior may choose to report to any trusted staff member, faculty member, or student leader of the College. For example, a student may choose to disclose to a Residence Life Coordinator, a faculty member, a mentor, or a coach, all of whom are considered “responsible employees” who must refer the information to the Title IX Coordinator under this policy. Similarly, a staff or faculty member may choose to disclose to a supervisor, also considered a

“responsible employee.” Under this policy, with the exception of Confidential Resources, any staff, faculty, or student leader who receives a report of Prohibited Behavior must promptly share the report with the Title IX Coordinator. The Title IX Coordinator is specifically charged with coordinating outreach to the Complainant, conducting an initial assessment and responding to a report of Prohibited Behavior through a variety of potential resolution options designed to eliminate the behavior, 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 a college official including the Title IX Coordinator, Director of Campus Safety, Dean of the College, Assistant Vice President of Human Resources, or Dean of Students.

C. Anonymous Reporting

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

Anonymous reports can be made by telephone at 855-667-1753 or online at <http://grinnell.ethicspoint.com>. All Title IX related 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 Behavior as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not limit the timeframe for reporting. If the Respondent is not or is no longer a student or staff or faculty member, the College will still seek to meet its Title IX obligations by providing reasonably appropriate supportive measures, assisting the Complainant in identifying

external reporting options, and taking reasonably available steps to end the conduct, prevent its recurrence, and address its effects.

An incident does not have to occur on campus for it to be reported to the College. Off-campus conduct that occurs in the context of a College program or activity or is likely to have ongoing adverse effects on campus or in the context of a College program or activity, or pose a threat of danger to any member of the Grinnell College community, may also be addressed under this policy if there is a sufficient nexus to the College's Title IX jurisdiction and authority.

The College recognizes that some forms of Prohibited Behavior involve interactions between persons that are not witnessed by others, and therefore, a person's account of what occurred cannot always be substantiated by additional evidence. A Complainant's belief that there may be a lack of corroborating evidence or "proof" should not discourage them from reporting Prohibited Behavior under this policy. College investigators receive specific training in the dynamics of sexual misconduct and the investigation of Prohibited Behavior and understand that an individual's account, standing alone, may be sufficient to establish a policy violation.

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 Behavior 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 them in making such a report and will cooperate with law enforcement agencies to the extent permitted by law. Except where the Complainant is 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 Behavior 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 Behavior. Sometimes, students are hesitant to report to College officials or offer assistance to other students because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. 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 Behavior 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 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 (without putting themselves in harm's way) to prevent or stop an act of Prohibited Behavior. 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 a faculty member, coach, dean, or campus safety officer.

H. Obligation to Provide Truthful Information

All College community members are expected to provide truthful information in any report or proceeding under this policy. Knowingly 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 Behavior is prohibited and subject to disciplinary action. 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, 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 and Policy for the Protection of Minors](#) are described in section III.

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

The Title IX Coordinator, working with the Title IX team, as appropriate, will ensure that the College responds to all reports in a timely, effective, and consistent manner that treats all parties with dignity and respect. 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. The College is committed to creating a culture of respect and accountability, and will provide reasonably available protective and supportive measures to support the individuals involved and protect the College community.

The Title IX team may include 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, Dean of the College, and other designees as appropriate.

Generally speaking, the initial assessment and subsequent [resolution process](#) are overseen by an administrator designated as the Senior Official:

- For reports against a **student**¹, 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**.

¹ Language Assistants are considered students by Grinnell College when participating as Respondents in a conduct process under this policy.

- 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. Through the initial assessment, the College will consider the nature of the report; the Complainant's expressed preference for resolution, and the appropriateness of various resolution options under the policy. While the College will seek to understand the Complainant's preferred resolution, there is no burden on the Complainant to affirmatively seek one form of resolution over another. To the contrary, under Title IX, it is always the College's responsibility to determine the appropriate course of action to foster a community free from discrimination and harassment.

