



Title IX Sexual Harassment Policy

Webpage: Manchester University
Faculty Handbook, Student Handbook, the Source
Tool: Report IT
(Insert visual graphics used for tools/programs)

Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors,
and visitors

INTRODUCTION

Members of the Manchester University Community have the right to be free from all forms of Sexual Harassment which impede the realization of the University's mission respects the infinite worth of every individual and graduates persons of ability and conviction who draw upon their education and faith to lead principled, productive, and compassionate lives that improve the human condition. All members of the University Community are expected to conduct themselves in a manner that maintains an environment free from Sexual Harassment. As such, Manchester University does not discriminate based on sex and is committed to providing an educational environment free from sex discrimination.

As a recipient of federal funding, the University is required to comply with Title IX of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (Title IX). Title IX is a federal civil rights law that prohibits discrimination based on sex — including pregnancy discrimination and Sexual Harassment — in educational programs and activities. Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Sexual Harassment is defined broadly under this Sexual Harassment Policy (Policy). Sexual Harassment includes Sexual Assault, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, and Sexual Misconduct with a Minor, Child Molesting, and sex discrimination, as defined below. Sexual Harassment is a violation of University policy, state and federal civil rights laws, and may violate state and federal criminal laws. When an allegation of Sexual Harassment is brought to an appropriate individual's attention, and a Respondent is found to have violated this policy, the University will issue appropriate sanctions to prevent future misconduct.

Manchester University reserves the right to take whatever measures it deems necessary in response to an allegation of Sexual Harassment in order to protect the rights and personal safety of Students, employees, and other members of the University Community. Such measures include, but are not limited to, modification of living

arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of Sexual Harassment will be deemed equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the Complainant and the Respondent.

DEFINITIONS

The following terms and definitions apply to this Policy.

TERM	DEFINITION
Actual Knowledge	<p>Notice of Sexual Harassment or allegations of Sexual Harassment to a University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the University with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator.</p> <p>Examples of an Employee with authority to institute corrective measures on behalf of the University include the following identified members of the Manchester University Community: President, Vice Presidents, and Vice President for facilities and axillary services, Dean for Pharmacy, Director of Athletics, Director of Human Resources and Title IX Coordinator.</p>
Appointee	<p>An individual deemed to have an affiliation with the university in a non-compensatory capacity as designated in the applicable Human Resources Information System.</p>
Child Molesting	<p>A person at least 18 years of age who, with a child under 14 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for sexually gratifying either person.</p>
Complainant	<p>Any person who is reported to have experienced conduct prohibited by this policy, regardless of whether that individual makes a report or participates in the review of that report by the university, and regardless of whether that person is a member of the University Community.</p>
Consent	<p>Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.</p>

- A. Consent to any one form of sexual activity cannot automatically imply Consent to any other forms of sexual activity.
- B. Consent may be withdrawn at any time.
- C. Previous relationships or prior Consent cannot imply Consent to future sexual acts; this includes “blanket” Consent (i.e., permission in advance for any/all actions at a later time/place).
- D. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).
 - i. Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
 - ii. This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
 - iii. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- E. It is the obligation of the person initiating the sexual activity to obtain Consent.
- F. An individual cannot Consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or whom a supervisory or disciplinary authority coerces.
 - i. Force: violence, compulsion, or constraint; physically exerted by any means upon or against a person.
 - ii. Coercion: the application of pressure by the Respondent that unreasonably interferes with the Complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.
- G. A person who does not want to Consent to sex is not required to resist or verbally object.
- H. Withdrawal of Consent can be manifested through conduct and need not be a verbal withdrawal of Consent (i.e., crying, pulling away, and pushing away, not actively participating, laying there, uncomfortable or upset facial expression).
- I. An individual who has not reached the legal age of Consent under applicable law may not give consent.

