



# **OGLETHORPE**

UNIVERSITY



## **Annual Security & Fire Safety Report 2020**

## **TABLE OF CONTENTS**

### **SECTION I: Introduction**

1. Preparation of the Report

### **SECTION II: Campus Security Policies**

1. Reporting Criminal Actions and Other Campus Emergencies
2. Security of and Access to Campus Facilities
3. Policies Regarding Campus Law Enforcement
4. Safety Programs to Inform Students and Employees about Crime Prevention
5. Monitoring and Recording Criminal Activity of Students Groups with Off Campus Facilities
6. Statement on Results of Disciplinary Hearings
7. Alcohol and Drug Policies
8. Alcohol and Drug Education Programs
9. Emergency Response and Evacuation Procedures

### **SECTION III: Sexual Misconduct Prevention**

1. Educational Programs and Campaigns
2. Procedures for Victims of Dating Violence, Domestic Violence, Sexual Assault, Stalking
3. Institutional Procedures for Handling Dating Violence, Domestic Violence, Sexual

### **SECTION IV: Crime Report Statistics**

1. Crime Definitions
2. Crime Statistics

### **SECTION V: Fire Safety Report**

1. Campus Housing Fire Safety Policies and Procedures
2. Fire Statistics

**Attachments:** University Bulletin Section 14 – Title IX Policy

---

## SECTION I: INTRODUCTION

---

This report is prepared on an annual basis by Oglethorpe University in compliance with the Higher Education Act of 1965 section 485(f) known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The university publishes this report in addition to providing the U.S. Secretary of Education with campus crime and fire statistics.

The statistics contained in this report include crimes on or near the campus (unobstructed public areas adjacent to campus). Oglethorpe further maintains compliance the Violence Against Women Reauthorization Act of 2013 (VAWA) amendments to the Clery Act by prohibiting the crimes of dating violence, domestic violence, sexual assault, and stalking and providing statistics for these crimes and policies, procedures and programs.

In addition to the Annual Security Report, Oglethorpe University maintains a log of crime on campus for the past 90 days documenting the nature, date, time and general location of each crime and disposition if known. This log can be provided upon request or accessed online by clicking [here](#).

Oglethorpe University knows that a safe campus is critical for our students, faculty, and staff. Our goal in this report is to share that commitment with our community. We provide increased transparency about campus incidents, community member rights, policies and procedures for conduct proceedings support services, and prevention and awareness/educational requirements and programming.

This report is provided to all current students and made available to any prospective students or employees. The Oglethorpe University Bulletin is made reference throughout this report and can be found online [here](#).

### 1. Preparation of the Report

Statistics and information for this report are collected from a broad range of campus officials including the Director of Campus Safety, the Vice President for Campus Life, the Title IX Coordinator, the University Counsel, and with input from Campus Security Authorities and the Brookhaven Police Department. Once the report is complete, the campus community is notified, and it is maintained on the university website. Paper copies are available by request to the Department of Campus Safety.

Victims or witnesses of crimes may submit information on a confidential basis for inclusion in the annual disclosure of crime statistics via the incident report [link](#) or directly to the Director of Campus Safety or Vice President for Campus Life. Support for these individuals is available 24/7 by contacting Campus Safety 404-504-1998 or the professional staff member on-call 404-

919-6875. Confidential support is available via the university Counseling Center by calling 404-364-8456 or in person in on the ground floor of Lowry Hall.

---

## SECTION II: CAMPUS SECURITY POLICIES

---

### 1. Reporting Criminal Actions and Other Campus Emergencies

Members of the university community are encouraged to report concerns and take an active role in keeping campus safe. All crimes and safety matters should be reported to the Department of Campus Safety in an accurate and timely manner.

#### **Oglethorpe Campus Safety Department**

Oglethorpe Campus Safety can be reached 24 hours a day, 7 days a week, by calling 404-504-1998. A report may be taken even if the caller does not provide full information. Individuals may also chose to fill out a Campus Safety incident report online using the following link: [Incident report link \(may be anonymous\)\\*](#), or reporting in person with Campus Safety Director Dwayne Smalls in the Student Commons of the Turner Lynch Campus Center. Director Smalls can also be reached by email or phone at [dsmalls@oglethorpe.edu](mailto:dsmalls@oglethorpe.edu) 404-504-1188. (Please note that anonymous and incomplete reports may limit the university's ability to follow up on the information given).

Under the direction of Oglethorpe University's Director of Campus Safety, campus security services are also provided by G4S Secure Solutions. Oglethorpe Campus Safety is responsible for monitoring and patrolling campus and responding to campus needs.

#### **Timely Warning Reports to Members of the Campus Community: "OU Alert"**

Oglethorpe uses the OU Alert/RAVE emergency notification system to issue timely warnings to members of the university community. Alerts are issued for Clery Act crimes or other dangerous situations occurring on the campus that involve an immediate threat to the health or safety of students or employees. These alerts are provided by cell phone, e-mail, campus phone line, Twitter and Facebook. The Vice President for Campus Life is responsible for issuing the warning based on reports from the Campus Safety Department. Members of the community can register preferences via the site using their university log-on username and password: <https://www.getrave.com/login/oglethorpe>. The notification system is tested at least once annually, and advance notice is provided to community via e-mail, the university's official mode of communication. Students may also add their parent/guardian numbers to the alert system to include them in the communications.

### 2. Security of and Access to Campus Facilities

#### **Polices Regarding Security of and Access to Campus Facilities**

Campus residence halls are locked 24/7. Keys and/or access cards are granted to current residents in good standing only. Other campus facilities are locked and unlocked by campus safety personnel based on operating hours. Individual offices should be locked by the occupant at the end of each business day or otherwise when not in use.

### **Maintenance of Campus Facilities**

Oglethorpe Department of Campus Safety, together with the Facilities and Information Technology Departments, maintain all safety and security systems on campus including locks, doors, window screens, lights, fire safety, and life safety measures. The Campus Life, Residence Life, and Athletics also assist in this effort. The Department of Campus Safety conducts regular inspections of locks and other safety equipment.

Any facilities concerns should be reported to Campus Safety 404-504-1188. Routine work orders can be entered by any member of the community by completing a work order form located on the Residence Life page. Issues with student card key access should reported immediately to the help desk, [helpdesk@oglethorpe.edu](mailto:helpdesk@oglethorpe.edu) on the main floor of the library.

### 3. Campus Law Enforcement

#### **Authority, Jurisdiction, and Coordination with State and Local Authorities**

The Department of Campus Safety follows standard operation procedures that are available for review upon request. The Campus Safety officers do not have arrest powers and are not law enforcement officers.

Oglethorpe Campus Safety works closely with the Brookhaven Police Department to handle criminal activity, as well as state-wide police when appropriate by referral of the local authorities. When an incident occurs on campus, Campus Safety initiates the investigation with on-duty staff from the Division of Campus Life. All incidents are documented in the university's conduct tracking system, Maxient, and a general notification is added to the campus crime log.

Oglethorpe University urges students, faculty and employees to report any conduct that may constitute a crime to Campus Safety and the local law enforcement. Oglethorpe can arrange for a meeting with a police officer in a private location on campus, or for someone to accompany a victim to make a report in person at the police headquarters. Campus counselors are also made aware of this information should it be appropriate to share with their student clients.

The Director of Campus Safety consistently communicates with the Brookhaven Police Department on various matters including keeping the administration aware of off campus issues. The student code of conduct extends to student activities off campus, which is detailed in the *University Bulletin*.

Brookhaven Police Department provides programs for students and employees, including self-defense trainings and civilian active shooter trainings. On a regular basis, Oglethorpe also employs off-duty Brookhaven Police Officers to provide additional security for large events.

