

GCTS Title IX Policy

Policy & Procedures on Title IX (dated June, 2025)

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

Pursuant to Title IX of the Education Amendments of 1972, Gordon-Conwell Theological Seminary prohibits discrimination based on sex 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 sexual misconduct, including sexual harassment and assault and free from retaliation. All forms of sexual misconduct are prohibited. The Seminary strives to educate students, staff, and faculty on these issues and to provide recourse for those believing they have experienced sexual 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 sexual misconduct including sexual discrimination, sexual harassment, sexual assault, prohibited sexual contact, dating, and domestic violence that occur: on campus; in connection with any education program or activity sponsored by the Seminary; at Gordon-Conwell sponsored events. It also applies to off campus if the conduct affects a

substantial Gordon-Conwell interest or occurs within Gordon-Conwell's education program and activities. For example, if a student uses a personal device to sexually harass another student during class, that may constitute a situation in which Gordon-Conwell exercises substantial control. This policy is applicable to students, staff, faculty, residents, or anyone who is expected to abide by the community life statement (in other words, the respondent must be a member of Gordon-Conwell community.)

The Seminary considers sexual 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.

Definitions

Advisor

Advisor is the person selected by a party to accompany them to any meeting or hearing whose role is to provide advice to them. This person can be a friend, family member, attorney, or someone else. If a party does not wish to ask someone to take this role, Gordon-Conwell will assign someone to do that, since they need to ask questions during cross-examination in a hearing.

Complainant

This is the person who files a complaint that they have been the victim of sexual misconduct or retaliation.

Complaint

A complaint is a document submitted that alleges sexual misconduct, or sexual harassment has occurred, or that retaliation has occurred, asking that Gordon-Conwell investigate. Should the complaint contain allegations that require a hearing, it's

considered a formal complaint, and federally mandated procedures come into play. Gordon-Conwell treats all complaints as serious.

A formal complaint means a written document is provided that alleges a policy violation and requests that Gordon-Conwell investigate. Complaints can be given in person, or via mail, or email.

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 jurisdiction receiving grant monies, 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 jurisdiction.

Dating Violence

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 complainant; 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.

Dating violence includes but is not limited to sexual or physical abuse, as well as threats of abuse.

Education Program or Activity

Locations, including learning platforms, events or circumstances where Gordon-Conwell exercises substantial control over the respondent and the context in which the alleged harassment or discrimination takes place.

Hearing-Qualifying Allegations

Hearing-qualifying allegations refers to allegations of 106.30 offenses when: 1) Gordon-Conwell has actual knowledge of the alleged offense(s); 2) the alleged offense(s) occurred within an educational program or activity of Gordon-Conwell (this includes, but is not limited to any Gordon-Conwell campus and other buildings owned or controlled by Gordon-Conwell; it does not include off-campus private residences or properties over which the Gordon-Conwell exercises no control); and, 3) the alleged offenses occurred against a person in the United States. NOTE: qualifying allegations describes those allegations that trigger a requirement under federal law that Gordon-Conwell act, and that certain procedures (e.g. a live hearing) must be utilized. It is important to note, however, that Gordon-Conwell will respond to and address all reports of sexual misconduct, regardless of whether they are hearing-qualifying allegations.

Mandated Reporter

Except for confidential resources and help, all Gordon-Conwell employees (including faculty, staff, and administrators) are considered mandated reporters, who must promptly share with the Title IX Coordinator all known details of a report made to them in their role as employee.

Respondent

An individual who has been reported to be the perpetrator of conduct that could be harassment or discrimination (based on a protected class); or retaliation.

Sexual Harassment

Sexual harassment is a broad term that encompasses the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. Federal regulations provide the definitions for these offenses. 34 C.F.R. s106.30.

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of sexual harassment. Gordon-Conwell may impose sanctions ranging from reprimand to suspension or termination. Sexual harassment may be committed by any person upon any other person, regardless of the sex or the sexual orientation and/or gender identity of those involved.

Sexual harassment is conduct on the basis of sex that is sexual, and satisfies one or more of the following:

(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) *Sexual harassment*: Unwelcome conduct that is determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to Gordon-Conwell's education programs or activities.

