

GCTS Title IX Policy Update Summer 2024

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Policy & Procedures on Title IX

As a Christian institution committed to preparing men and women for ministry, we take our commitment to shaping moral and ethical character seriously. Gordon-Conwell's Community Life Statement maintains that, *"we renounce behaviors, such as distortion of God's Word, deception, falsehood, drunkenness, stealing, and sexual immorality, such as premarital intercourse, adultery and homosexual behavior."* The Community Life Statement provides us with a set of guiding norms that shape the way we interact with one another. We understand that we live in a fallen world and that sin exists. For this reason, Gordon-Conwell recognizes its legal obligations in regards to Title IX, the Campus Sexual Violence Elimination (SaVE) Act, and the Clery Act ([for more information](#)) on the specifics of these Federal laws. For the purposes of this policy and the Seminary's handling of such matters, Title IX includes the concerns of the Campus SaVE Act (specifically intimate partner violence & stalking). The purpose of this policy is to:

- Affirm the Seminary's commitment to preventing sex-based misconduct and sex-based harassment.
- Define sex-based misconduct involving students, which includes sex based-discrimination, sex-based harassment, domestic violence, intimate partner violence, stalking, and sexual assault.
- Outline the Seminary's process of responding appropriately to incidents of sex-based discrimination.
- Identify resources and support for students reporting an incident of sex-based misconduct.

Pursuant to Title IX of the Education Amendments of 1972, Gordon-Conwell Theological Seminary prohibits discrimination on the basis of sex or gender in its programs and activities. The Seminary will respond to and make reasonable efforts to investigate and address complaints or reports of prohibited conduct in accordance with the procedures outlined below. Any questions regarding Title IX should be addressed with the Title IX Coordinator identified below.

Gordon-Conwell Theological Seminary seeks to provide students with a safe living-learning environment free from the negative effects of sex-based discrimination, sex-based harassment and sex-based misconduct. All forms of sex-based misconduct are prohibited. The Seminary strives to educate students, staff, and faculty on these issues and to provide recourse for students believing they have experienced sex-based misconduct. This policy applies to all members of the Gordon-Conwell Theological Seminary community, and includes, but is not limited to, faculty, staff, students, residents, families, Seminary visitors, volunteers, and vendors. It also applies to alleged acts of sex-based discrimination, sex-based harassment, sexual assault, prohibited sexual contact, dating, and domestic violence that occur: on campus; in connection with any program or activity sponsored by the Seminary; and/or off campus if the conduct creates a hostile environment on campus. It is applicable to students, staff, faculty, residents, or anyone who is expected to abide by the community life statement.

The Seminary considers sex-based misconduct in any form to be a serious violation of the Christ-like conduct expected from all members of its community. Appropriate disciplinary actions following the process outlined in the student, faculty, or staff handbooks may be taken against any persons or groups engaging in these acts to prevent recurrence of any discrimination or harassment and to correct its effects on the complainant and others. Such disciplinary action includes, but is not limited to, suspension or expulsion from the Seminary, termination of Seminary employment, and termination of contracts/agreements with that person(s) or group(s). The Seminary also may impose other sanctions, including restricting students from certain activities or areas of the campus, requiring that students complete counseling or other programs as a condition of continued enrollment, or any other appropriate sanctions as determined by the Seminary in its sole discretion. In addition, the Seminary may terminate or suspend its relationship and associated privileges with any perpetrator of interpersonal or intimate partner violence covered by this policy, including, but not limited to, visitors, volunteers, vendors, and other such guests of the Seminary. To this end, Gordon-Conwell Theological Seminary expressly reserves its rights to revoke the privilege, right, and/or permission to anyone to be physically present on-campus, participate in Seminary activities, and use Seminary facilities or resources in order to carry out the intent and purposes of this policy.

The Seminary may refer any alleged perpetrator to law enforcement.

This policy is effective beginning August 1, 2024, and effective for all alleged incidents which occur following that date.