A. Initial Assessment

In response to a report of Prohibited Behavior, 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 the imposition of reasonably available Interim Supportive and Protective 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 Coordinator and members of the response team, as appropriate, will:

- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge about the incident;
- Address immediate physical safety and emotional well-being of the Complainant and other impacted individuals;
- 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;
- Refer the report to the Clery Compliance Coordinator and/or Campus Safety to enter the report into the College's daily crime log if required by the Clery Act;

- With the Clery Compliance Coordinator and/or Campus Safety, 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 Supportive Measures available regardless of whether or not they choose to participate in a College or law enforcement investigation;
- Notify the Complainant of the range of Protective Measures available if the College pursues an investigation;
- Provide the Complainant with a copy of this policy and an explanation of the range of resolution options;
- Explain the role of and offer an advisor, advocate, or support person;
- Assess for any pattern of behavior by Respondent;
- Discuss the Complainant's expressed preference for manner of resolution, level of participation, 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 Title IX Coordinator, in consultation with the Senior Official, 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.

If the reported information would not support a policy violation, accepting all reported information as true, the College may decline to pursue an investigation.

The Senior Official or Title IX Coordinator will communicate the manner of resolution to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may also 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 Voluntary Resolution.

The initial assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The College will seek to complete the initial assessment within 10 business days, but recognizes that there may be circumstances in which the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the College's control. The College understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

B. Complainant Agency and Autonomy

In all cases, Complainants who come forward will be afforded support, resources, and remedies, including Interim Supportive Measures, whether or not they choose to pursue campus conduct charges. The College understands that some Complainants may choose to seek support resources without pursuing conduct (corrective) action.

In the course of the Title IX assessment, College officials, to the best of their ability, will consider the stated interests of the Complainant and their expressed preference for manner of resolution. Where possible, and as appropriate based on 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 obligation to provide a safe and non-discriminatory environment for all College community members and ensure 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 Behavior against the Respondent;
- Whether the circumstances suggest there is a risk of the Respondent committing additional acts of Prohibited Behavior;
- 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 Behavior or other violence against the Complainant or others;
- Whether the Prohibited Behavior was committed by multiple individuals;
- Whether the Prohibited Behavior 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);
- The College's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

After considering the available information and risk factors outlined above, the Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy.

Where the Title IX Coordinator determines that a Complainant's request(s) can be honored, the College will determine what other steps may be reasonable and appropriate to prevent its recurrence and limit or remedy the effects of the reported conduct on the Complainant and the College community. Those steps may include offering appropriate support measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. This is typically referred to as Supportive Measures/Remedial Resolution.

Where the Title IX Coordinator determines that the College must proceed with an investigation despite the Complainant's request to the contrary, the Title IX Coordinator will notify the Complainant that the College intends to initiate an investigation. This is referred to as Disciplinary Resolution. The Complainant will be encouraged, but not required, to participate in the investigation. Without the participation of the Complainant, however, the College's ability to investigate and respond fully to a report may be limited. The College will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence.

Where a decision has been made not to pursue an investigation, the Title IX Coordinator may subsequently re-open a report if new or additional information becomes available, and/or if the Complainant later decides that they would like a Disciplinary Resolution to occur.

C. Interim Supportive Measures

Upon receipt of a report of Prohibited Behavior, the College will offer and provide reasonable and appropriate Interim Measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader College community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. Interim measures may be **supportive** (designed to address the well-being of the parties and to provide continued access to educational and employment opportunities) or **protective** (involving a restrictive action against a Respondent).

Interim Supportive Measures are available regardless of whether the Complainant chooses to pursue any action under this policy. Interim Supportive Measures are available to the Complainant, Respondent, and as appropriate, witnesses or other impacted individuals. The Title IX Coordinator will maintain consistent contact with the parties to ensure that safety and emotional and physical well-being concerns are being addressed. Generally, Interim Supportive Measures are meant to be short-term in nature and will be re-evaluated on a periodic basis. To the extent there is a continuing need for supportive measures after the conclusion of the resolution process, the Title IX Coordinator will work with appropriate College resources, including the Disability Resources Office, to provide continued assistance to impacted parties.

