

Title IX Policies and Procedures

for
Sexual Assault, Sexual Harassment, Domestic/Dating Violence, and Stalking

This Webpage includes information for all members of the Emmanuel College community. If you are a victim of sexual harassment or sexual violence, we hope that you will seek assistance either here on campus or off-campus. If you have any questions regarding this Website or College policies pertaining to Title IX, please contact Joann Harper, the College's Title IX Coordinator, at (706) 245-2805 or jharper@ec.edu.

Policy approved by the Emmanuel College Senior Management Team on August 12, 2015

Introduction

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It reads:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." --Legal Citation: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

The purpose of Title IX is to insure equal access and fairness for men and women with regards to athletics, employment, admissions, financial aid, publications, educational programs, and student rights. Sexual discrimination interferes with an individual's employment or educational performance and has the purpose or effect of denying or limiting an individual's ability to participate in or benefit from the school's programs. Sexual discrimination includes sexual harassment, which also includes sexual violence.

Policy of Non-Discrimination under Title IX of the Education Amendments of 1972

In accordance with applicable federal and state laws and institutional policies, Emmanuel College does not discriminate on the basis of race, color, national origin, sex, age, disability, medical status, or status as a veteran. Emmanuel College also prohibits sexual harassment. This policy is in accordance with Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; the Americans with Disabilities Act; and Section 504 of the Rehabilitation Act of 1973. The Emmanuel College nondiscrimination policy covers admission, access, operation of institutional programs and activities, and employment.

The College considers the philosophy and mission of the College and basic qualifications of the applicant paramount in the recruitment and hiring of employees. The biblical Foundations of the College are essential to the continued mission of Emmanuel to educate and equip young men and women in a Christian atmosphere for the occupations they have chosen. Prospective faculty and

staff who identify with the basic philosophy and mission will be considered on qualifications best exemplified by training and experience. Supervisors in the various areas of the institution shall seek to employ minorities in every department.

Policy Statement for Sex Discrimination, Relationship Violence, Sexual Harassment, and Sexual Assault

In support of the College mission and as dictated by the Office for Civil Rights, individuals have the right to be free from sex discrimination, relationship violence, sexual harassment, and sexual assault. Emmanuel College is committed to maintaining an environment that preserves the respect and dignity for all members of the campus community. Acts of relationship violence, sexual harassment, and sexual assault stand in direct contrast to the mission, core values, and educational goals of the institution.

A foundational goal of Emmanuel College is to provide a living, learning and working environment where individuals are free to realize their full potential. Therefore, Emmanuel College will not tolerate any acts or behaviors in the area of relationship violence, sexual harassment, and sexual assault and will make every effort to prevent and eliminate such acts or behavior from the campus community.

Sex discrimination, including sexual harassment and sexual assault, is prohibited by federal and state law as well as College policy. The College has a duty to investigate complaints arising either on or off campus and shall proceed without respect to any pending legal or criminal matters arising from the incident. This policy applies to all members of the Emmanuel College community in both on- and off-campus settings.

Prior to the delivery of the policy, knowing the options for assistance following an incident of sexual violence is critical. Receiving immediate medical attention and/or counseling is vital to the student's overall health and wellness, regardless of whether or not a student chooses to formally report an incident. It is also important to note that seeking immediate medical attention is vital to preserve evidence if an investigation is to follow. More detailed information on resources is also available at the end of this policy statement.

On-Campus Resources

- Joann Harper (706-245-2805): As the College's Title IX Coordinator, Mrs. Harper can connect the student to resources and procure medical attention as well as explain the institution's policies and procedures pertaining to reporting Title IX offenses; the Title IX Coordinator may also take any immediate interim actions (no contact orders, alteration of academic or non-academic schedules, etc.) as may be necessary.
- Office of Counseling Services (706-245-7227 ext. 2715 or Student Life front Desk at 706-245-2881): Counseling Services personnel can assist the student seek resources and maintain a confidential relationship with the student following an incident.
- Pastor Chris Maxwell (706-245-2887): The Campus Pastor can assist the student seek resources and maintain a confidential relationship with the student following an incident

Off-Campus Resources

- The Cottage Hotline - 1-877-363-1912 or (706) 353-1912 (operates 24 hours a day, 7 days a week)
- The Harmony House – (706) 245-8700
- Franklin County Emergency Dispatch – 911
- Franklin Springs Police Department – (706) 245-0000
- Franklin County 911: Non-Emergency - (706) 384-7188
- National Domestic Violence Hotline: 1-800-799-7233 (SAFE)
- Domestic abuse Helpline for Men & Women: 888-7HELPLINE (888-743-5754)

Prohibited Behavior

Dating Violence/Domestic Violence

Domestic violence and dating violence can include, but is not limited to - actual or threatened physical harm and/or the inflicting of physical injury (hitting, pushing, shoving, etc.). In addition, domestic violence and dating violence can be sexual in nature (unwanted or forced sexual activity).