Definitions

Sex-based Misconduct

Sex-based misconduct is a broad term that encompasses any unwelcome behavior of a sex-based nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sex-based misconduct can occur between persons of the same or different genders.

Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This includes:

(1) *Quid pro quo harassment.* An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education

program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and (v) Other sex-based harassment in the recipient's education program or activity; or

(3) Specific offenses.

- (i) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- (ii) Dating violence meaning violence committed by a person: (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship; and (3) The frequency of interaction between the persons involved in the relationship;
- (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who: is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the Commonwealth of Massachusetts, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the Commonwealth of Massachusetts; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Sexual Assault

Sexual assault is any unwanted, coerced, or forced sexual contact or intercourse or sexual contact or intercourse with someone who is not able to give consent (e.g., incapacitated by alcohol, drugs, or asleep). Sexual assault can involve the sexual penetration of any body orifice, but also includes other unwanted sexual contact including Statutory Rape (minor under 16 in Massachusetts, under 18 in North Carolina, and under 18 in Florida). Victims can be either women or men. Most victims/survivors know the perpetrators who may be the victim's/survivor's best friend, lover, partner, date, family member, neighbor, teacher, employer, doctor, or classmate. The perpetrator can be a husband, wife, boyfriend, or girlfriend. Sexual assault can occur between members of the opposite sex or same sex. Alcohol, date-rape drugs, or other substances may be involved.

Non-Consensual Sexual Contact

Non-consensual sexual contact means having or attempting to have sexual contact with another person without consent (other than non-consensual sexual penetration, which is addressed below). Examples of non-consensual sexual contact may include: the intentional

touching of the intimate parts of another, or causing the other to touch one's intimate parts, including over clothing, removing of clothing of another person, or kissing.

Sexual Exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his or her own personal advantage or benefit, (and that behavior does not otherwise constitute one of the other sexual misconduct offenses). Examples include but are not limited to: invasion of sexual privacy; streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties; voyeurism; including incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Consent

Willingly giving permission or agreement to a sexual act, without threat of harm. Consent is an informed agreement to participate in an act, communicated verbally or through physical participation that is not achieved through manipulation, intimidation, or coercion of any kind or given by one who is incapable of giving clear and knowing consent, by reason of the individual's age, being under the influence of alcohol or drugs, or otherwise. The manner of dress of the victim at the time of the offense does not constitute consent.

Consent cannot be assumed and is never implied, even in a current or previous dating or sexual relationship. Consent can be withdrawn at any time. Absence of protest, passivity, or silence is not consent. **Consent is hearing the word "yes." It is not the absence of hearing "no."**

Incapacitation

Incapacitation also constitutes lack of consent. Incapacitation is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent. Intercourse is generally considered to be committed by force and against a person's will if: the person is unconscious; the person is asleep; the person is drugged or intoxicated; the person is frightened or intimidated; or the person is mentally impaired or deficient so that he or she cannot agree to the act. Engaging in any form of sexual activity with someone who is incapacitated constitutes sexual misconduct.

Domestic, dating, intimate partner, or family violence is the abuse of power and control. It is a pattern of behavior used by one person to control another through force or threats.

Domestic Violence (from 42 USC ss 13925):

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Massachusetts, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Massachusetts.

Dating Violence (from 42 USC ss 13925):

The term “dating violence” means violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Stalking (from 42 USC ss 13925):

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

In Massachusetts and Florida such conduct are felonies. M.G.L. c. 265 § 43 (Stalking) Aggravated stalking is a felony in North Carolina ([G.S. 14-277.3A](#)). Stalking includes a willful and malicious knowing pattern of conduct or acts over a period of time directed at a specific person, which seriously alarms or annoys the person and which causes a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury. Stalking can be accomplished by mail, telephone, electronic mail, internet communications, and facsimile. Conduct, which does not include a threat of death or bodily injury, also is illegal and considered harassment by the Seminary and Massachusetts, Florida, and North Carolina law. M.G.L. c. 265 § 43A (Criminal Harassment).