Interim Supportive Measures may include:

- Facilitating access to medical and counseling services and assistance in setting up initial appointment, either on or off-campus.
- Guidance in obtaining a sexual assault forensic examination.
- Facilitating a meeting with law enforcement to discuss safety planning and law enforcement options

- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support services.
- Assistance in requesting long-term academic accommodations through Accessibility and Disability Services if the individual qualifies as an individual with a disability.
- Coordinating a change in class schedule or transferring sections, including the ability to drop a course without penalty.
- Coordinating alternative course completion options.
- Allow either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section.
- Voluntary changes in the Complainant's or Respondent's College work schedule or job assignment.
- Change in campus housing.
- Assistance navigating off campus housing concerns.
- Assistance in completing residence relocation.
- Escort and other safety planning steps.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more people.
- Voluntary leave of absence.
- Referral to resources to assist in obtaining a civil protective order.
- Referral to resources to assist with financial aid, visa or immigration concerns.
- Any other reasonably supportive measure that does not interfere with either party's access to education and that serves the goals of this policy.

Interim Protective Measures, in contrast, are only available when the College initiates an investigation as part of a disciplinary resolution, with the exception of mutual no contact orders. Interim Protective Measures may be imposed when the College has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.

Interim Protective Measures may include:

- Imposition of a mutual "no contact order" prohibiting certain individuals from having contact or communications with other individuals.
- Change in the Respondent's class schedule.

- Change in the Respondent's College work schedule or job assignment.
- Change in the Respondent's campus housing.
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter
- An interim restriction on residence hall access pending the outcome of a conduct proceeding
- The Respondent's prohibition from participating in student activities or representing the College in any capacity, such as playing on an official College team, serving in student government, performing in a College musical ensemble or production, participating in a recognized student organization, or participating in academic honor ceremonies.
- An interim suspension, ban, or paid/unpaid leave pending the outcome of a conduct proceeding
- Campus No-Trespass Order
- Any other protective measure that serves the goals of this policy.

Interim protective and supportive 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. The availability of supportive and protective measures will be determined by the specific circumstances of each report and Supportive Measures will be tailored to avoid depriving all parties of their access to education. The College will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the reported conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The College will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

The College will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the College.

The Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the College's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based on all available information

and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures. The College will maintain the privacy of any supportive and protective measures provided under this policy to the extent practicable and will promptly address any violation of an Interim Protective Measure.

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or Campus Safety immediately. The College will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a College-imposed Interim Protective Measure.

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

Where the report of Prohibited Behavior 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 group on Interim Suspension or Interim Ban pending the outcome of a conduct proceeding. This means that, pending resolution of the complaint, the individual or group 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 supportive 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.

XII. Resolution Options

In general, there are three categories of resolution under this policy:

- **Supportive Measures/Remedial Resolution**

In some instances, as outlined above, a Complainant may seek supportive measures only. This form of resolution will typically occur when the Complainant requests anonymity or that no investigation be pursued and the College determines it can assent to this request; when the College does not have disciplinary authority over the Respondent; or when the identity of the Respondent, after reasonable inquiry or investigation, is unknown. This form of resolution is not designed to be a final resolution, but rather, to meet the needs of

the Complainant at the time of the initial report. The Complainant may later request or the College may initiate another form of resolution, including Voluntary Resolution or Disciplinary Resolution. In other instances, no further action on the report will occur and the Remedial Resolution will serve as the final resolution.

- **Voluntary Resolution**

As described in greater detail below, Voluntary Resolution is an alternative form of resolution that does not involve disciplinary action against a Respondent. Voluntary Resolution may involve educational interventions, facilitated interactions between the parties, or resolutions by agreement between the parties. Voluntary Resolution can encompass a variety of actions, but does not typically involve disciplinary action against a Respondent. In some instances, Voluntary Resolution may constitute a final resolution; in other instances, the College may subsequently pursue an Investigation and Disciplinary Resolution.