Domestic violence can occur from a current or former spouse, someone who is intimate with the victim, a person with whom the victim shares a child in common, or a person who is cohabiting or has cohabitated with the victim as a spouse or intimate partner.

Dating Violence can occur by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. To determine the existence of such a relationship, several factors are considered, including the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking

In many cases, stalking can be a component and/or precursor to domestic violence and dating violence. Stalking occurs when any repeated course of conduct directed at a specific person is unwelcome and would cause reasonable fear. This includes any contact made by voicemails, internet communications, sending messages via other people, text messages, emails, following people and being in the vicinity of others when asked specifically not to do so.

Sexual Harassment

Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such elements as coercion, threat, and unwanted sexual attention. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

These actions constitute sexual harassment when submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes actions or behavior by a person of either gender against person of the same or opposite gender. The potential of sexual harassment exists in any of the following relationships: student/student, employee/student, student/employee, and employee/employee. Here and subsequently, "employee" refers to faculty, staff, and administration. Because of the inherent differential in power between employee and students, sexual relationships between employee and students are prohibited.

Clear behaviors constituting sexual harassment include but are not limited to physical assaults of a sexual nature, requests for sexual favors, sexually offensive remarks, and rubbing, touching or brushing against another's body. Subtle behaviors may include but are not limited to experiences that could be considered as intimidating or offensive, particularly when they recur or one person has authority over another. This could include unwelcome hugs or touching, inappropriate staring, veiled suggestions of sexual activity, and suggestive jokes, stories or images.

False reports of sexual harassment shall not be condoned and would be considered grievous. Such reports can have damaging and far-reaching effects upon the careers and lives of individuals.

Sexual Harassment – Informal Resolution

Any member of the College community having a complaint of sexual harassment may raise the matter informally and/or file a formal complaint. The informal process is an attempt to mediate between the parties in order to reach a mutually agreeable solution without entering into the formal investigative process. In situations involving sexual violence, the informal process will *not* be used.

The following **informal** procedures may be followed in cases of sexual harassment:

- Clearly say "no" to the person whose behavior is unwelcome.
- Communicate either orally or in writing with the person whose behavior is unwelcome. The most effective communication will have three elements:
 - A factual description of the incident(s) including the time, place, date and specific behavior
 - A description of the complainant's feelings, including any consequences of the incident
 - A request that the conduct cease
- Speak with a department chair, athletic coach, Campus Pastor, director, counselor, etc. who may speak to the person whose behavior is unwelcome. The name of the

complainant need not be disclosed. The purpose of such conversation is the cessation of the unwelcome behavior.

In the case of harassment of a student, it may be appropriate first to seek the advice of his or her advisor, campus pastor, or campus counselor.

Sexual Assault

Sexual assault is an extreme form of sexual harassment and is a crime defined by the Georgia criminal code. Sexual assault is any nonconsensual sexual act, including those resulting from threat, coercion, or force (see definition below for consent and incapacitation). Sexual assault may be committed by a stranger or an acquaintance and may occur between members of the opposite or same sex. Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will, sexual abuse, sexual coercion, and forcing an unwilling person to touch another person sexually.

Definition of Consent and Incapacitation

The College recognizes the following aspects regarding consent: (a) consent is a voluntary agreement to engage in sexual activity, (b) someone who is incapacitated cannot consent; (c) past consent does not imply future consent, (d) silence or an absence of resistance does not imply consent, (f) consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; (g) consent can be withdrawn at any time, and (h) coercion, force, or threat of either invalidates consent.

Incapacitation involves a physical or psychological state where a person is incapable of giving consent (e.g., may involve the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the person from having the capacity to give consent).

Reporting

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn if an incident occurs. The College encourages students to talk to someone identified in one or more of these groups so that support can be offered and the College can respond appropriately.