(3) *Specific offenses*:

Sexual assault: Any sexual act directed against the complainant, without the consent of the complainant, including instances in which the complainant is incapable of giving consent. These are classified as a forcible (for example, rape or sodomy) or nonforcible (for example, incest, statutory rape) sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

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 complainant 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;

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 jurisdiction of the recipient, 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 jurisdiction; or

Stalking: stalking, specifically under this policy, means engaging in a course of conduct, based on sex, directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. In Massachusetts and Florida such conduct are felonies. M.G.L. c. 265 § 43 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).

Consent: knowing, voluntary and clear permission by word or action to engage in sexual activity. Consent can be withdrawn once given, and consent to some sexual activities cannot be presumed to be consent for other sexual activity. Sexual activities that is forced (by use of physical violence or imposition) is non-consensual; coercion (the application of unreasonable pressure to take part in sexual activity) is nonconsensual; incapacitation (unable to understand what is happening, disoriented, helpless, asleep, unconscious, etc.) renders someone unable to give consent. The existence of consent is based on the entire circumstances evaluated by a reasonable person in the same or similar circumstance—including the alleged incident, or previous patterns or experiences that could be evidence.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious (for any reason). If someone cannot make rational or reasonable decisions because of capacity issues, they are incapacitated (including temporary or permanent physical or mental health condition, involuntary physical restraint, and/or drug usage).

Gordon-Conwell also prohibits sexual exploitation, including but not limited to voyeurism, violation of sexual privacy, prostitution, picture or video recording of sexual acts when there is a reasonable expectation of privacy, etc.

Sexual Misconduct

Sexual misconduct is a broad term that includes those offenses listed above as part of sexual harassment (106.30 offenses), as well as all other kinds of misconduct prohibited by this policy. Federal regulations require specific kinds of responses to 106.30 offenses.

Policy on Unethical Relationships

Consensual romantic relationships where one person has professional responsibility (real or potential) over another person—whether academic or job performance—are a violation of professional ethics and are also in violation of this policy and the Gordon-Conwell ethos. Sexual misconduct often involves relationships where unequal power is present which can contain the presence of coercion, however even consensual relationships where there is equal power can contain sexual misconduct. Romantic relationships between faculty and students pose a threat to the integrity of the educational experience and are specifically prohibited. All members of the Gordon-Conwell community are expected to maintain professional relationships with others.

Guidance on Reporting

Gordon-Conwell prohibits sexual misconduct 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 sexual 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. Gordon-Conwell 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 anonymously by completing the [confidential sexual misconduct report form](#). Reporting to Title IX does not carry an obligation to initiate a formal response or participate in an investigation.

Reports can be made to the Dean of Students (Institutional), who is the Title IX Coordinator, any Police Officer (including Gordon Police officers), and any Seminary employee identified as a mandatory reporter. All sexual misconduct complaints made to mandatory reporters will be reported to the Title IX Coordinator. 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 **Director of Thriving in Ministry**, 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 the individual's name not be used in the investigation.

False allegations which are deliberately and maliciously made are a serious offense and will be subject to disciplinary action. This does not include good faith allegations which are eventually found to be false. Providing false evidence is also a serious offense and will be subject to disciplinary action.

Because sometimes complainants or witnesses are hesitant to report crimes if other violations are present (drinking on campus, use of drugs, etc.), amnesty will be provided to anyone reporting a crime for minor policy violations related to the incident.

We encourage the preservation of evidence in incidents of sexual assault for the sake of criminal prosecution. We recommend seeking forensic medical assistance at Beverly hospital as soon as possible; avoid showering/bathing/handwashing if possible; try not to urinate; place soiled clothes in a paper bag; seek medical treatment even if not for the purpose of forensic evidence.

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 sexual misconduct allegation may proceed whether or not a related criminal matter is pending.
2. In accordance with federal guidance, Gordon-Conwell will complete investigations and this process within 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 mediation.
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 must have an advisor 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 advisor or 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.

Potential Complaint Sources

The following people have a right to make a complaint, requesting that Gordon-Conwell

investigate and make a determination 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 a violation of this policy; 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 a violation of this policy 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 sexual 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 this policy.