### 4. Safety Programs to Inform Students and Employees about Crime Prevention

Annual trainings and regular reminders promote awareness of safety matters and encourage reporting of crimes and concerns in person and/or via on-line reporting forms. In addition to the officers and Director of Campus Safety, personnel in the Division of Campus Life and members of the Oglethorpe Emergency Planning Committee take an active role in making the campus as safe as possible. Students in leadership roles are also part of safety awareness and crime prevention. Student resident assistants are trained in a variety of safety matters and, in addition to an on-campus member of the campus life staff, resident assistants in each building serve on call each evening in the residence halls when school is in session. Other students are engaged in safety matters via Greek life and bystander intervention programs.

### **Informing About Campus Security Practices**

The Departments of Campus Life and Campus Safety develop programming and messaging that informs students and employees about campus security procedures and practices. Together the departments host an annual Campus Safety week with special self-defense classes and additional training on campus security practices. These efforts encourage students and employees to be responsible for their own security and security of others.

The Campus Source newsletter also provides periodic notices regarding security practices and procedures to prepare for anticipated and unanticipated occurrences. Programs about prevention of crimes and personal security are continually promoted in residence halls and in faculty and staff meetings. The Healthy Campus Task Force, made up of a team of employees, students and community professionals, also meets at least three times a year to improve Oglethorpe's climate of safety.

### **Informing About the Prevention of Crimes**

The following programs are designed to inform students and employees about preventing crimes.

Campus Safety Training for Resident Assistants: Oglethorpe University's residence assistants serve on call every evening during the academic year. They work closely with the on-call professional staff in Campus Life and the office of Campus Safety. Each August the Director of Campus Safety trains the resident assistants to respond to incidents and emergencies. The Director maintains consistent communication with this group throughout the year.

Community Dialogue & Self Defense Seminars: Each year, multiple student organizations provide events and dialogues promoting safety and awareness. Topics include self-defense and Title IX related efforts focusing on consent and respect. These programs are funded by the Student Government Association via the student activity fee.

5. Monitoring and Recording Criminal Activity of Students Groups with Off Campus Facilities

Oglethorpe University does not have any officially recognized student organizations with non-campus locations.

6. Statement on Results of Disciplinary Hearings

Oglethorpe University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, USC), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victims for purposes of this paragraph.

#### 7. Alcohol and Drug Policies

Oglethorpe requires students to comply with federal, state, and local laws concerning the possession and use of alcoholic beverages and drugs. Additional policies on alcohol and drugs can be found in the *University Bulletin*.

##### **Possession, Use, and Sale of Alcohol and Enforcement of State Drinking Laws**

The consumption of alcoholic beverages by persons under the age of 21 and the furnishing of alcohol to an individual under 21 are violations of state law. The illicit possession, use, or distribution of alcohol on campus will be subject to disciplinary action by the university and may also constitute a violation of law that can result in fines or imprisonment by federal, state, or local authorities.

The use of alcoholic beverages on campus by students of legal age is permitted only in the privacy of their living quarters or at events or in locations specifically authorized. If all members of a room or suite are under the legal drinking age, no alcohol can be present in that room at any time. Residents cannot host open invitation or large private parties with alcoholic beverages. This policy specifically prohibits large quantities of alcohol and beer kegs on the campus. Open containers of alcoholic beverages are not permitted outdoors in public areas of the residence halls or elsewhere in campus buildings or on campus grounds, except where specifically authorized. Public areas include lounges, lobbies, study rooms, hallways, laundry/utility rooms and all courtyards, patios, grounds, sidewalks and parking lots.

##### **Use and Sale of Illegal Drugs and Enforcement of Federal and State Laws**

The possession, use, or distribution of illegal drugs or substances used for illicit purposes on campus will be subject to disciplinary action by the university and may also constitute a violation of law that can result or fines or imprisonment by federal, state or local authorities. Possession, use, or distribution of drugs other than marijuana will result in immediate suspension or expulsion from the university and Brookhaven Police Department will be notified. Possession and/or evidence of distribution of marijuana will result in immediate suspension or expulsion from the university and Brookhaven Police Department will be notified.

Students who have been convicted of the sale or possession of illegal drugs while receiving federal student aid may have their eligibility for federal student financial aid suspended.

#### 8. Alcohol and Drug Education Programs

All new students must take an Alcohol EDU training module before they arrive for orientation. During the academic year members of the Counseling Center and Campus Life staff work with student leaders to develop and enhance alcohol and drug abuse programming and awareness. They also focus on healthy relationships and wellness programming. Data from institutional surveys given in a multi-year sequence are used to develop social norm campaigns and identify needs for effective programming and intervention.

University employees also have access to free and confidential assessments, short-term counseling, referrals, and follow-up services through the Employee Assistance Plan. The university sponsored health insurance also provides a combination of inpatient and outpatient treatments for mental health and chemical dependency issues.

#### 9. Emergency Response and Evacuation Procedures

Oglethorpe University has developed campus protocols for active shooters, fire emergencies, bomb threats, and severe weather. Any reports of these emergencies should be directed to 9-11 and then campus safety immediately after. In case of an evacuation, an on-scene police supervisor will coordinate with the Director of Campus Safety and/or the Vice President of Campus Life.

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees the Vice President for Campus Life will authorize the initiation of the Emergency Notification system to notify the community. The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The OU Alert system, as described above, is used disseminate the notification. The Vice President for Campus Life confirms an emergency by coordinating with a range of the following parties depending on the circumstances: the Director of Campus Safety, the Vice President for Business & Finance, Campus Life staff, state or local police authorities, outside advisories from the city, county, or state, including public health officials. The OU Alert system can segment on or off-campus populations, which may be notified separately depending on the present risk. The content of the notification is coordinated by the Vice President for Campus Life and determined in consultation with Campus Safety and University Communications. The University Communications office then sends out the message. The use of smoke, fire alarms, and human mobilization may also take place in conjunction with the system. The notification system is tested at least once annually, and advance notice is provided to community via e-mail, the university's official mode of communication. The university retains a description of the exercise (i.e., the test), the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.

Oglethorpe also convenes an Emergency Planning Committee and Crisis Management Team that meets throughout the year and is activated in emergency situations to communicate and carry out proscribed procedures.

### **Missing Student Notification for Resident Students**

Students, employees, or other individuals should report that a student has been missing for 24 hours to Oglethorpe Campus Safety, the Dean of Students, the Director of Residence Life or any professional staff member on-call through Residence Life. Once a report is received, Campus Safety and the Brookhaven Police Department will be immediately notified if a student is deemed missing for 24 hours.

The university will also inspect the student's residence assignment and interview roommates, suitemates, work study supervisors, coaches, and professors. Immediate follow up on information received from the inspection and interviews will continue until the student is located.

Every student who lives in on-campus student housing may register one or more individuals to be a contact strictly for missing persons purposes. The contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. For students under 18 years of age and not emancipated, a custodial parent or guardian will be notified within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

### **Automatic External Defibrillators (AEDs) on Campus**

An AED is a specialized medical device designed and used to recognize and treat certain lethal heart rhythms, in conjunction with cardiopulmonary resuscitation (CPR) during a cardiac arrest situation. AEDs deliver an electrical shock to persons in ventricular fibrillation or ventricular tachycardia. Having access to, and knowing how to use, an AED may help save a life.

Oglethorpe has installed AED units at various locations throughout the campus: (1) next to the University Dining Hall in the Turner Lynch Campus Center (2) on the second floor of the Cousins Center (3) in the weight room of the Schmidt Gymnasium, and (4) in the Lobby of the Conant Arts Center. Campus Safety also maintains a traveling AED.