Dating Violence	<p>Violence committed by a person—</p> <p>A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and</p> <p>B. where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <p>i. The length of the relationship</p> <p>ii. The type of relationship</p> <p>iii. The frequency of interaction between the persons involved in the relationship</p>
Decision Maker	The administrator(s) who oversee(s) any hearing or appeal, which takes place as part of the formal resolution process.
Domestic Violence	Conduct that would meet the definition of a felony or misdemeanor crime of violence committed by the Complainant’s current or former spouse or intimate partner, a person with whom the Complainant shares a child in common, a person who is or has cohabitated with the Complainant as a spouse or intimate partner, or individual similarly situated to a spouse under domestic or family violence law, or anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred. An individual need not be charged with or convicted of a criminal offense to be found responsible for Domestic Violence pursuant to this policy.
Formal Complaint	A complaint filed by the Complainant or the University that triggers the University’s full investigation and hearing process under Title IX.
Investigator	An individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment and oversee the investigative hearing.
Mandated Reporter	Mandated Reporter identifies any Manchester University employee who has a mandate to report incidents of Sexual Harassment to the Title IX Coordinator. Examples of Mandated Reporters include deans, associate deans, vice presidents, coaches, Title IX coordinator and deputy coordinators, hall directors, resident assistants, human resources staff, campus safety officers, staff, faculty members, and administrators.
Respondent	Any member of the University Community who is reported to have engaged in conduct prohibited by this policy.
Retaliation	Any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination or Sexual Harassment.
Sexual Harassment	A. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual

	<p>conduct;</p> <p>B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or</p> <p>C. “Sexual assault” as defined in 20 U.S.C.1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).</p> <p>All such acts constitute of Sexual Harassment under this policy.</p>
Sexual Violence	Sexual acts perpetrated without Consent.
Sexual Assault	Non-Consensual Sexual Contact and Non-Consensual Sexual Penetration
Non-Consensual Sexual Contact	<p>Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without Consent and/or by force or coercion.</p> <p>Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.</p>
Non-Consensual Sexual penetration	<p>Any sexual penetration, however slight, with any body part or object, by any individual upon another that is without Consent and/or by force or coercion.</p> <p>Sexual penetration includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact.</p>
Sexual Exploitation(s)	<p>Occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual’s own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited. Examples of Sexual Exploitation include, but are not limited to:</p> <p>A. Engaging in voyeurism;</p> <p>B. Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;</p> <p>C. Going beyond the boundaries of Consent (e.g., letting others hide in a closet to watch you having consensual sex);</p> <p>D. Invasion of sexual privacy;</p> <p>E. Knowingly transmitting a sexually transmitted infection (STI) to another;</p> <p>F. Non-consensual pictures, video-, or audio-recording of sexual activity, or the nonconsensual distribution of such material;</p>

	<p>G. Possession, use, and/or distribution of alcohol or other drug (e.g., Xanax, Ambien, Benadryl, Rohypnol (“Roofies”), Ketamine, GHB, etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy;</p> <p>H. Prostituting another.</p>
Sexual Misconduct with a Minor	A person at least 18 years of age who, with a child at least 14 years of age but less than 16 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.
Stalking	A course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own or others’ safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the Complainant, or interferes with the Complainant’s property.
Student	<p>An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the university to take instruction. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the university; “Student” also includes registered Student organizations. A Student organization remains a “Student” for purposes of this policy for one calendar year following the expiration of the organization’s most recent registration.</p> <p>i. The university reserves the right to administer this policy and proceed with any process provided by this policy even if the Student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.</p>
Title IX Coordinator	The designated university official with primary responsibility for coordinating the university’s compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the university responds appropriately, effectively, and equitably to all Title IX issues.
University Community	Manchester University faculty, staff, Students, student employees, graduate associates, Appointees, volunteers, suppliers/contractors, and visitors.

POLICY

I. SCOPE

A. Medium

- i. This policy applies to alleged Sexual Harassment in any medium. Sexual Harassment may manifest in many evolving forms including, but not limited to: physical, verbal, and visual, whether in person or online in any format.

B. Jurisdiction

- i. Manchester University has a compelling obligation to address allegations and suspected instances of Sexual Harassment when it has Actual Knowledge that this policy has been violated. The University must inform the Respondent of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the Complainant is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
- ii. The University's disciplinary response may be limited if the Respondent is a visitor or other third party or is not subject to the University's jurisdiction.

C. Location

- i. This policy applies to alleged Sexual Harassment that takes place in a University's educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which the University exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred.
- ii. This policy also applies to alleged Sexual Harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a Student organization that is officially recognized by the University.
- iii. This policy applies to alleged Sexual Harassment that occurs during off-campus, Study Abroad, Study-away, May or January term travel programming outside of the United States.