- **Disciplinary Resolution**

Disciplinary resolution involves a prompt and equitable investigation; an adjudication process to determine if there has been a policy violation and, if so, the imposition of sanctions through conduct (corrective) action. Disciplinary Resolution also includes a process for appealing the outcome.

The determination as to which form of resolution is most appropriate will be made by the Senior Official, in consultation with the Title IX Coordinator (and others, as needed). There is no burden on the Complainant to affirmatively seek one form of resolution over another. To the contrary, under Title IX, it is always the College's responsibility to determine the appropriate course of action to foster a community free from discrimination and harassment.

A. Time Frame for Resolution

The College will make a good faith effort to resolve all reports of Prohibited Behavior in a reasonable and timely manner, typically within 60 to 90 days of the initial report. The policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process. Consistent with the intent to conduct sensitive and informed fact-gathering to ensure an equitable resolution.; the College may extend any timeframe in this policy for good cause. The length of any particular resolution will vary depending on factors such as the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the volume of the investigative record, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

While requests for delays by the parties may be considered, the College cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties will serve to extend the time period for resolution of the report. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. The College will notify the parties in writing of any extension of any timeframe for good cause, the reason for the extension, and the length of the extension. In addition, Complainant(s) and Respondent(s) can expect to receive timely updates as to the status of the review or investigation.

B. Support Person (Advisor)

Regardless of the manner of resolution, both parties have the opportunity to have a support person (advisor) present at any and all meetings or meetings.

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 (advisor) is a nonparticipating supporter at any meeting or meeting 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. A party may change their support person (advisor) at any point during the process. A support person (advisor) may be required to meet with the Title IX Coordinator or Senior Official in advance to understand the parameters of their role, privacy restrictions under FERPA, and the provisions of this policy. 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.

C. Voluntary Resolution

Voluntary Resolution is an alternative form of resolution that typically does not involve disciplinary action against a Respondent. The term Voluntary Resolution is used to capture a variety of alternative actions that may be taken by the College to eliminate Prohibited Behavior, prevent its recurrence and address its effects. Where the Title IX Coordinator concludes that Voluntary Resolution may be appropriate, the College will take prompt 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 ameliorate the potential impacts of a hostile environment. Participation in Voluntary Resolution by the parties is, by definition, voluntary,

and both parties must agree to the specific form of Voluntary Resolution. Either party can request to end Voluntary Resolution at any time prior to a final resolution and pursue an investigation or conduct (corrective) action at any time.

In some instances, Voluntary Resolution may constitute a final resolution; in other instances, the College may subsequently pursue an Investigation and Disciplinary Resolution. The Complainant, Response, and College must agree to and sign a written Voluntary Resolution Agreement within five (5) business days of the final review of the agreement.

Voluntary Resolution may involve educational interventions, facilitated interactions between the parties, or resolutions by agreement between the parties. Any form of Voluntary Resolution and any combination of interventions and remedies may be utilized. Potential remedies include targeted or broad-based educational programming, training or interventions; supported direct or facilitated conversation or interaction with the Respondent; and/or indirect action by the Title IX Coordinator. The College will not compel a Complainant to engage in mediation, to confront the Respondent directly, or to participate in any particular form of Voluntary Resolution. The decision to pursue Voluntary Resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time.

The form of Voluntary Resolution may vary from case to case. Although the form of Voluntary Resolution will be tailored to meet the needs of the parties and is not limited to the approaches discussed below, there are three forms of Voluntary Resolution that have been commonly requested and implemented in response to reports under this policy:

1. **Direct Approach by Complainant:** After a discussion with the Title IX Coordinator, Senior Official, or other official designated by the College, a Complainant may choose to contact a Respondent directly. If a Complainant does not wish to engage in direct dialogue, the Complainant may choose to write a letter or create a video to be provided to the Respondent. A Complainant may choose to use a direct approach to inform the Respondent that the conduct is unwelcome, to request that the Respondent change their behavior, or to share the impact of the Respondent's behavior on the Complainant or others so that the Respondent may better understand the harms caused by their actions.
2. **Third Party Facilitation:** The Senior Official, Title IX Coordinator, or another trained and experienced individual designated by the College may facilitate a conversation or conduct shuttle mediation between the Complainant and the Respondent. 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 interventions, or the implementation of supportive measures for the Complainant. Where the matter is resolved through third party facilitation, the Senior Official, Title IX Coordinator, or their designees will conduct a periodic review and individually follow-up with the parties to assure that the resolution has been implemented effectively.