---

## **SECTION III: SEXUAL MISCONDUCT PREVENTION**

---

### **1. Educational Programs and Campaigns**

Oglethorpe University prohibits dating violence, domestic violence, sexual assault, and stalking (in addition to other forms of sexual misconduct) as they are defined by and for purposes of the *Clery Act*. For educational and awareness purposes, Georgia law defines these crimes as follows:

*Dating & Domestic Violence are defined as "Family Violence" O.C.G.A. §19-13-1: The occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: 1. Any felony; or 2. Commission of offenses of battery, simple battery,*

simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

*Sexual Assault is defined as “Sexual Battery” O.C.G.A §16-6-22.1: A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person. Or “Aggravated Sexual Battery” O.C.G.A §16-6-22.2: A person commits the offense of aggravated sexual battery when he or she intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.*

*“Stalking” O.C.G.A. § 16-5-90: A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.*

*“Without Consent” O.C.G.A § 16-1-3(19): A person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another.*

### **Programs to Promote Awareness of Dating Violence, Domestic Violence, Sexual Assault and Stalking.**

*Sexual Assault Prevention Online Training for Students & Employees:* This program is required online training for all new students before they enter campus. It uses a population-level approach to educate all students on the issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences, by providing key definitions and statistics, reflective and personalized content, bystander skill and confidence-building strategies, and Oglethorpe-specific policies, procedures, and resources. All students must complete this training. Failure to do so results in a hold on their ability to register for future courses/stay enrolled. Faculty and staff are also required to complete an employee specific version of online training on an annual basis. Failure to do so results in notification to human resources and supervisors until the training is complete.

**Keynote Speaker Program:** Oglethorpe University partners annually with a national speakers bureau to provide campus-wide safety seminars. In August 2019 Tim Mousseau presented a seminar on consent and sexual violence to the new first years and transfers in a two-hour session.

**Sexual Assault Response Team:** This team of professionals meets regular to assess university policy and protocols regarding sexual assault. They attend regular trainings provided by attorneys, law enforcement and other professionals to continuously improve Oglethorpe’s response.

### **Safe and Positive Options for Bystander Intervention & Risk Reduction**

Oglethorpe promotes the Step Up! Bystander Intervention Program designed to provide students with tactics and techniques to intervene in cases of power based personal violence and have skills to promote safety and respect on campus. Staff and student leaders have been trained in

bystander intervention via formal programs including Green Dot and Step Up. This effort is led by the office of student engagement and leadership. In 2019, over 100 students completed the full training and campus wide, students were presented with the basic concepts.

### **Ongoing Prevention and Awareness Campaigns for Students and Employees**

*Sexual Assault Prevention* Continued Training for Employees: An abbreviated version of the online training program is required on an ongoing annual basis after the initial year. Failure to do so results in notification to Human Resources and supervisors until the training is complete.

Student Athlete Continued Education: All student-athletes who are members of an NCAA intercollegiate athletics team participate in a mandatory educational session on an annual basis. The Title IX Coordinator or a designee presents policies, procedures, and developments on sexual violence prevention.

Greek Life Risk Management: The Greek life organizations on campus all participate in a specialized risk management program. Each organization designates a student risk management official who receives training for sexual assault prevention through TIPS University. The student risk managers are provided materials to then conduct peer training with their respective chapters.

Social Norming Program: The Department of Campus Life runs ongoing social norming programming for bystander intervention through articles, posters, and other visual materials. The program is intended to normalize potentially uncomfortable interactions that bystanders may have when intervening with their peers in circumstances that could lead to sexual misconduct.

### **Sex Offender Registry**

The following website is where information can be found as required by the federal Campus Sex Crimes Prevention Act regarding sex offenders in the Brookhaven/Atlanta area and surrounding counties: <https://gbi.georgia.gov/georgia-sex-offender-registry>

## **2. Procedures for Victims of Dating Violence, Domestic Violence, Sexual Assault, Stalking**

Reports of acts of sexual misconduct should be made to the Campus Safety Department and/or the Title IX Coordinator. Campus Safety can be reached 24 hours a day, 7 days a week at 404-504-1998. There is always someone from Campus Safety and Campus Life available to support members of our community involved in an incident. A report may also be filed online via [this link](#) or in person at the Student Commons, First Floor, Turner Lynch Campus Center.

The Title IX Coordinators and Deputy Coordinators at Oglethorpe University are: Rachael Clark and Sandy Butler. They can be reached by email at [titleix@oglethorpe.edu](mailto:titleix@oglethorpe.edu). All university employees are trained to respond to any member of the community who reports a Title IX violation. Referrals for support and accommodations of the reporting party are made to the university's Title IX Coordinator within 24 hours of the report.

Campus Safety, Campus Life, and Title IX can make immediate referrals counseling and help centers. The Campus Counseling Center is located in Lowry Hall and is open Monday through Friday 9-5.

### **Preserving Evidence**

Preserving evidence may assist in proving that the alleged criminal offense occurred and may be helpful in obtaining a protection order. Victims should try not to shower, change clothes, brush your, urinate, eat, drink, smoke, or take any medications until they receive medical attention. Forensic examinations may be obtained at several places including Northside Hospital 1000 Johnson Ferry Road Atlanta, GA 404-851-8000, and The Day League 204 Church Street, Decatur, GA 404-377-1429. Victims should get to the hospital as soon as possible, and have up to 72 hours after an incident that forensic evidence can be collected. Completing a forensic examination does not obligate a victim to file a police report but will help preserve evidence if they decide to do so at a later date.

### **Law Enforcement**

Students have several options for the involvement of law enforcement. A student may notify law enforcement about an offense, may be assisted by Oglethorpe to make a report on campus or at the station, or may decline to notify the authorities.

The Brookhaven Police has jurisdiction over the Oglethorpe campus:

Brookhaven Police Department  
2665 Buford Hwy  
Brookhaven, GA 30324  
911 for Emergencies  
404-637-0600 for Non-Emergencies

Oglethorpe will always comply with a student's request to notify authorities.

### **Victim's Rights**

The Title IX Coordinator will respond with prompt and equitable action that includes supportive measures, such as a "no contact" order. Both the complainant and respondent will have the option of changing on-campus residence and/or an adjustment to their academic schedule, if such changes are reasonably available. The Brookhaven Police should be contacted for a criminal protective order or restraining order.

#### 3. Institutional Procedures for Handling Dating Violence, Domestic Violence, Sexual Assaults, Stalking

Oglethorpe University works to provide students and employees with prompt and fair attention to these matters. For the full process regarding Title IX and sexual misconduct please review Section 14 in the *University Bulletin*, which is included as an attachment to this report.

### **Confidentiality**

The university and staff members will keep student information private and confidential and only disclose to parties relevant and necessary to resolving an investigation/case. Personally identifying information is never released in any publicly available records including Clery Act reporting. Any accommodations or supportive measures provided are maintained as confidential

to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures. The administration of supportive measures and ability to maintain confidentiality will typically be made by the Title IX Coordinator.

### **Resources & Accommodations**

Oglethorpe provides notification to students and employees about existing counseling, health, mental health, victim advocacy, student financial aid and other services available both within the institution and in the community. General resources may be found [here](#). Financial aid resources may be found [here](#).

Oglethorpe will provide notification about options for, available assistance in, and how to request changes to academic, living and transportation and working situations or supportive measures. Oglethorpe will comply with requests if they are reasonably available, regardless of whether or not the crime is reported to Campus Safety or law enforcement.

### **Procedures for Disciplinary Action**

The university investigates claims of discrimination, including sexual harassment, violence or misconduct. Disciplinary procedures involving allegations of sex discrimination, including (VAWA offenses) will be conducted promptly and will be thorough, equitable, and impartial from the initial investigation to the final result, and will be overseen by the Title IX Coordinator. This process applies to students, faculty, and staff. The standard of proof in such disciplinary proceedings shall be that of the preponderance of the evidence, which is based upon whether it is more likely than not that a violation occurred. The process may take up to 120 days from initial filing to a hearing panel determination.

The Complainant and Respondent are provided the same opportunities to have an advisor present during any part of this proceeding. The university will not limit a choice in advisor but may establish restrictions regarding the extent to which the advisor may participate in the proceedings.