A complaint (which is a form of report) is when the Title IX coordinator has decided that the allegations lead to a possible violation of the Title IX policy, so a grievance process will be engaged. If the report includes “hearing qualifying allegations” it moves to the category of “formal complaint” and some of that process is set by federal law. In most cases, a complaint will include a written submission, often with the Title IX Coordinator (although sometimes the Title IX Coordinator may sign the complaint themselves due to a compelling risk to the community and the complainant does not sign it.)

Gordon-Conwell may consolidate complaints of sexual 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 sexual 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 sexual misconduct is for the physical safety and emotional wellbeing of the reporting individual. The purpose of the initial assessment is to end the sexual 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.

Gordon-Conwell can remove a respondent from education programs or activities on an emergency basis when an individual safety and risk analysis has been performed and determines that an immediate threat to the physical health or safety of an individual or the community is present.

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.

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

Gordon-Conwell's process can take up to 120 business days to resolve. All allegations are acted upon promptly. All delays within Gordon-Conwell's control will be avoided, and if an extended time is required, the Title IX Coordinator will provide notice and rationale as appropriate.

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 (such as, but not limited to, welcome week 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. Counter-complaints must be provided in good faith, not as retaliatory actions.

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 sexual 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 sexual harassment or preclude determination that sexual 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 sexual 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 decision maker;
- The parties must have an advisor of their choice at hearings who may be, but is not required to be, an attorney. Federal regulations require an advisor be present for each party at a hearing for the sake of the questioning process.
- 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 Formal Title IX Complaints

Gordon-Conwell must dismiss a formal complaint at any point if 1) conduct would not constitute sexual harassment; 2) conduct did not occur in an education program or activity controlled by Gordon-Conwell and/or Gordon-Conwell does not have control of respondent; 3) conduct did not occur against a person in the US; 4) when the complaint was filed, the complainant is not participating in a Gordon-Conwell education program or activity (although the Title IX Coordinator may do so if warranted). Gordon-Conwell must also dismiss a complaint if it is unable to identify the respondent after taking reasonable steps to do so.

Gordon-Conwell may dismiss a formal complaint if 1) a complainant notifies Title IX Coordinator in writing that he/she would like to withdraw the complaint; 2) respondent is no longer enrolled at Gordon-Conwell or employed by Gordon-Conwell; 3) there are specific circumstances that prevent Gordon-Conwell from gathering sufficient evidence.

Options available to someone who reports include supportive measures; informal resolution; investigation with determination by a decision-maker (possible hearing).

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 section on appeals. 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 section on appeals.

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. This is dependent on the advisor being eligible and available.
- 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 sexual harassment grievance procedures.

The steps for an investigation are generally as follows:

- Provide a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties.
- Interview the complainant and respondent separately at least once and potentially multiple times as needed.
- Attempt in-person interviews, although circumstances may not permit that, so zoom will be an alternative.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party when possible.
- When participation is expected, provide written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow suggestions of witnesses and questions they wish the investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Provide regular updates throughout the investigation.
- Provide complainant and respondent with a list of witnesses whose information will be used in determination.

- Gather, assess, and synthesize evidence, and write a draft investigation report, summarizing the investigation, witness interviews, and addressing all relevant evidence. No conclusions will be made yet, until respondent and complainant review evidence and respond (cannot take longer than 10 days.)
- The investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The investigator(s) will finalize the report with responses included. (For non-hearing cases: the investigator(s) make no conclusions regarding responsibilities, However, they will create a separate written recommended determination of responsibility, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.
- The Title IX Coordinator review the report, which is then shared to the complainant and respondent.

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 sexual 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 sexual 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.

Determination Whether Sexual 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. 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 violation of this policy occurred.
- Notify the parties simultaneously in writing of the determination whether violation of this policy occurred under Title IX including:
 - A description of the alleged violation;
 - 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 violation of this policy occurred;
 - When the decisionmaker finds that a violation 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 sexual 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 violation of this policy 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 violation of this policy 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;

- o Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- o 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 violation of this policy 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 violation of this policy 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 violation of this policy occurred on the following bases:

- o Procedural irregularity that would change the outcome;
- o New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- o 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 violation of this policy occurred, Gordon-Conwell will:

- o Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- o Implement appeal procedures equally for the parties;
- o Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- o 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.
- Once an appeal is decided, the outcome is final.