- 3. Indirect Action by the Senior Official:** The Complainant may choose an indirect approach which is intended to alter and stop the Respondent's behavior without requiring the Complainant to participate in the resolution. The Complainant may 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/conversations designed to address the behavior 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 behavior, prevent its recurrence and address its effects.

In limited circumstances, Voluntary Resolution may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this Policy and accept an agreed upon sanction.

If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if either party fails to comply with the terms of the Voluntary Resolution, the matter may be referred for an Investigation and Disciplinary Resolution. Where the Complainant or the Respondent withdraws from Voluntary Resolution or Voluntary Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of Voluntary Resolution may be considered in a subsequent investigation and Disciplinary Resolution. Similarly, the underlying facts gathered, regardless of whether the Voluntary Resolution is considered a final resolution, may be relevant to a subsequent investigation.

The Title IX Coordinator will maintain records of all reports and conduct referred for Voluntary Resolution, which will typically be complete within 60-90 business days of the initial report.

C. Disciplinary Resolution: Investigation

1. Decision to Initiate Investigation

The College will pursue an investigation and Disciplinary Resolution pursuant to a Complainant's request, where the College determines that an investigation is warranted based on the initial assessment, or in some instances, where Voluntary Resolution was unsuccessful.

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: (1) the names of the Complainant and the Respondent; (2) the date, time (if known), location, and a detailed summary of the nature of the reported conduct; (3) the policy violation(s) at issue; (4) the name of the Investigator; (5) information about the parties' participation in the process; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the Investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy, (10) a presumption of non-responsibility. If the investigation reveals the existence of additional or different potential violations of this policy, the Investigator will issue a supplemental notice of investigation.

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

3. Presumption of Non-Responsibility

The Respondent is presumed to be not responsible throughout the process until, and if, a preponderance of the evidence supports a finding that the Respondent violated the Policy.

4. Overview of Investigation

Where the College initiates Disciplinary Resolution, the Title IX Coordinator (or designee) will appoint a trained investigator or investigators to conduct a prompt, equitable, thorough, and impartial investigation of reports of Prohibited Behavior. The investigator may be a College employee or an external investigator engaged to assist the College in conducting an investigation. The investigator(s) 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, Respondent, and the College campus community, and impose remedies as necessary to address the effects of the reported conduct.

It is the responsibility of the College, not the parties, to gather relevant evidence. The investigator(s) will conduct a fair and reliable fact gathering in light of the circumstances of the report. The investigator(s) 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; and preparing a written report documenting the complete investigation.

The Complainant and Respondent will have an equal opportunity to prepare, be heard, to submit information, to ask and respond to questions of the other party through the investigator and adjudicator, and to identify witnesses who may have relevant information. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. 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(s) 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 typically be called to meet with the adjudicator, although in some instances, their presence may be requested or required by the adjudicator.

The College expects all members of the Grinnell community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the College will seek to respect the choice of the Complainant or Respondent as to how to engage in proceedings under this policy. The College may, however, move forward with an investigation and disciplinary action without the participation of a

party or parties. In the event that a party declines to voluntarily provide material information or participate in the investigation or adjudication, the College's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

The College also recognizes that witnesses may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to conduct (corrective) action. Refusal to cooperate includes, but is not limited to, delaying or failing to acknowledge requests from College officials for information, delaying or failing to make oneself available for meetings with College officials or external investigators, and/or providing information to College officials or external investigators that the individual knows to be untruthful.

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the College will continue its process; and the College will issue any discipline or sanctions, as appropriate. The College will not draw any adverse inference from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

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(s). Any records provided by a party become part of the file and are available to review by the opposing party.