The Title IX Coordinator will first offer supportive measures, regardless of whether a party wants to move forward with the grievance process. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to both parties. Examples of supportive measures include “no contact” orders, changes in class schedule, campus escorts, changes in residence hall assignments, and counseling.

A formal complaint is required to initiate the Title IX process. The Title IX Coordinator will provide the complainant with a statement of rights and options as required under VAWA. The Title IX Coordinator will complete an initial jurisdictional review, before dismissing the case or sending the case to investigation. A case that proceeds to investigation will be assigned a trained investigator who will conduct interviews and collect evidence. At the conclusion of the investigation, the investigator creates an Investigation Report.

The Title IX Coordinator and both parties have the opportunity to review the Investigation Report prior to a hearing. The Title IX Coordinator will conduct another jurisdictional review to ensure a hearing is appropriate. The live hearing will be administered by a Hearing Officer and a determination will be made by a three-member Hearing Panel. If the Respondent is found responsible, a hearing panel may impose sanctions, including, but not limited to warning; social probation, which may include restriction from particular buildings, areas of campus, and/or university activities; educational requirements focused on substance use, anger management or other issues; behavior contracts; residential suspension or expulsion; academic restriction, which may limit registration time or course selection; suspension from the University with possible re-enrollment requirements or restrictions; expulsion. A hearing panel may impose the following sanctions on employee respondents: warnings; mandatory trainings or other educational requirements; counseling or therapy; behavior contracts; temporary suspensions; demotions; changes to their job description and/or responsibilities; termination; or any other sanction permissible under the Employee Handbook. Multiple sanctions may be imposed depending on the number and severity of responsible findings in each case. The university will simultaneously notify, in writing, to both parties of the result of any disciplinary proceedings, the procedures for appeal, any change to the result, and when the results become final.

The officials who are chosen to conduct proceedings receive training on issues related to dating violence, domestic violence, sexual assault and stalking, and how to conduct investigations and hearings that protects safety and promotes accountability.

---

## SECTION IV: CRIME REPORT STATISTICS

---

### 1. Crime Definitions

For purposes of this report, statistics provided on the listed crimes and associated terms are defined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Guidelines (UCR):

*Aggravated Assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

*Arrest:* Persons processed by arrest, citation, or summons.

*Arson:* Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

*Burglary:* The unlawful entry of a structure to commit a felony or a theft.

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be

determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

*Destruction/Damage/Vandalism of Property:* to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

*Domestic Violence:* A felony or misdemeanor crime 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 or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

*Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

*Hate Crime:* A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

*Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Intimidation:* To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Larceny-Theft:* The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

*Liquor Law Violations:* The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the

manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

*Motor Vehicle Theft:* The theft or attempted theft of a motor vehicle.

*Murder/Non-Negligent Manslaughter:* The willful (non-negligent) killing of one human being by another.

*Negligent Manslaughter:* The killing of another person through gross negligence.

*Rape:* The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

*Sex Offenses (Forcible):* Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. **A. Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). **B. Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. **C. Sexual Assault With An Object** - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. **D. Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

*Sex Offenses (Non-Forcible):* Unlawful, non-forcible sexual intercourse. **A. Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. **B. Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

*Simple Assault:* An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

*Stalking:* 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.

*Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Unfounded Crime:* A reported crime that upon investigation by law enforcement authorities is found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfound a crime. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

*Weapons:* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

## 2. Crime Statistics

### Criminal Offenses

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / MANSLAUGHTER	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
RAPE	2019	3	3	0	0
	2018	2	2	0	0
	2017	4	4	0	0
FONDLING	2019	3	3	0	0
	2018	4	4	0	0
	2017	1	1	0	0
INCEST	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ROBBERY	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

AGGRAVATED ASSAULT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
BURGLARY	2019	7	5	0	0
	2018	3	1	0	0
	2017	0	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ARSON	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

### VAWA Offenses

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DATING VIOLENCE	2019	3	3	0	0
	2018	1	1	0	0
	2017	1	1	0	0
STALKING	2019	0	0	0	0
	2018	2	1	0	0
	2017	2	1	0	0

### Arrests and Referrals for Disciplinary Action

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS; CARRYING, POSSESSING, ETC.	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS; CARRYING, POSSESSING, ETC.	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2019	0	0	0	0
	2018	4	2	0	2
	2017	0	0	0	0
	2019	19	16	0	0

DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	15	11	0	0
	2017	13	12	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2019	18	13	0	0
	2018	19	18	0	0
	2017	24	21	0	0

### Hate Crimes

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
HATE CRIMES	2019	0	0	0	0
	2018	0	0	0	0
	2017	2	0	0	0

### Unfounded Crimes

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
UNFOUNDED CRIMES	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

---

## SECTION V: FIRE SAFETY REPORT

---

### 1. Campus Housing Fire Safety Policies and Procedures

Fire and safety systems are maintained and reviewed on a quarterly basis in a collaboration between the Campus Safety and Facilities Departments. Fire drills are conducted once per semester, and participation is mandatory for all residents. Evacuation routes are prominently posted in every residence hall. The campus emergency response procedures are reviewed by a committee twice annually, and employees and students receive information via trainings, on-line resources, and posted signs.

In order to ensure fire safety in the residence halls, no candles or incense are allowed. Open coil-heating units like burners and toaster ovens are also prohibited. Extension cords may not be used, however grounded, 15 amp, and UL certified surge protectors are permitted. Room inspections are held periodically to verify compliance and safety.

Oglethorpe prohibits smoking in all campus buildings, including residence halls, residence halls courtyards, and Greek housing. Open fires are not permitted anywhere on campus. Grills are not permitted on campus, with the exception of the University grill located on the upper residence quad. The possession or discharging of fireworks on campus is a violation of Georgia law and is strictly prohibited.

**Evacuation Procedures**

In case of a fire, students are advised to use stairs and stay out of elevators. Students should activate fire alarm pull stations as they exit if it is safe to do so. Once outside the residence hall, they are advised to move away from building and not to re-enter until advised it is safe by emergency responders. Students should only use portable fire extinguishers if they are trained to do so.

If a student is trapped in a room or building during a fire they should remain calm and take action to protect themselves. Doors should be closed, and wet towels and sheets should be placed at the bottom of the door. Students who are trapped should call 9-11 and then Campus Safety. Students should also place a bright piece of fabric out of the window and make noise at regular intervals to alert emergency response of their location. Students should stay close to a window for oxygen, and if there is no window, should stay close the floor.

After a fire has occurred, Resident Advisors and Campus Safety are notified if they were not present and/or previously made aware.

**Fire Safety Education & Training**

The Departments of Campus Safety and Campus Life conduct fire training for on campus residence halls. In addition to the semi-annual fire drills for every building, residence life staff and advisors hold trainings and hall meetings to review fire safety policies and procedures.