- iv. In situations not covered above, but where the Sexual Harassment undermines the security of the University Community or the integrity of the educational process or poses a serious threat to self or others, other applicable University procedures for general misconduct may be applied.

D. This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of Manchester University who exercise their legitimate First Amendment rights.

E. Policy Maintenance

- i. Manchester University and the Title IX Coordinator manage this policy.
- ii. This policy and the associated procedures will be revised by Manchester University.

II. RECEIVING SUPPORTIVE MEASURES

A. Members of the Manchester University Community impacted by Sexual Harassment are encouraged request supportive measures. Upon submission of a report to the Title IX Coordinator, supported measures will be utilized.

III. EMPLOYEES WITH AUTHORITY TO INSTITUTE CORRECTIVE MEASURES

A. Manchester University designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of Sexual Harassment conveys Actual Knowledge to the University.

B. The following employees have been designated by the University as having the authority to initiate corrective measures on its behalf:

- i. Title IX Coordinator

Ali Goetcheus

- ii. President of University

Dave McFadden

- iii. Vice Presidents

Dr. Celia Cook-Huffman, Vice President for Academic Affairs

Melanie Harmon, Vice President for Advancement

Ryon Kaoupuki, Vice President for Enrollment and Marketing

Dr. Abby Van Velerah, Vice President for Student Life

Clair W. Knapp, Chief Business Officer and Vice President for Finance

- iv. Vice President for Facilities

Alexis Young, Assistant Vice President for Facilities and Auxiliary Services

v. Dean of Pharmacy Program

W. Thomas Smith, Pharm.D., J.D. Dean of Pharmacy
Programs and Professor of Pharmaceutical Sciences

vi. Director of Human Resources

Brandee Estes

vii. Director of Athletics

Rick Espeset

- C. When one of the above employees learns of alleged sexual harassment, that employee should contact the Title IX Coordinator in the student life division as soon as possible. Submission can be made through the Report IT button located on the bottom of Manchester University Webpages.

Ali Goetcheus
Title IX Coordinator
Director of Conduct
Chinworth Center
aigoetches@manchester.edu
260-982-5721

- D. Employees may have additional reporting obligations provided by law and/or other University policies.
- E. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

IV. EMPLOYEE DUTY TO REPORT

All University employees have reporting responsibilities to ensure the University can take appropriate action.

- A. All University employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of Sexual Assault. Any employee who receives a disclosure of Sexual Assault or becomes aware of information that would lead a reasonable person to believe that a Sexual Assault may have occurred involving anyone covered under this policy, must report all known information immediately.
- B. In addition to the requirement of reporting incidents of Sexual Assault, the following members of the University Community have an additional obligation to report all other incidents of Sexual Harassment, when they receive a disclosure of Sexual Harassment or become aware of information that would lead a reasonable person to believe that Sexual Harassment may have occurred involving anyone covered under this policy. These individuals must report the incident within five workdays of becoming aware of such information:

- i. Executive officers;
 - ii. Deans, directors, department heads/chairs (including those serving in assistant or associate roles);
 - iii. Graduate and undergraduate chairs;
 - iv. Supervisors who have hiring or firing power over at least three employees who are not Student or post-doc employees;
 - v. Faculty and staff who serve as advisors to or coaches of University-recognized Student groups;
 - vi. Any individual, whether an employee or not, who serves as a coach of a club sports team;
 - vii. All individuals, including Student-employees (such as Resident Advisors) working in Student Life, the Division of Public Safety and Security, Intercollegiate Athletics, and Office of Equity, except those who serve in non-supervisory positions in dining services, clerical, or custodial/maintenance capacities;
 - viii. Campus Security Authorities designed by the University under the Celery Act not otherwise specified in this provision; and
 - ix. Individuals serving in any of the positions described above on an acting or interim basis.
- C. Employees are not required to report disclosures of information regarding Sexual Harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the University:
- i. At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 - ii. To Student-employees when they are operating outside of their official work capacity; or
 - iii. During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- D. Employees with a duty to report should refer to the chart in Reporting Allegations of Sexual Harassment. Contacting the Title IX Coordinator in the Student Life Division to share all known information will satisfy the employee duty to report.
- E. Employees may have additional reporting obligations provided by law and/or other University policies.
- F. The following categories of employees are exempt from the duty to report Sexual Assault and other Sexual Harassment, due to their legal or professional privilege of confidentiality or their designation by the University as a confidential reporter:
- i. Professional and pastoral counselors
 - a) A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the University Community and who is functioning within the scope of that license or certification and their university employment.
 - 1. This definition applies even to professional counselors who are not employees of the university but are under contract to provide counseling at the university.
 - 2. This also includes an individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who is licensed or