Guidance on Reporting

Gordon-Conwell prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at:

<https://www.gordonconwell.edu/community/practices-policies/statements-of-compliance/>.

Gordon-Conwell Theological Seminary encourages those who have experienced any form of sex-based discrimination, harassment or misconduct to immediately find a safe place, report the incident promptly, seek all available assistance, and to pursue Seminary conduct violation charges and criminal prosecution of the offender. GCTS takes complaints seriously and will work with complainants to ensure that they are well cared for, physically, emotionally, and spiritually. The Seminary will cooperate fully with the police in any related investigation and reserves the right to commence its internal complaint resolution procedures prior to the completion of any police investigation.

Reports of sexual misconduct can be made by completing the [confidential incident of sexual misconduct report form](#).

Gordon-Conwell offers amnesty for any students who report an incident of sexual misconduct while violating another aspect of the Community Life Statement or housing guidelines, such as drinking on campus or drug use. To encourage reporting and witnesses, Gordon-Conwell offers amnesty for minor policy violations related to the incident and is in the sole discretion of the seminary and is not applicable for more significant violations such as physical violence or illicit drug distribution.

Reports can be made to the Dean of Students (Institutional), who is the Title IX Coordinator, any Campus Safety Officer, and any Seminary employee identified as a mandatory reporter. Gordon-Conwell employees having the authority and responsibility to take action to remedy are considered mandated reporters and must report actual or suspected discrimination, harassment, and/or retaliation to the Title IX Coordinator or designee immediately. These employees include senior administration and employees in supervisory or management roles. In the event that any of the foregoing personnel are engaged in a therapeutic or ministerial relationship (i.e. doctor/patient, clergy/penitent) with a student outside of Gordon-Conwell's academic programs, legal counsel should be consulted before making any report. Such discussions may be protected by HIPAA (, or the clergy-penitent privilege set forth in M.G.L. c. 233, § 20A.

Students have a right to file a criminal complaint and a Title IX complaint simultaneously. If an individual wishes to seek confidential assistance in dealing with a Title IX violation, he or she can speak with Confidential Advocate, Deana Nail, Networked Education Dean of Students (dnail@gordonconwell.edu). The individual also may make a confidential report to the Title IX coordinator or campus safety officer and request that their name not be used in the investigation. Confidential resources are available on the Gordon-Conwell website as part of safety resources.

Summary of Investigation/Procedures for Reports of Sexual Misconduct

Please consult the full policy and process below as what immediately follows is a summary.

For matters in which an official process is followed (Title IX and VAWA):

1. The investigation of a sex-based misconduct allegation may proceed whether or not a related criminal matter is pending.
2. In accordance with Federal guidance, GCTS will complete investigations and this process within a reasonable time.
3. Both parties will be provided written updates during the complaint resolution process.
4. Both parties will be advised in writing of the outcome of a complaint, at the same time, once a decision has been reached.
5. Allegations of sexual assault will not be resolved by meditation.
6. The standard used to determine whether a violation has occurred is **whether it is more likely than not** that the respondent did so. This is referred to as a "Preponderance of Evidence" standard. Evidence must be submitted during the

investigation and either the evidence or a description of the evidence will be available for examination by both parties.

7. Both parties may have an advisor of their choice present during a hearing.
8. Hearings are live, although complainant and respondent will not be in the same room and cannot ask questions of each other. Relevant questions will be asked by the adjudicator.
9. Appeals must be based on procedural irregularity that affected the outcome of the matter, new evidence not available at the time of determination, conflict of interest, or another base that is offered to both parties.