**Campus Housing Fire Safety Systems**

RESIDENTIAL FACILITIES	NUMBER OF FIRE DRILLS	FIRE ALARM SYSTEM	COOKING HOOD SYSTEM	EXTINGUISHERS	SMOKE DETECTORS	EVACUATION PLANS / PLACARDS	SPRINKLER SYSTEM
ALUMNI - 4884 Peachtree Rd. NE	2	X		X	X	X	X
BOWDEN/MA GBEE - 4884	2	X	X	X	X	X	X

Peachtree Rd. NE							
DEMPSEY - 4884 Peachtree Rd. NE	2	X		X	X	X	X
JACOBS - 4884 Peachtree Rd. NE	2	X		X	X	X	X
JOBE/HANSEN - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X
SCHMIDT - 4884 Peachtree Rd. NE	2	X		X	X	X	X
TRAER - 4884 Peachtree Rd. NE	2	X		X	X	X	X
ALPHA SIGMA TAU - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X
CHI OMEGA - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X
CHI PHI - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X
KAPPA ALPHA / ALPHA PHI	2	X	X	X	X	X	X

ALPHA - 4884 Peachtree Rd. NE							
SIGMA ALPHA EPSILON - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X
SIGMA SIGMA SIGMA - 4884 Peachtree Rd. NE	2	X	X	X	X	X	X

## 2. Fire Statistics

<b>RESIDENTIAL FACILITIES</b>	<b>YEAR</b>	<b>NUMBER OF FIRES</b>
ALUMNI - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
BOWDEN/MAGBEE - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
DEMPSEY - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
JACOBS - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
JOBE/HANSEN - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
SCHMIDT - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
TRAER - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
ALPHA SIGMA TAU - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
CHI OMEGA - 4884 Peachtree Rd. NE	2019	0

	2018	0
	2017	0
CHI PHI - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
KAPPA ALPHA / ALPHA PHI ALPHA - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
SIGMA ALPHA EPSILON - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0
SIGMA SIGMA SIGMA - 4884 Peachtree Rd. NE	2019	0
	2018	0
	2017	0

## Report Attachments

---

### Oglethorpe University Sexual Misconduct Policy

Oglethorpe University's policies related to Sexual Violence and Misconduct can be found in [Section 14](#) of the [University Bulletin](#). The following Title IX policy is Oglethorpe's Title IX policy found in the University Bulletin faculty and staff work to provide the most updated policies on Sexual Violence and Misconduct, so please be sure to read directly from the highlighted link. Visit <https://conduct.oglethorpe.edu/sexual-misconduct-policies/> for more.

### Title IX Policy

Oglethorpe University is committed to maintaining a safe learning and working environment that is free from sexual discrimination and harassment. The University will respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. The University, along with the U.S. Department of Education and its Office for Civil Rights (OCR), believes that providing an educational environment free from discrimination is critically important.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. section 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Program or activities include locations, events, or circumstances over which the University exercises substantial control over both the alleged perpetrator and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization

that is officially recognized by the University. This policy applies to current students, applicants for admission, faculty, staff, and other individuals associated with the University.

The University actively encourages all members of the community to report and take action to make the University a safe, welcoming, and respectful environment.

#### **14.1 Title IX Coordinator & Reporting Title IX Matters**

Incidents of sexual harassment involving students, faculty, staff, or associated parties should be reported immediately to the University, police, or both.

Victims of sexual assault should seek immediate medical attention. The county and city provide resources for victims of sexual assault via the 911 emergency system and Day League, 24-hour hotline: (404) 377-1428. Northside Hospital is located within 5 miles of the University at 1000 Johnson Ferry Rd NE, Atlanta, GA 30342 and is equipped to administer DNA exams.

The University strongly encourages students to report all crimes to the Brookhaven Police Department. Filing a police report will provide legal documentation in the event of a future offense by the same person, or if the decision is made to prosecute in the future. Filing a police report is distinct from making a complaint through the University's grievance process. The University provides all students with resources and procedures located on the Oglethorpe website that contains information about policy, next steps, and resources.

##### **14.1.1 Designation of Title IX Coordinator**

The University has designated and authorized the Title IX Coordinator and Deputy Coordinator(s) to coordinate its efforts to comply with its responsibilities under federal law.

Title IX Coordinator (Interim): Rachael Clark  
(404) 364-8321  
[rclark4@oglethorpe.edu](mailto:rclark4@oglethorpe.edu) or [titleix@oglethorpe.edu](mailto:titleix@oglethorpe.edu)  
Student Commons  
Turner Lynch Campus Center  
4484 Peachtree Rd. NE  
Atlanta, GA 30319

Deputy Title IX Coordinator: Sandy Butler  
(404) 364-8325  
[sbutler@oglethorpe.edu](mailto:sbutler@oglethorpe.edu)  
Lupton Hall  
4484 Peachtree Rd. NE  
Atlanta, GA 30319

##### **14.1.2 Filing a Report or Complaint with the University**

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

To make a report or file a complaint to initiate the University's grievance process for an alleged violation of this policy, or to seek University support for a victim, contact the Title IX Coordinator or send an e-mail to [titleix@oglethorpe.edu](mailto:titleix@oglethorpe.edu).

#### **14.1.2.1 Response & Supportive Measures**

Upon receipt of a report or complaint, the Title IX Coordinator will promptly contact the alleged victim, who becomes the potential Complainant, to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

The Title IX Coordinator will engage in a meaningful dialogue with the Complainant to determine which supportive measures may restore or preserve equal access to education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the educational environment, or deter sexual harassment.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Party before or after the filing of a formal complaint or where no formal complaint has been filed. Examples of supportive measures include "no contact" orders, changes in class schedule, campus escorts, changes in residence hall assignments, and counseling. These measures will last throughout the grievance process or as designated by the Title IX Coordinator.

Supportive measures are available to both Complainants and Respondents.

#### **14.1.3 Other Officials with Authority to Receive Reports**

All University employees are trained to make reports to the Title IX Coordinator if they become aware of sexual harassment or discrimination. However, there are specific University "Officials with Authority" who can ensure that the University, through the Title IX Coordinator, will be on notice to respond to any reports or complaints. The following individuals are designated as "Officials with Authority": University President, Provost, Title IX Coordinator, Deputy Title IX Coordinator, Dean of Students, Associate Dean of Students, Director of Residence Life, Associate Director of Residence Life, Assistant Director of Campus Life, Director of Campus Safety and Director of Human Resources.

### **14.2 Definitions of Prohibited Conduct & Related Definitions**

The following definitions describe prohibited conduct subject to this Title IX policy.

**14.2.1 Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following; (a) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to University educational programs or activities; (b) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; (c) Sexual assault as defined below.

For purposes of this policy and Title IX regulations, any prohibited conduct in this Section 14.2 may also be considered or referred to as sexual harassment generally.

**14.2.2 Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**14.2.2.1 Rape:** The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity

**14.2.2.2 Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**14.2.2.3 Sexual Assault with An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**14.2.2.4 Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**14.2.3 Sexual Assault, Non-forcible:** Unlawful, nonforcible sexual intercourse.

**14.2.3.1 Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**14.2.3.1 Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**14.2.4 Dating Violence:** 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.

**14.2.5 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 or intimate partner, 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.

**14.2.6 Stalking:** 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.

The following are definitions of related terms:

**14.2.7 Consent:** Clear, informed, unambiguous, mutual and voluntary agreement that must be given by participants in order to engage in sexual activity. Consent must be actively, not passively, given and may be revoked at any time. Neither a prior relationship nor silence is a sufficient indication of consent. A person who is asleep, drugged, intoxicated, or unconscious may not give consent. A minor or a person whose capacity or ability to provide informed consent is impaired may not give consent. Being under the influence of alcohol or drugs does not diminish one's responsibility to obtain consent. The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual harassment.

In determining a violation of policy and determining whether consent was given, the following will also be considered: (a) "Force" is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid. (b) "Intimidation" is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid. (c) "Coercion" is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's

words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to, threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The University will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure.

### **14.3 Grievance Process**

This section outlines steps in the grievance process to be carried out by the University when a formal complaint is filed for violation of this policy. The formal complaint may be initiated when someone reports their own experience of sexual misconduct directly to the University and seeks to file a complaint, or when someone is advised of their right to file a complaint after a report has been made by a third party. The University may also elect to move forward with a complaint independently and act as a University Complainant.

By reporting an incident to a University official, the Title IX Coordinator will be notified and, with appropriate University officials, take immediate action to ensure safety and minimize recurrence of any sexual harassment. All reports of sexual harassment will be treated seriously. The Title IX Coordinator will immediately offer supportive measures and respond meaningfully to all reports of sexual harassment regardless of whether a Party wants to move forward with the grievance process.