certified (e.g., a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the university).

- b) A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at the university.

- 1. In this context, a pastor or priest who is functioning as an athletic director or as a Student advocate would not be exempt from the reporting obligations.

- ii. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their university employment.

- a) For example, a physician with a dual appointment as a clinician and professor would be required to report instances of Sexual Harassment of which they become aware in the scope of their employment as a professor but must keep such information confidential and privileged if learned in the scope of their duties as a physician unless there is a mandatory reporting requirement under state law.

- G. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

V. REPORTING ALLEGATIONS OF SEXUAL HARASSMENT

- A. Any person may report sexual harassment. By way example, this includes:

- i. Students
 - ii. Employees
 - iii. Parents
 - iv. Any University Community member or other individual who is directly involved in, observes, or reasonably believes that Sexual Harassment may have occurred.

- B. Reports can be made to the Title IX Coordinator in the following ways:

- i. In-Person: Chinworth Building, Student Life Office
 - ii. Virtually: Manchester University Microsoft Teams/Manchester University Zoom
 - iii. ReportIT <http://forms.manchester.edu/title9>
 - iv. Phone: 260-982-5721
 - v. Email: aigoetcheus@manchester.edu

- C. Making a report to Manchester University and to law enforcement are mutually exclusive events. Making a report to the University does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report with the University. However, individuals may request assistance from the Title IX Coordinator or designee to notify law enforcement.

Agency	Contact Information
University Safety North Manchester Campus	Ext. 5999 260-982-5999 Address: Clark Computer Center
North Manchester Police Department	911 Address: 709 W Main St, North Manchester, IN 46962 Non-Emergency-Phone: (260) 982-855
Fort Wayne Campus/Parkview Security	260-266-1800
Fort Wayne Police Department	911 Address: 1 E Main St 108, Fort Wayne, IN 46803 Non-Emergency-Phone: (260) 427-1222

VI. CONFIDENTIALITY AND PRIVACY

- A. Manchester University recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the University determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate University functions, or when the University is required to provide information under the law.
- B. If an incident is disclosed or reported to the University and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that the University prohibits Retaliation and explain the steps the University will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether the University can honor the request while still providing a safe and nondiscriminatory environment.
- C. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the University proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.

- D. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

VII. RETALIATION

- A. University policy and law prohibit retaliation. Manchester University will not tolerate Retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a Complainant, or participates in an investigation of discrimination or harassment.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a Student, independent of the merits of the underlying allegation.
- C. Allegations of Retaliation should be reported to the Title IX Coordinator.

VIII. INVESTIGATION AND RESOLUTION OPTIONS

A. Initial Assessment

- i. The Student Life Division reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the University's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the Complainant to participate in an investigation or other resolution.
- ii. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate the options to the parties.

B. Informal Resolution

- i. Informal resolution may be utilized in some circumstances if the University deems appropriate and both parties agree to it.

C. Investigative Resolution

The Student Life Division, Title IX Team may resolve a report of Sexual Harassment through investigative resolution when the alleged Sexual Harassment, if true, would be prohibited under applicable University policy. In instances when informal resolution is inappropriate, when the party requests, or when the University requires formal investigation, the University will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