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Gordon-Conwell investigate and make a determination about alleged discrimination under Title IX: (Referred to as a “complainant” 1) a student or employee of Gordon-Conwell who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or 2) a person other than a student or employee of Gordon-Conwell who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Gordon-Conwell’s education program or activity; 3) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or 4) Gordon-Conwell’s Title IX Coordinator. Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

Gordon-Conwell may consolidate complaints of sex-based discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex-based discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Initial Assessment and Interim Measures

The first concern in a report of sex-based misconduct is for the physical safety and emotional wellbeing of the reporting individual. The purpose of the initial assessment is to end the sex-based misconduct, eliminate a hostile environment, prevent its recurrence, and remedy its effects. The Title IX Coordinator will review this policy and the options for suitable resolution. If the Title IX Coordinator concludes that the alleged conduct falls outside the scope of this policy, the complainant may be referred to a different process for resolution. Should the alleged conduct be a Title IX matter, the process outlined by the Federal government will be followed.

When a complaint is received, the Seminary will provide appropriate interim measures to prevent further acts of misconduct, or safeguard the wellbeing of the complainant, the respondent, or the broader campus community while the investigation is in process, and to ensure equal access to Seminary’s education programs. The Seminary will determine the

necessity and scope of any interim measure. Such measures may include: ensuring access to counseling and medical services; providing alternative work arrangements, such as adjusting work schedules or supervisors; providing access to appropriate academic support, such as tutoring or permission to withdraw from or retake a class; or provide alternate living arrangements; or any other remedy that can be used to achieve the goals of this policy.

Even when the Seminary has determined that because of the reporting student's request for confidentiality there can be no formal consequence, immediate action can be taken to protect the reporting student. Such actions include: providing counseling support and academic support services; and increased monitoring, supervision, or security.

Parties also may seek protective measures from outside law enforcement agencies.

Requirements of Title IX Grievance Procedures:

Gordon-Conwell will treat complainants and respondents equitably.

Gordon-Conwell requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Gordon-Conwell presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Gordon-Conwell has established the following timeframes for the major stages of the grievance procedures: evaluation for dismissal or investigation—5 business days; investigation—25 business days; determination—10 business days; appeal—10 business day.

Gordon-Conwell has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay: Should additional time be required for things like school breaks, parties who are out of the office, exceptionally full times of the year (orientation and commencement), notification will be provided to both parties with an alternative date by which the stage will be completed.

Gordon-Conwell will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Gordon-Conwell will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Gordon-Conwell to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Gordon-Conwell obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of Gordon-Conwell’s Title IX grievance procedures, Gordon-Conwell will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Gordon-Conwell’s Title IX grievance procedures and informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately

summarizes this evidence. Gordon-Conwell will provide access to an investigative report and the parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party.

- Gordon-Conwell's Community Life Statement prohibits knowingly making false statements or knowingly submitting false information during grievance procedures,
- If, in the course of an investigation, Gordon-Conwell decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, Gordon-Conwell will notify the parties of the additional allegations.

Dismissal of a Complaint:

Gordon-Conwell may dismiss a complaint of sex discrimination if:

- Gordon-Conwell is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Gordon Conwell's education program or activity and is not employed by Gordon-Conwell.
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Gordon-Conwell determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Gordon-Conwell determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Gordon-Conwell will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Gordon-Conwell will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Gordon-Conwell will notify the parties simultaneously in writing.

Gordon-Conwell will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then Gordon-Conwell will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Gordon-Conwell will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, Gordon-Conwell will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Gordon-Conwell's education program or activity.

Investigation:

Gordon-Conwell will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Gordon-Conwell--not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Gordon-Conwell will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Gordon-Conwell will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Gordon-Conwell will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Gordon-Conwell may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Gordon-Conwell will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Gordon-Conwell will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Gordon-Conwell will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Gordon-Conwell will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Gordon-Conwell will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. Gordon-Conwell will provide access to the investigative report and will further provide the parties equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- Gordon-Conwell will provide a reasonable opportunity to review and respond to the evidence or the investigative report. Gordon-Conwell may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing; and
- Gordon-Conwell will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Gordon-Conwell will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Gordon-Conwell's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below.