The grievance process provides for a prompt and equitable resolution to complaints of sexual harassment and prohibited conduct under this policy. The time period from the filing of a formal complaint, until the issuance of a written determination by a Hearing Panel, is up to one hundred twenty (120) calendar days. All Parties are expected to fully participate and adhere to proscribed timeframes. Proceedings may continue without a Party's participation in the case of untimely participation, untimely response, or refusal to participate. Temporary delay of the grievance process or the limited extension of time frames will be allowed for good cause at the discretion of the Title IX Coordinator or Hearing Officer. In the instance of a delay or extension, written notice and the reasons for the action will be provided to the Parties. Good cause may include considerations such as the absence of a Party, a Party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University is committed to a fair and equal process for all Parties. An individual responding to a complaint is presumed not responsible, throughout the grievance process until otherwise determined by the appropriate decision makers at the conclusion of this process, or the Respondent admits responsibility. The burden of proof for a violation of the Title IX policy is a preponderance of the evidence, and such burden rests on the University. The Title IX

Coordinator, assigned Investigator, mediators, and decision makers must not have any conflicts of interest or bias against the Complainant and Respondent. All Parties are expected to be truthful in statements and participation in the reporting, complaint, and grievance process. Dishonesty or false statements will not be tolerated and may impact an individual's rights or standing in the process in addition to consequences in the Student Code of Conduct, Faculty Handbook, or Employee Handbook. The grievance process will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **14.3.1 Formal Complaint**

The formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. This is the first step in the grievance process.

#### **14.3.1.1 Notice of Allegations**

The Title IX Coordinator will provide written notice to the Complainant and Respondent containing the allegations of sexual harassment potentially constituting a violation of this policy, including sufficient details known at the time, and with sufficient time to prepare a response before any initial interview. The notice will also contain information outlining this grievance process and the informal resolution process.

#### **14.3.1.2 Complaint Review**

The Title IX Coordinator will make an initial determination whether the allegations in the complaint appropriately fall under the purview of Title IX. Such determination may be revisited throughout the process.

The Title IX Coordinator must dismiss a complaint under this policy if the conduct alleged in the formal complaint (a) would not constitute sexual harassment as defined in this policy even if proved; (b) did not occur in University educational programs or activities; or (c) did not occur against a person in the United States.

The Title IX Coordinator may dismiss a complaint at any time if (a) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; (b) the Respondent is no longer enrolled or employed by the University; (c) or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal in accordance with this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties. A dismissal is appealable in accordance with Section 14.3.10.

#### **14.3.1.3 Case Consolidation**

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “Party,” “Complainant,” or “Respondent” include the plural, as applicable.

#### **14.3.2 Investigation**

Title IX Coordinator will assign an Investigator to the case and share the Investigator’s name and contact information with the Complainant and the Respondent. The complaint and any other relevant information will be forwarded to the Investigator. The Investigator will promptly begin the investigation after the Parties are noticed. The investigation will be adequate, reliable, impartial, and prompt, and include an equal opportunity for both Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The investigation may involve conducting interviews with the Complainant, the Respondent, and Witnesses; collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies); reviewing law enforcement investigation documents; reviewing student and personnel files; or other appropriate steps taken in an investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University. However, the University does not have subpoena power, or the ability to compel most Parties or Witnesses to participate.

The Complainant and the Respondent will receive written notice in advance of any interview and be provided sufficient time to prepare for meaningful participation (and/or to reschedule within one week). All Parties and witnesses are expected to cooperate with the investigation. Failure to attend, failure to reschedule meetings, or undue delay may result in proceeding without participation and waiver of certain rights under Title IX, including the opportunity to present Witnesses and evidence.

Throughout the investigation, the Complainant and Respondent may be provided periodic status updates where appropriate. During the investigation, all Parties will be treated equitably. All investigations will be kept as confidential as possible, and any information gathered during the investigation is disclosed only on a “need to know” basis

#### **14.3.3 Investigative Report Review by the Parties**

At the conclusion of the investigation, the Investigator will prepare the investigative report. The investigative report will summarize the relevant exculpatory and inculpatory evidence. The report may include, but is not limited to, items such as summaries of all interviews conducted, photographs, descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question. All University investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Both Parties are entitled to equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint. This also includes any evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the Investigator will send to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the Parties will have at least 10 business days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

After reviewing the written responses, if any, the Investigator will then finalize the Investigation Report and, least 10 business days prior to a hearing or other time of determination regarding responsibility, send to each Party and the Party's advisor, if any, the final investigative report in an electronic format or a hard copy, for their review and written response.

Parties and Advisors will be subject to a non-disclosure agreement not to disclose any evidence subject to inspection and review prior to accessing materials.

#### **14.3.4 Investigative Report Review by the Title IX Coordinator**

The Title IX Coordinator will review the final investigative report under the same guidelines outlined in Section 14.3.1.2 to determine whether the case should proceed to a hearing or be dismissed.

If the Title IX Coordinator determines that case will proceed to a hearing, then the Title IX Coordinator will notify the Hearing Officer, and begin the process of convening a Hearing Panel. The determination to convene a Hearing Panel does not predetermine that the Respondent is or will be found responsible for a policy violation.

The Title IX Coordinator may also suggest an Informal Resolution at this stage.

#### **14.3.5 Hearing Process**

The Title IX Coordinator and Hearing Officer will convene a Hearing Panel and schedule the hearing at a date and time where all necessary Parties (based on the discretion of the Hearing Officer) are available. Hearings dates are typically scheduled within two weeks of notification to the Hearing Officer. However, a hearing may be scheduled further out if

there are conflicts with final exams, scheduled course breaks, or for other documented good reason. The Complainant and Respondent are generally expected to be available outside of academic scheduling. The Title IX Coordinator or Hearing Officer may informally confer with the Parties to determine an available date. Once the official hearing notice is sent to the Complainant and Respondent, the Parties must confirm attendance or provide a written request within 48 hours of receipt if there is valid reason to reschedule. Upon a confirmation of attendance, the Parties will also be required to inform the Title IX Coordinator the name of their Advisor who will also be attending, or if they will elect to have a University Advisor instead. (Parties are limited to having one person join them in the hearing). The Parties will also be required to indicate which Witnesses they intend to call for the hearing at this time.

The Hearing Officer will secure a space that is appropriate, private, and provides sufficient space for the Parties to confer and the witnesses to wait. The Hearing Officer may also determine that a remote hearing through video conference is appropriate.

The Hearing Panel will typically convene prior to the start of the hearing to review the investigative report and prepare questions. All hearings will generally follow the order of business listed below. Variations may occur depending on the circumstances of an individual case.

**A. Introduction.** The Hearing Officer will make introductions and explain the hearing process.

**B. Opening Statements.** The Complainant may make the first opening statement. The Respondent may follow with their opening statement.

**C. Hearing Panel Questions.** The Hearing Panel may ask questions of the Complainant. Thereafter, the Hearing Panel may ask questions of the Respondent.

**D. Cross Examination of the Parties.** The Hearing Officer will recognize the Complainant's Advisor to cross examine the Respondent. The Hearing Officer will recognize the Respondent's Advisor to cross examine the Complainant.

**E. Witnesses.** The Hearing Officer will determine the order of Witnesses and the order of the questioning of the Witnesses. The Hearing Panel, Complainant Advisor and Respondent's Advisor will each have the opportunity to separately to ask any relevant question of each Witness.

**F. Hearing Panel Follow Up Questions.** The Hearing Panel may ask any remaining questions of either Party.

**G. Closing Statements.** The Complainant may make a closing statement. The Respondent may follow with a closing statement.

**H. Dismissal and Deliberation.** The Hearing Officer will conclude the hearing and dismiss the Parties. The Hearing Panel will deliberate.

#### **14.3.6 Hearings Rules & Decorum**

The Hearing Officer is charged with administering the hearing, deliberations, and the appeals process. The Hearing Officer has full discretion in the administration of all aspects outlined in Section 14.3.5 through Section 14.3.11, and wherever it may be necessary, in order to ensure a

fair, orderly, and efficient process. The Hearing Officer does not vote or make any determination of responsibility.