IX. REMEDIES

- A. When the University makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.
- B. Corrective Actions/Sanctions
 - i. When the Respondent is a Student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
 - ii. When the Respondent is an employee, corrective actions may be taken pursuant to the [Corrective Action/Termination Policy], [Student Employment Policy], and/or [Faculty Rules]. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
 - iii. Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the university may also be subject to termination or other corrective actions.
- C. Any corrective actions or sanctions will not take effect until any appeals have been completed.
- D. Interim Supportive Measures
 - i. Supportive measures will be made available to both the Complainant and Respondent whether or not a Formal Complaint is filed to ensure equal access to the University's education and employment programs and activities. The Title IX Coordinator or designee will conduct an individualized assessment and will review requests from Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent. Supportive measures may include, but are not limited to:
 - a. No contact directives;
 - b. Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
 - c. Referral to campus safety for increased safety measures, safety escorts, timely warnings;
 - d. Academic support including extensions of time and other course-related adjustments;
 - e. Modification of work or class schedules;
 - f. Change in work or housing locations;
 - g. Change in reporting relationship;
 - h. Consideration of leave requests;
 - i. Assistance with academic petitions; and
 - j. Any other measure deemed applicable by Title IX Coordinator

- ii. During the period of any investigation, a Respondent can be put on administrative leave if they are an employee of the University. If the Respondent is a Student of the University, they may be removed from educational activities following an individualized safety and risk analysis determines that the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a Student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis.
- iii. The Title IX Coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other University employees with a need to know.
- iv. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

E. Other Remedial Measures

- i. When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the university may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- ii. Remedial measures may include and are not limited to:
 - a. Providing training on Sexual Harassment;
 - b. Increasing security in a designated space;
 - c. Changing policy or procedure; and
 - d. Conducting climate checks.

X. FALSE ALLEGATIONS

- A. It is a violation of this policy for anyone to make a false allegation of Sexual Harassment in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment.
- B. The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

XI. PROCESS ABUSE

- A. No member of Manchester University Community may:

- i. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
- ii. Make, in bad faith, materially false statements in or related to a process covered by this policy;
- iii. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
- iv. Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

XII. TRAINING

- A. All faculty, staff, Student employees, graduate associates, and Students are required to take annual Sexual Harassment training as directed by the university. Manchester University monitors compliance, and records completion.
- B. Non-Compliance for Employees in Sexual Harassment training may result in corrective action.
- C. Non-compliance for Students in Sexual Harassment training will be submitted to the restorative justice team for conduct intervention.

PROCEDURE

I. INITIAL ASSESSMENT

- A. Upon receiving a report, the Title IX Coordinator will provide information to the Complainant on the availability of supportive measures, the right to file a Formal Complaint, and how to file a Formal Complaint.
- B. The Student Life Division, Title IX team reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the University's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.
- C. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.
- D. If the Complainant or the University elects to file a Formal Complaint, the Title IX Coordinator will provide written notice to the Respondent within ten business days including:
 - i. The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this;
 - ii. That there is a presumption of innocence in their favor;
 - iii. That all parties are entitled to an advisor of their choice;
 - iv. That all parties can inspect and review evidence; and,
 - v. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

II. DISMISSAL OF A COMPLAINT

- A. In the event that prior to, or in the course of, an investigation, the University determines that the allegations fail to meet the definition of Sexual Harassment or did not occur while in the United States and under the University's educational program or activity, the investigation and Formal Complaint will be dismissed. Formal Complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Student Code of Conduct.
- B. The University reserves the right to dismiss the Formal Complaint and stop the investigation if:
 - i. The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Complaint;
 - ii. The Respondent is no longer enrolled in or employed by the University; or
 - iii. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g., lack of participation in the investigative process by parties or witnesses).
- C. If the University dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

III. INFORMAL RESOLUTION

- A. Informal resolution may be utilized in some circumstances if a Formal Complaint is filed.
- B. The usage of an informal resolution process is limited in a number of ways:
 - i. Informal resolution is unavailable if the Respondent is an employee of the school.
 - ii. Informal resolution may only be used if any and all parties of an investigation agree to it.
- C. In all cases, the University will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, the University will inform the Complainant of options, including the option to begin the investigative resolution process.
- D. The University will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training in order to facilitate resolution of the Formal Complaint. Training records can be found on the Title IX webpage, Title IX Team.
- E. Informal resolution can take any form that the parties agree upon. The Title IX Coordinator or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:
 - i. *Facilitated Dialogue*: A structured and facilitated conversation between two or more individuals, including, but not limited to the Complainant and the Respondent, which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
 - ii. *Shuttle Mediation*: An indirect version of the facilitated dialogue with the Complainant and Respondent develop options or consider alternatives and endeavors to reach an agreement.
 - iii. *Circle of Accountability*: A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.
- F. Depending on the form chosen, it may be possible for a Complainant to maintain anonymity throughout the informal resolution process.
- G. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no contact orders, or counseling sessions) may be agreed upon.