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 sexual harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law. Gordon-Conwell will not use informal resolution for reports of sexual harassment where the respondent is an employee and complainant is a student. 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.

The Title IX coordinator can provide supportive measures (only) to resolve the situation; negotiate a resolution acceptable to everyone; if the respondent accepts responsibility and accepts a sanction/remedies and ends the resolution process. The complainant must have submitted a formal complaint for an informal resolution to occur and the Title IX Coordinator must agree that an informal resolution is appropriate and likely to be effective.

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 sexual 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 sexual 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 sexual 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.

Pregnancy

Gordon-Conwell is committed to ensuring that pregnant student's rights are preserved. Students are encouraged to work with the Title IX Coordinator and/or Accommodations Coordinator (to explore any need for reasonable accommodations) with any questions because the Title IX Coordinator can take special actions to prevent sex discrimination and ensure equal access. Our intention is to provide a supportive and helpful environment for pregnant students.

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 (Gordon Police). The Student Life Services staff is available to assist in these matters as well. [Click here](#) for a list of other available resources.

YWCA North Shore Rape Crisis Center (24-hour hotline: 1800-922-8772)

HAWC (Healing Abuse, Working for Change) Domestic Violence Services (24-hour hotline: 1800-547-1649)

TITLE IX COORDINATOR

Patti Orlando

Senior Director of Human Resources

Kerr Building, Room 318

130 Essex Street, South Hamilton, MA 01982

Phone: 978-646-4052

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

The Title IX Coordinator is responsible for coordinating efforts, training others for intake, investigation, resolution, implementation of supportive measures, and may delegate responsibilities to others as appropriate.

The Title IX Coordinator acts with independence and authority, free from bias and conflict of interest. Members of the team are vetted and trained to ensure they are not biased against individuals specifically or parties generally. Concerns may be raised to the Title IX Coordinator, however when concerns involving bias or conflict of interest by the Title IX Coordinator, contact Dr. Brad Howell, VP of Grad Programs (bhowell@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.

Office for Civil Rights (OCR), U.S. Department of Education • 400 Maryland Avenue, SW, Washington, D.C. 20202-1100 • Customer Service Hotline #: (800) 421-3481 • FAX: 202-453-6012 • TDD#: 877-521-2172 • Email: OCR@ed.gov • Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR), Boston Office, U.S. Department of Education • 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 • Telephone: (617) 289-0111 • FAX: (617) 289-0150 • Email: OCR.Boston@ed.gov

For complaints involving employees:

Equal Employment Opportunity Commission (EEOC) Local EEOC Field Office: Equal Employment Opportunity Commission, JFK Federal Building, 15 New Sudbury Street,

Room 475, Boston, MA 02203-0506 • Phone: 800-669-4000 • Fax: 617-565-3196 • TTY: 800-669-6820 • ASL Video Phone: 844-234-5122

Massachusetts Commission Against Discrimination (MCAD) Locations:

- One Ashburton Place, Suite 601, Boston, MA 02108; (617) 994-6000
- 436 Dwight Street, Room 220, Springfield, MA 01103; (413) 739-2145
- 484 Main Street, Room 320, Worcester, MA 01608; (508) 453-9630
- Demello International Center, 128 Union St., Suite 206, New Bedford, MA 02740; (774) 510-5801

Additional Information:

Gordon-Conwell Theological Seminary does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission, financial aid, grading, discipline and employment.

Sexual harassment, including acts of sexual violence, is a form of sex discrimination that is illegal under both federal and Massachusetts state law, including Title IX of the Educational Amendments of 1972, and the Title VII of the Civil Right Act of 1964. It is the policy of Gordon-Conwell not to discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of sex.

Inquiries about Title IX may be referred to Gordon-Conwell's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. Gordon-Conwell's Title IX Coordinator is Patti Orlando, Senior Director of Human Resources, Kerr 318 130 Essex St. Hamilton, MA 01982. porlando@gordonconwell.edu 978-646-4052.

Gordon-Conwell's nondiscrimination policy and grievance procedures can be located online at <https://www.gordonconwell.edu/community/practices-policies/statements-of-compliance/>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://www.gordonconwell.edu/community/campus-safety/sexual-misconduct-information/>