The prior sexual history of the Complainant or Respondent will never be used as evidence of character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this policy has occurred and will only be considered when a determination is made that the information is directly relevant to the investigation. 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, which may inform the determination of whether consent was sought and reasonably appeared to have been given during the incident in question. As outlined in the consent definition, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent and evidence

of prior sexual history may not be used to presume 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, to address motive or bias, or to address a material issue in the investigation.

In gathering information, the investigator(s) 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 knowledge, motive, intent, state of mind, preparation, absence of mistake, identity, pattern or another material fact. Evidence of prior or subsequent Prohibited Behavior by the Respondent, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant and probative to the determination of responsibility and/or assignment of a sanction for the Prohibited Behavior under investigation.

The Title IX Coordinator will assess whether proof of the other misconduct makes a material fact in the investigation more or less likely and whether use of this information would cause undue prejudice. With respect to pattern evidence, the determination of relevance will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Behavior.

Where a sufficient informational foundation exists for the inclusion of prior sexual history or other misconduct, the Title IX Coordinator will provide notice to both parties of the scope of any inclusion of prior or subsequent conduct in the investigative report. The parties will have a full and fair opportunity to respond to the information included in the investigative report.

The Senior Official, in consultation with the investigator(s) 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 that would regularly have been heard under the Conduct Processes section of the Student Handbook.

The investigator(s), 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(s) 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 gather facts that may help establish whether there is a reasonable basis for concluding 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 Behavior, prevent its recurrence, and address its effects.

At the conclusion of the investigation, the investigator(s) will prepare a preliminary written investigation report based on interviews with the Complainant and Respondent, witnesses, 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.

5. Review of Preliminary Investigation Report

Complainant(s) and Respondent(s) 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 all information that will be used during informal and formal disciplinary meetings and meetings. Complainant(s) and Respondent(s) can also review the materials in hard copy at a private office designated by the Senior Official. Complainant(s) and Respondent(s) may provide comments, propose questions for the investigator(s) to ask the other party, or identify additional witnesses or sources of evidence within 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, which will include any additional information or comments offered by the parties. As set forth below, the format and content of the final investigation report will vary based upon whether the Respondent is an employee or student.

Generally, where the Respondent is a student, the investigator(s) will not make any findings or determinations of responsibility in cases. In cases where the Respondent is an employee, the investigator(s) will make a finding, by a preponderance of the evidence, whether the Respondent is responsible for committing Prohibited Behavior in violation of this policy.

6. Acceptance of Responsibility

A Respondent may choose to accept responsibility for their behavior at any point during the investigation or thereafter. In the event that the Respondent admits responsibility for committing an act or acts of Prohibited Behavior, the Senior Official will determine whether further investigation is warranted. The Senior Official will issue a finding of responsibility and determine an appropriate sanction(s) pursuant to the sanctioning process below.

B. Disciplinary 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 (Assistant Vice President for Human Resources) 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, and the relationship of the Respondent to the College (e.g. staff, non-tenured faculty, tenured faculty, or employee subject to a collective bargaining agreement). 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.

Potential sanctions for faculty or staff members include: verbal or written warning, additional training, formal notation to personnel file, suspension with or without pay, and termination/dismissal for cause.

Any action taken against a faculty or staff member will be consistent with applicable employment contracts and faculty/ staff handbook. (See section D., below, for appeal process.)

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

If the Respondent is a student, the final investigation report will form the basis for 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 this policy and other [conduct standards](#).

1. Notification of Adjudication Meeting

As Senior Official, the Dean of Students (or designee) will contact the Complainant(s) and Respondent(s) (typically by e-mail) to schedule a meeting before the adjudicator. The Dean of Students will send each party an explanation of the process; provide the parties with the date, time, and place of the meeting; and the name of the adjudicator. The Dean of Students will also provide an opportunity to the parties to meet individually with the Dean of Students to ask questions about the process before the adjudication meeting occurs. If the Complainant and/or Respondent have elected to have a support person (advisor), they are encouraged to have their support person involved in this step.