IV. FORMAL RESOLUTION & HEARINGS

- A. The Student Life Division, Title IX Team may resolve a report of Sexual Harassment through its formal resolution process when the alleged Sexual Harassment, if true, would be prohibited under applicable University policy. In instances when informal resolution is inappropriate, when any party requests, or when the University requires formal investigation, the University will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.
- B. Investigation

- i. Following the filing of a Formal Complaint, an Investigator will be assigned to the case by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. A dedicated member of Title IX Team does all investigations.
- ii. Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
- iii. Formal Complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.
- iv. During the investigation process, parties have an equitable right to:
 - a. Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
 - b. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
 - c. Present relevant information to the Investigator, including evidence and witnesses;
 - d. Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
 - e. Have an advisor of their choosing, or through appointment by the University, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
 - f. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- v. The University must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
- vi. The University will not restrict the ability of a Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.
- vii. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- viii. Following the completion of the investigation, the Investigator will complete an investigative report on the allegations contained in the Formal Complaint. Before the report is finalized, the Investigator will send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. The University must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a

determination of responsibility. The parties then have at least ten business days to provide a written response, which the Investigator will consider before finalizing the investigative report. The finalized report is then circulated for no less than ten business days before a hearing is held.

C. Hearings

- i. A Decision Maker(s) oversees all hearings. All Decision Maker(s) have received special training on how to be impartial and are assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
- ii. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.
- iii. The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- iv. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- v. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the University will provide an advisor for them.
- vi. Questioning & Cross-Examinations
 - a. The Decision Maker(s) may question individual parties and witnesses.
 - b. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party with a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.
 - c. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker(s) may not draw an inference about the determination regarding responsibility based solely on a party or witness' absence from the live hearing or refusal to answer cross-examination or other questions.
- vii. If, at any point during the hearing, the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- viii. Hearings may be conducted virtually with technology at the University's discretion. However, if either the Complainant or Respondent asks to be in separate rooms, the University must grant this request and provide appropriate technology to allow for simultaneous participation.

- ix. All hearings will be memorialized through an audiovisual record and transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

D. Resolution

- i. The Decision Maker(s) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the Decision Maker(s) will send the parties an outcome letter within ten business days of the conclusion of the hearing.
- ii. The Decision Maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the preponderance of the evidence standard: If the evidence indicates that it is more likely than not that Respondent committed the alleged act(s), then the Respondent will be found responsible for violating this policy.
- iii. The Decision Maker(s)'s written decision must include the following information:
 - a. Identification of the allegations potentially constituting Sexual Harassment;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the University's code of conduct to the fact;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctioned imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided; and
 - f. The procedures and permissible bases for either party to appeal.
- iv. If the Respondent is found responsible for violating this policy, the Decision Maker will consult with any appropriate university officials', depending if the respondent is a student or faculty/staff member. The in order to determine the corrective actions and/or sanctions to resolve the case. Any such corrective actions and/or sanctions will be outlined in the Decision Maker(s)'s written decision.

V. APPEALS PROCESS

- A. If either party disagrees with the outcome of the Decision Maker(s)'s determination, they may file a written appeal with the Title IX Coordinator within ten business days of receiving the Decision Maker(s)'s written decision.

B. Appeals may be filed due to:

- i. A procedural irregularity that affected the outcome.
- ii. New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
- iii. A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter of the Investigator or investigator(s), or decision-maker(s).

C. The Assigned Appeal Decision Maker will examine all evidence in order to determine if the appeal has merit. The Assigned Appeal Decision Maker will make an unbiased objective conclusion as to the appeal’s merit and issue a written decision describing the result of the appeal and the rationale for the result; and will provide the written decision simultaneously to both parties.

VI. RECORDKEEPING

A. The University shall maintain all records relating to Formal Complaints of Sexual Harassment, as well as all training materials used under this Policy, for seven years.