Any attendee who wishes to speak during a hearing must first be recognized by the Hearing Officer. Generally, Advisors are only permitted to speak during cross examinations. The Complainant and Respondent are permitted to speak during opening and closing statements. No interruptions will be tolerated. The Hearing Officer may remove any individual who is speaking out of turn or becoming disruptive. All attendees are expected to be respectful in their tone and tenor throughout the hearing. The Hearing Officer will not permit raised voices or inappropriate language. Disruptive gestures or audible non-verbal noises are also prohibited when an attendee is not recognized to speak.

Brief breaks may be requested throughout the hearing by the Complainant, Respondent, or the Hearing Panel.

#### **14.3.7 Rules for Cross Examination**

During cross-examination, each Party's Advisor is able to ask the other Party and any Witnesses all relevant questions and follow-up questions, including those challenging credibility. The cross-examination must be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally. If a Party does not have an Advisor present at the live hearing, the University will provide one to conduct cross-examination on behalf of that Party.

If a Party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that Party or Witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Only relevant questions may be asked of a Party or Witness. The Hearing Officer will be the arbiter of relevance. During the hearing, the Advisor will ask each question aloud, and pause. Prior to the Complainant, Respondent, or Witness answering a question, the Hearing Officer will make an oral determination of relevance as follows:

- A) If the question is relevant, the Hearing Officer will state "yes" and the Complainant, Respondent, or Witness should proceed to respond.
- B) If the question is not relevant, the Hearing Officer will state "not relevant." The Hearing Officer will explain to the Advisor the decision to exclude the question. The Complainant, Respondent, or Witness should not respond to the question. The Advisor will then be directed to proceed with the next question.

There are no "objections" to relevance determinations or to any portion of a hearing; Advisors are not permitted to challenge a determination of the Hearing Officer. The Hearing Officer may initiate engagement with the Advisor asking the question with a

request to explain relevance. The Hearing Officer may also pause to confer with counsel or consider relevance as necessary.

#### **14.3.7.1 Categories Not Relevant for Cross Examination**

**Rape Shield:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Privileged Information:** Questions seeking information protected by a legally recognized privilege, or a Party's medical, psychological, and similar records are not relevant, unless the Party has given voluntary, written consent.

#### **14.3.8 Hearing Panel**

All Hearing Panels are made up of three impartial individuals who are trained to adjudicate Title IX complaints. Members of the Faculty Staff Judicial Board will serve as panelist for all cases, except for cases with faculty Respondents. Hearing Panels for faculty Respondents will be made up of elected members of the Faculty Review Committee. The Hearing Officer and Title IX Coordinator will ensure proper training of all Hearing Panelists.

At the conclusion of the live hearing, the Hearing Panel will deliberate in private to determine if any violation(s) of policy occurred. If it is not possible for the Panel to make a decision on the same day as the hearing, the Panel will reconvene as soon as possible and meet until a decision is reached. The decision of the Hearing Panel is decided by a majority vote, and responsibility will be determined based on a preponderance of the evidence.

The Hearing Panel will base its decision solely on the participants' statements, the investigative report, information presented at the hearing, and University policy and procedure. The Panel will make an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. When there is more than one alleged code violation, the Hearing Panel will evaluate each charge separately. The Hearing Panel will make a finding whether the Respondent is "Responsible" or "Not Responsible."

After a determination of responsibility, the Hearing Panel will make a determination of appropriate sanctions and/or remedies based on the facts of the case. The Hearing Officer and Title IX Coordinator may also be present at deliberations to consult and ensure sanctions are consistent with relevant policies and historical institutional practices.

Once a decision has been finalized by the Panel, the Parties will be provided with a simultaneous written decision letter detailing the findings, sanctions, and remedies as determined by the Hearing Panel. The letter will include the process and deadline for submitting an appeal by either Party. Copies of the hearing decision may also be sent to the Dean of Students, Director of Campus Safety, and Director of Human Resources (in cases involving employees), and others as needed depending on the nature of any sanctions and/or remedies.

#### **14.3.9 Sanctions & Remedies**

The Hearing Panel may impose sanctions, including, but not limited to those set forth below. Specific requirements of each sanction will be determined by the Hearing Panel to appropriately correspond with each finding. The Hearing Panel may also consider prior conduct, complaints, and disciplinary history when determining severity of sanctions. Multiple sanctions may be imposed depending on the number and severity of responsible findings in each case.

A Student Respondent may be imposed: warnings; social probation, which may include restriction from particular buildings, areas of campus, and/or University; restriction from participation in University athletics; no-contact orders; educational requirements focused on substance use, anger management or other issues; mandatory counseling; written reflections; behavior contracts; residential restriction or expulsion; academic restriction, which may limit registration time or course selection; suspension from the University with possible re-enrollment requirements or restrictions; expulsion. Certain sanctions may also include permanent notations of University transcripts. Faculty and staff Respondents may be assessed: warnings; mandatory trainings or other educational requirements; counseling or therapy; behavior contracts; temporary suspensions; demotions; changes to their job description and/or responsibilities; termination; or any other sanction permissible under the Employee Handbook.

Remedies awarded to the Complainant are designed to restore or preserve equal access to University programs or activities. These remedies typically include the same individualized services described as Supportive Measures in this policy; however, remedies may be disciplinary, punitive, and burden the Respondent.

#### **14.3.10 Appeals**

Both the Respondent and Complainant may appeal the Hearing Panel decision or complaint dismissal by the Title IX Coordinator. An appeal must be made in writing within five (5) business days of the decision letter or dismissal notice.

The Complainant or the Respondent will be notified if the other Party submits an appeal and be provided with a copy of the appeal for review. The non-appealing Party will have five (5) business days from review of the appeal to prepare and submit a written response, if they choose to do so.

Upon receipt of an appeal and any response, or upon exhaustion of the deadline for a Party to provide a written response, the Hearing Officer will call together an Appeals Committee to review the appeal and any written response. The three-member committee will consist of three members of the President's Cabinet. The Hearing Officer may substitute a staff member at the Director level if sufficient Cabinet members are not available or otherwise conflicted. The Appeals Committee for faculty Respondents will consist of the Provost and two members of the Board of Trustees as designated by the Chair of the Board of Trustees. If the Provost is conflicted, the Hearing Officer may substitute the Associate Provost or another Trustee.

The timeframe from the receipt of an initial appeal to a written determination by the Appeals Committee is forty-five (45) calendar days, subject to reasonable delays or extensions for good reason as determined by the Hearing Officer. In such instance of a delay the Parties will be noticed in writing.

An appeal may be made on one or more of the following grounds only:

- (A) Procedural irregularity that affected the outcome of the matter; or
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- (D) The sanctions or remedies were not appropriate for the specific policy violation for which the Respondent was found responsible, or did not sufficiently restore access to University programs or activities for the Complainant.

An appeal is not a new hearing and the Appeals Committee will meet alone with the support of the Hearing Officer and/or Title IX Coordinator who can provide any requested information. The Appeals Committee will consider the merits of the appeal based only on the written appeal request, the response, the hearing recording, and written records of the case. Based on these materials, the Appeals Committee may:

- (A) Reject the appeal if the Committee finds that the grounds for an appeal are unsubstantiated; or
- (B) Reject the appeal if the Committee finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or

- (C) Remand the case to a new Hearing Panel for a new hearing, or back to investigation, when a substantial procedural error is determined to have occurred and has unfairly influenced the original hearing; or
- (D) Remand the case to the Hearing Panel for further deliberation if new evidence, as described above, has arisen. In such cases the original Hearing Panel will be reconvened as soon as possible. If a member of the original panel is no longer available, the Hearing Officer will select a new member from the hearing panel pool; or
- (E) Remand the case to the Investigator, or a new Investigator, then to a Hearing Panel for further deliberation if new evidence, as described above, has arisen; or
- (F) Remand the case for new hearing or investigation if there was a conflict of interest that affected the outcome of the matter; or
- (G) Modify the sanctions or remedies if they are found inappropriate.