In general, the adjudication meeting will be scheduled approximately one to two weeks after the Final Investigation Report is submitted to the parties for review. For good cause, this time frame may be extended by the Dean of Students, Title IX Coordinator, 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 Behavior 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 5 business days prior to the adjudication meeting.

4. Attendance at the Adjudication Meeting

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

The parties are not required to participate in person at the meeting in order for the meeting to proceed, but are strongly encouraged to participate. A Complainant or Respondent may request alternative options that do not require

physical proximity to the other party, including appearing in person at different times at the meeting or appearing via a remote electronic method. This request should be made no less than five (5) business days prior to the meeting.

5. Attendance at 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, support persons (advisors), the Dean of Students and the investigator(s). The Title IX Coordinator, designee, or College counsel may also be present. Absent compelling circumstances, it is not anticipated that witnesses will appear at the meeting, although the adjudicator may request that a witness appear at the meeting.

6. Adjudication Meeting Procedures

The adjudication meeting is not intended to be adversarial; rather, it is intended to provide fair and ample opportunity for each party to present information and ask questions; to enable the adjudicator to determine the facts of the case; to make a determination regarding the alleged violations of this policy, other College policies and Community Standards; and to recommend appropriate educational outcomes (sanctions), if necessary.

The adjudicator is required to review all pertinent information/evidence regarding the incident, including written statements, the investigation report, documents, items, and/or oral information from the Complainant(s), Respondent(s), and witnesses prior to the adjudication meeting(s).

The adjudication meeting is an opportunity for the parties to address the adjudicator in person about issues relevant to the determination of responsibility. As noted above, participation may be through a contemporaneous alternative method; there is no requirement that both parties be present in the same space. The meeting format will generally provide each party a separate room with their support person. At the meeting, the parties may address any information in the Final Investigation Report. Each party has the opportunity to be heard and to respond to any questions of the adjudicator. Each party may submit questions for the adjudicator to pose, as appropriate, to the other party or investigator.

Each adjudication meeting will begin with an explanation of the process. The adjudicator will then provide an opportunity to ask procedural questions prior to initial statements and the presentation of information. The adjudicator will confirm with each party that they have been given the opportunity to review and inspect all evidence presented thus far in the process. The adjudicator will also read the charge(s) against the respondent and ask them to respond “responsible” or “not responsible” for each of the charges.

A typical meeting may include brief opening remarks by the Complainant and Respondent, with follow-up questions posed by the adjudicator, narrative information presented by the parties or investigator deemed relevant by the adjudicator, with follow-up questions of the parties or witnesses by the parties and the adjudicator, and brief concluding remarks by the Complainant and Respondent. The Title IX Coordinator has the discretion to determine the specific meeting format.

The Complainant and Respondent will not be permitted to directly question one another, but will be allowed to submit questions to the adjudicator who will review the questions for appropriateness and relevance before posing the questions to the parties.

The Complainant may 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. 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. The Impact and Mitigation Statements will not be considered or viewed by the adjudicator prior to the reaching a determination as to whether there is sufficient information to support a finding of a policy violation.

The adjudicator has the discretion to request additional meetings with the parties, as appropriate, or require further investigation.

7. Recording of Proceedings

Adjudication proceedings are digitally audio-recorded. The digital audio recording is created for three limited purposes only: for review by the Complainant and Respondent, for reference by the adjudicator during deliberations, and for review by the appeals officer during an appeal. No other recordings of the proceedings are allowed, and no other access to the recordings is permitted. The College may delete the recording at any point following 7 years after the date the proceeding concludes.

8. Deliberation and Preponderance of the Evidence

After all of the information has been presented through the adjudication meeting, the adjudicator will deliberate in private. 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 that the Respondent is responsible for the alleged violation(s).

The findings of the adjudicator will be documented in a case opinion within 5 business days of completion of the meeting. The findings will include the outcome and the basis/rationale for the decision of the adjudicator, with references to the evidence that led to the finding. The decision on responsibility will be shared with the Complainant and the Respondent, simultaneously in writing.