RESOURCES:

Campus Resources	Contact Information	Privacy Level
Victim Advocate	Heidi Vandermark hvandermark@famservices.com Success Center 202J 260-563-4407	Confidential
University Pastor	Rebekah Houff Petersime Chapel rlhouff@manchester.edu 260-982-5243	Confidential
University Counseling	April White JYSC 202G adwhite@manchester.edu 260-982-5888	Confidential
Campus Nurse	Kristina Wilson Calvin Ulrey Hall 100 KAWilson@manchester.edu 260-982-5067	Confidential

North Manchester Campus Safety	260-982-5999 Clark Computer Center	Non-Confidential
Fort Wayne Campus Security	260-266-1800	Non-Confidential
		Updated 8/4/2022

Off Campus Resources	Scope/Purpose	Privacy Level
Sexual Assault Treatment Center	Open 24 hours 1420 Kerrway Ct. Fort Wayne, IN 46805 260-423-2222	Confidential
Parkview Hospital ER	Wabash: Emergency Room (Open 24 Hours) 911 10 John Kissinger Dr. Wabash, IN 46992 260-563-3131 Fort Wayne: Emergency Room (Open 24 Hours) 911 11109 Parkview Plaza Dr. Fort Wayne, IN 46845	Circumstantial
North Manchester Police Dept.	911 Address: 709 W Main St, North Manchester, IN 46962 Non-Emergency-Phone: (260) 982-855	Circumstantial
Fort Wayne Police Dept.	911 Address: 1 E Main St 108, Fort Wayne, IN 46803 Non-Emergency-Phone: (260) 427-1222	Circumstantial
		Updated 8/4/2022

TITLE IX TEAM

Manchester University receives annual training for all Title IX roles, which can be found on the University Title IX Webpage. The University reserves the right to interchange trained members of the Title IX team to meet the needs of each investigation. Manchester University reserves the right to contract with outside providers for roles as need is presented. The Title IX Coordinator will assign team members roles at the start of each investigation

and provide written notice to all parties. Please reference the primary role of each member and contact information below:

Roles	Contact Information
Title IX Coordinator	Ali Goetcheus Student Life 260-982-5721 Aigoetcheus@manchester.edu
Deputy Coordinator-North Manchester Campus	Tami Hoagland Athletics PERC 214 260-982-5390 TLHoagland@manchester.edu
Deputy Coordinator- Fort Wayne Campus	Tayshia Turner Human Resources FWC Room 104B 260-470-2702 TSTurner@manchester.edu
Investigator	Brandee Estes Human Resources CU HR Suite 260-982-5288 bjestes@manchester.edu
Investigator	Stacy Stelzel Academics ACEN 329 260-982-5421 sstelzel@manchester.edu
Investigator	Sarah Wehrkamp FWC Room 127E 260-470-2655 SEWehrkamp@manchester.edu
Investigator	Barb Burdge Academics ACEN 214 260-982-5365 bjburdge@manchester.edu
Advisor	Walter Smith Pharmacy Fort Wayne Campus 260-98202668 WTSmith@manchester.edu
Advisor	Kaitlyn Zook

	Admissions Fort Wayne Campus 260-982-5228 KMZook@manchester.edu
Decision Maker/Hearing Officer	Abigail Van Vlerah Student Life Chinworth Center 260-470-5132 ALVanVlerah@manchester.edu
Appeals	Julie Knuth Administration Funderburg Library 260-982-5214 JJKnuth@manchester.edu
	Updated 8/4/2022

OFFICE OF CIVIL RIGHTS

Call the Office for Civil Rights (OCR) at 1-800-421-3481 to report any educational Discrimination on the basis of race, sex, disability, etc., request information on civil rights compliance programs, procedures for filing Discrimination complaints, or access to civil rights regulatory and policy documents. Contact information and inquiries may also be obtained on the OCR web page of the U.S. Department of Education.

The OCR office for Indiana is located at:
Chicago Office: TITLE IX OFFICE
45 Office for Civil Rights
U.S. Department of Education
John C. Kluczynski Federal
Building 230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576;
TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

Manchester University reserves the right to track documented changes throughout the academic year with written notice to institution parties and publication dates on the policy.