Once the Appeals Committee has made its decision, the Hearing Officer will notify the Respondent and the Complainant simultaneously of the result of the appeal and the rationale for the result. The Appeals Committee's decision is final and there are no further appeals permitted by either Party.

#### **14.3.11 Record of Process & Document Retention**

An audio or video recording will be made of the hearing for the use of the Hearing Panel and the Appeals Committee. The University will retain all recordings, and all records relating to investigations, hearings, sanctions, remedies, appeals, informal resolutions, and all training materials for a period of seven years. In cases where the sanction is expulsion or suspension, the hearing decision letter and appeal decision letter, if applicable, will be kept in the Respondent's permanent file.

Parties are prohibited from making their own copies or recordings of meetings, hearings, or any documents not submitted by themselves. This includes, but is not limited to, audio, video, and photographic means of duplication.

### **14.4 Definition of Roles**

#### **14.4.1 Advisor**

An individual who serves in support of a Party to the Title IX process. The Advisor's essential role is to conduct cross-examination at a live hearing. A Party may select an Advisor of their choosing, who may, or may not be an attorney. A Party may also request that the University provide an Advisor for them. Parties may have their Advisor present at any meeting or hearing throughout the process. A Party must notify the Title IX

Coordinator to include their Advisor on correspondence and prior to any attendance. Advisors will be required to sign a non-disclosure agreement covering certain private or confidential information learned or accessed in their participation in the process. University Advisors are only guaranteed for preparation and attendance at a hearing to conduct cross examination.

#### **14.4.2 Complainant**

An individual who is alleged to be the victim of conduct that could constitute sexual harassment and violation of this policy. A complainant must be participating in, or attempting to participate in, the University's educational programs or activity at the time of filing a formal complaint. A Complainant may be referred to in this policy as a "Party" or collectively with the Respondent as "Parties" to the case.

#### **14.4.3 Confidential Resources**

Students age 18 or older seeking confidential resources may consult with the University Counseling Center. In the State of Georgia licensed counselors and clergy are the only Parties that may be allowed to maintain confidentiality.

#### **14.4.4 Hearing Officer**

The Hearing Officer administers the hearing and appeals processes and ensures that the proper policy is followed throughout. While the Hearing Officer is present during Hearing Panel and Appeals Committee deliberations, the Hearing Offices does not have a vote in either.

#### **14.4.6 Investigator**

The Investigator is a trained individual, typically a University employee, who is responsible for interviewing the Complainant, Respondent and any Witnesses. The Investigator gathers all evidence and assembles an investigative report that is provided to the Hearing Panel. A given case may be assigned an additional assistant Investigator to support the principal Investigator.

#### **14.4.7 Respondent**

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent may be referred to in this policy as a "Party" or collectively with the Complainant as "Parties" to the case.

#### **14.4.8 Title IX Coordinator**

The Title IX Coordinator is the University official who is designated to coordinate efforts to comply with and carry out the University's responsibilities under Title IX of the Education Amendments of 1972 which prohibits sex discrimination in education

programs and activities. The Title IX Coordinator is responsible for coordinating the University's policies and responses to all reports and complaints involving possible sex discrimination. This includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate. The Title IX Coordinator will be involved in managing proper policy and procedure throughout any grievance process and appeal.

#### **14.4.9 Witness(es)**

Witnesses are individuals who have knowledge relevant to a determination of responsibility of a policy violation in a given complaint. A Complainant and Respondent may submit the names of Witnesses to the Investigator to be interviewed for the investigative report.

At the hearing, Witnesses previously submitted by the Parties may be called to sit before the Panel. If called, Witnesses are in the hearing room only during the time they are testifying. Witnesses answer questions from the Hearing Panel, and the Parties' Advisors.

### **14.5 Informal Resolutions & Mediation**

Based on the judgment of the Title IX Coordinator, certain cases may be appropriate for an Informal Resolution process with the aim of entering into an Informal Resolution Agreement. The Informal Resolution Agreement is a set of terms that both Parties agree to in writing which represents a conclusion to the grievance process. Informal Resolution Agreements are treated as contracts; the Parties negotiate the terms of the agreement through an intermediary and, once entered into, it becomes binding according to its terms. To proceed with an Informal Resolution, the Parties provide voluntary, written consent to the process.

An Informal Resolution is typically initiated by the Title IX Coordinator, but either Party may indicate directly to the Title IX Coordinator that they are open to a resolution at any time. The Title IX Coordinator will present the option of an Informal Resolution and proposed terms to each Party independently and in writing. All related communication should go through the Title IX Coordinator. Participation in an Informal Resolution is voluntary for all Parties and requires full informed and written consent. If either Party does not agree with the proposed terms, or is uninterested in engaging in negotiations, they may continue with the University's grievance process at any time before signing the Informal Resolution Agreement.

A facilitated mediation with a third-Party mediator may also be available in certain circumstances. The request for mediation may be initiated by either Party, or the Title IX Coordinator, typically before the investigation. Mediation is also voluntary and both Parties must agree to participate. The Title IX Coordinator will select one trained mediator from among the faculty, staff, or an outside source where appropriate. The goal of mediation is the same of a typical Informal Resolution but provides additional facilitation and requires Parties to be in attendance. The Title IX Coordinator will set a date for the mediation to take place. At the conclusion of a successful mediation process, both the Complainant and the Respondent may sign an Informal Resolution Agreement with the agreed upon terms, and their case will be

concluded. If either Party believes that the mediation process was unsuccessful, they may continue with the University's grievance process.

Informal resolutions may take up to thirty (30) calendar days once initiated. Informal resolutions with mediation may take up to forty-five (45) calendar days once initiated. Timeframes are subject to reasonable delays or extensions for good reason as determined by the Title IX Coordinator. In such instance of a delay the Parties will be noticed in writing.

Informal resolutions are not permissible to resolve allegations that an employee sexually harassed a student.

## **14.6 Retaliation**

The University does not tolerate retaliation. No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes per se retaliation. Notwithstanding, charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

The University's ability to respond to retaliation will depend, in part, on the relationship between the University and the individual who commits the retaliation. Anyone who believes they have been retaliated against as a result of their involvement with an investigation and/or grievance process for an alleged violation of this policy should immediately report the alleged retaliation to the Title IX Coordinator. An independent investigation may be conducted under the purview of the Title IX Coordinator, and appropriate disciplinary action will be taken, up to, and including suspension or expulsion from the University, in the case of a student, and up to and including termination of employment, in the case of an employee.

### **14.6.1 Witness Tampering**

Witness intimidation, which may also be retaliation, is strictly prohibited under this policy and Title IX regulations. Generally, a Party's communication with a witness or potential Witness must be considered part of a Party's right to meaningfully participate in furthering the Party's interests in the case, and not an "interference" with the investigation. However, where a Party's conduct toward a Witness might constitute

“tampering” for instance, by attempting to alter or prevent a Witness’s testimony, such conduct is prohibited.

### **14.7 Requests Not to Pursue Complaints and Confidentiality**

Where a Complainant desires to initiate a grievance process, the Complainant cannot remain anonymous or prevent the Complainant’s identity from being disclosed to the Respondent.

A Complainant may determine in response to a report, or after filing a complaint that he or she does not wish to pursue a resolution through the University, or that he or she wants his or her identity to remain confidential. The University takes such requests seriously and, in many cases, will close the case. However, some circumstances may require the University, via the Title IX Coordinator, to initiate an investigation and adjudication of sexual harassment allegations in order to protect the educational community or otherwise avoid being deliberately indifferent to known sexual harassment.

The University will always notify the local law enforcement of any alleged sexual misconduct involving minors and make any other mandated reports to law enforcement as required under state or federal law.