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions:

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing:

Gordon-Conwell will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Gordon-Conwell will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review. No unauthorized recording or sharing of recordings is permitted.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Gordon-Conwell will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that Gordon-Conwell used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Gordon-Conwell will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Gordon-Conwell to the complainant, and, to the extent appropriate, other students identified by Gordon-Conwell to be experiencing the effects of the sex-based harassment; and
 - Gordon-Conwell's procedures and permissible bases for the complainant and respondent to appeal.
- Gordon-Conwell will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people Gordon-Conwell identifies as having had equal access to Gordon-Conwell's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Gordon-Conwell's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. (A disciplinary process may be initiated for making false statements under the Community Life Statement standards as long as there is evidence independent of the determination whether sex discrimination occurred.)

The determination regarding responsibility becomes final either on the date that Gordon-Conwell provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals

Gordon-Conwell will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Gordon-Conwell will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Gordon-Conwell will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Gordon-Conwell offers will be equally available to all parties.

Informal Resolution:

In lieu of resolving a complaint through Gordon-Conwell's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Gordon-Conwell does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, Gordon-Conwell will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Gordon-Conwell will maintain and whether and how Gordon-Conwell could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

Gordon-Conwell will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to Gordon-Conwell’s education program or activity or provide support during Gordon-Conwell’s Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include counseling, extensions of deadlines, course-related adjustments, mutual restrictions on contact, changes in on-campus work or housing, leaves of absence, and other similar measures.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Gordon-Conwell may impose disciplinary sanctions, which may include required counseling, suspension, expulsion, or other similar measures. Gordon-Conwell may also provide remedies, which may include compensatory damages, campus no-trespass notices, limited scheduling and/or access to buildings, and other similar measures.

Gordon-Conwell has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party. If a party is both an employee and a student, Gordon-Conwell will consider the party’s primary relationship with the school and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

Retaliation

Retaliation or attempts to seek retribution against a student, an employee, or any other individual involved in filing a complaint or participating in the investigation of an allegation of sexual misconduct is prohibited by this policy and may constitute separate grounds for disciplinary action. Retaliation can include threats, intimidation, and abuse. Such retaliation is unlawful and will not be tolerated by the Seminary.

Individuals who believe they have experienced retaliation should contact the Title IX Coordinator and the Seminary will investigate the complaint. If the Seminary determines that retaliation occurred, an appropriate action will be taken regardless of the outcome of the underlying sexual misconduct complaint.

Gordon-Conwell also prohibits disclosure of any information obtained as due course of a Title IX investigation or hearing by any party or participant, including personally identifiable information without authorization or consent. This does not apply to the disclosure of information to law enforcement.

Pregnancy

The federal Title IX regulations require that pregnant students be advised of GCTS's obligations to prevent discrimination and ensure equal access to its programs. Students who advise GCTS faculty or staff of their pregnancy shall be referred to the Title IX Coordinator who will then provide the student with information about GCTS's obligations to prevent discrimination and ensure equal access to its programs and the process of requesting reasonable modifications, if needed. Our intention is to provide a supportive and helpful environment for these students. Any such information obtained by GCTS faculty or staff regarding a pregnant student shall remain confidential and treated the same as any other personally identifiable information.

Resources and Support for Students

If you or someone you know has been the victim of any of the above-mentioned violations, you should FIRST get to safety. Dialing 911 will alert the Hamilton Police Department and GCTS Campus Safety. The Student Life Services staff are available to assist in these matters as well. [Click here](#) for a list of other available resources.

TITLE IX COORDINATOR

Jana Holiday

Dean of Students

Kerr Building, Room 318

130 Essex Street, South Hamilton, MA 01982

Phone: 978-646-4052

Email: <mailto:jholiday@gordonconwell.edu> or titleixcoordinator@gordonconwell.edu

Questions about Title IX can be directed to the Title IX Coordinator or to the Office of Civil Rights ([OCR](#)) of the U.S. Department of Education.