9. Educational Outcomes (Sanctions)

As mentioned above, the Complainant and Respondent will each have the opportunity to present a written Impact or Mitigation Statement about the impact this incident has had on them, other considerations relevant to sanctioning, and/or requested educational outcomes (sanctions). 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 responsible for a violation of this policy, the adjudicator will recommend appropriate educational outcomes (sanctions) to the Dean of Students (or designee). The educational outcomes (sanctions) are set forth in the [Conduct Processes](#) of the Student Handbook. Educational outcomes (sanctions) may range from written warning to permanent separation (i.e., dismissal) from the College. They may also include educational, supportive, and/or corrective actions (in combination or singularly) as warranted such as: 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, campus ban, dismissal from the College, withdrawal from courses, withholding of registration, withholding of degree, or rehabilitative measures.

In general:

- A student who is found responsible for Non-consensual Sexual Intercourse will typically receive educational outcomes (sanctions) of suspension or dismissal, including a ban from campus.
- A student who is found responsible for Non-consensual Sexual Contact (where no intercourse has occurred) will typically receive educational outcomes (sanctions) ranging from conduct warning to dismissal.
- A student who is found responsible for any other prohibited form of conduct will typically receive educational outcomes (sanctions) ranging from conduct warning to dismissal.

As Senior Official, the Dean of Students (or designee) reserves the right to broaden or lessen any range of recommended educational outcomes (sanctions) due to mitigating or aggravating circumstances. 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.

In determining the appropriate sanction(s) and/or remedies, the Dean of Students will consider a number of factors, including:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the College community;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the College or elsewhere, and any criminal convictions, if such information is available and known;
- any expression of remorse or acceptance of responsibility by a Respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community;
- the necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects on the Complainant or other College community members; and,
- any mitigating, aggravating or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Dean of Students may also consider restorative outcomes that, taking into account the safety of the College community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed.

10. Notice of Outcome

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

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

D. Appeal Processes

The Complainant and Respondent, within 5 business days of the date of notice of outcome, may submit a written request to the Appeals Officer.

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**.

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 2 business days of receipt of notice of acceptance of the appeal.

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 either party has questions about how to file an appeal, they 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 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 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 (sanctions) 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 (sanctions), 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 a new meeting 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 in writing to the Complainant and Respondent within 10 business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

E. Finality of Disciplinary Resolution

The College's resolution of the violation through Disciplinary Resolution will 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 Voluntary Resolution of a policy violation after the Disciplinary Resolution becomes final.

F. 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 raise complaints with the [Office for Civil Rights](#).

G. Effective of Withdrawal

At any time, the College may place an administrative hold on the Respondent's transcript, make a transcript notification, or defer or withhold the award of the Respondent's degree.

If a Respondent chooses to withdraw or take a leave from the College prior to the conclusion of an investigation and/or disciplinary resolution under this policy, the College may move forward with the adjudication and imposition of educational outcomes (sanctions). During an ongoing investigation and resolution process, a withdrawn Respondent's academic transcript will be marked with a "Withdrawal Pending Student Conduct Action".

H. 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 Supportive Measures/Remedial Resolution, Voluntary Resolution or Disciplinary Resolution. Complaints resolved by means of Supportive Measures/Remedial Resolution, Voluntary Resolution are not part of a Respondent's conduct file and/or academic record.

Affirmative findings of responsibility in matters resolved by means of Disciplinary Resolution are part of a student's conduct record or an employee's personnel file. Such records shall be used in reviewing any further misbehavior or developing educational outcomes (sanctions) and shall remain a part of a conduct record or personnel file.

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.

I. Safeguarding of Privacy

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties are encouraged to maintain the privacy of FERPA-protected and/or sensitive information gathered or learned in the process. 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. A breach of this duty is subject to further student conduct action by the College. The College does not prohibit the parties from making disclosures about the incident, their participation in the proceedings, or the outcome.

XIII. Prevention and Education Programs

Grinnell College is committed to the prevention of Prohibited Behavior 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](#)