In the event the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the campus community a “timely warning” may also be issued. Any such warning should not include any information that identifies the victim. Policies regarding timely warnings can be found in the *Emmanuel College Annual Clery Act and Fire Safety Report*.

NOTE: The College reserves the right to allow a student reprieve from drug, alcohol, or other violations of the Emmanuel College Code of Student Conduct for parties reporting allegations under this policy (i.e., if alcohol was involved in the incident, the reporting party would not then be charged with an alcohol infraction). The VP for Student Life will make decisions regarding student reprieve under the policy in conjunction with the Title IX coordinator.

Confidential Reporting

Campus Counselor(s) and the Campus Pastor are not required to report any information about an alleged incident to the Title IX Coordinator, Title IX Deputy Coordinator(s), or responsible employees without the permission of the alleged victim. The campus counselors and the Campus Pastor give complainants the highest level of confidentiality. Members of the College community who wish only to discuss their experience should first seek the advice of a confidential counselor if they wish to ensure their conversations receive the maximum degree of protection from disclosure.

Contact information:

- Counseling Services Office – (706) 245-7227 ext. 2715. Office is located in the Student Life Building behind the Aaron Building.
- Director of Spiritual Life and Campus Pastor, Chris Maxwell – (706) 245-2887, cmaxwell@ec.edu. Office is located in the Student Life Building behind the Aaron Building.

The aforementioned personnel may have reporting or other obligations under state law including mandatory reporting to law enforcement in case of minors, imminent harm to self or others, and any requirements to testify if subpoenaed in a criminal case.

Reporting to Title IX Coordinator/Title IX Deputy Coordinators

The College's Title IX Coordinator is Joann Harper, Director of Human Resources (Aaron Building, Second Floor, Room 203; 706-245-2805; jharper@ec.edu). The College encourages individuals to immediately consult with or report incidents of sexual discrimination, sexual harassment, or sexual violence to Mrs. Harper, or to one of the college's Deputy Title IX coordinators:

- Issues involving students: Mr. Jason Croy, VP for Student Life and Title IX Deputy Coordinator (Student Life Office, 706-245-2880; jcroy@ec.edu);
- Issues involving faculty or staff: Dr. Sue Weaver, Assistant Professor of Criminal Justice and Title IX Deputy Coordinator (Aaron Building, Room 300, 706-245-7227 ext. 2733; sweaver@ec.edu)

Reporting to Responsible Employees

A responsible employee is a College employee who has the authority to redress sexual harassment and/or violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. The College has identified the following individuals as responsible employees:

- Members of the Senior Management Team
- Campus Safety personnel

- Human Resources personnel
- Employees of Student Life
- Residence Life personnel (includes Resident Directors and Resident Assistants)
- Athletics personnel
- Faculty

Responsible employees will take the necessary steps to report to the Title IX Coordinator/Title IX Deputy Coordinator(s) all relevant details about the alleged sexual violence shared by the victim. Information may include but is not limited to the names of the victim and alleged perpetrators(s), any witnesses, and any other relevant facts, including the date, time and specific locations of the alleged incident.

Unlike a confidential counselor, campus officials with knowledge of actions regarding College policies in the area of sexual violence, sexual harassment, and Title IX policies have an institutional responsibility to take prompt and appropriate steps to resolve complaints. Therefore, the College cannot always guarantee confidentiality.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Responsible Employees and Confidentiality

If a student discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the reporting student.

If the College honors the request for confidentiality, a student must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the College may not be able to honor a student's request in order to provide a safe, non-discriminatory environment for all students.

The College has designated the following individual to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual harassment or sexual violence:

- Joann Harper, Director of Human Resources (Aaron Building, Second Floor, Room 203; 706-245-2805; jharper@ec.edu).

When weighing a student's request for confidentiality or that no investigation or discipline be pursued, The Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:

- Whether there have been other sexual harassment or sexual violence complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - Whether the sexual harassment or sexual violence was committed by multiple perpetrators;
- Whether the sexual harassment or sexual violence was perpetrated with a weapon;
 - Whether the victim is a minor;
 - Whether the College possesses other means to obtain relevant evidence of the sexual harassment or sexual violence (e.g., security personnel, physical evidence);
 - Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the student prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College will remain ever mindful of the student's well-being, and will take ongoing steps to protect the student from retaliation or harm and work with the victim to create a safety plan. Retaliation against the reporting student, whether by students or College employees, will not be tolerated. The College will also:

- Assist the student in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy on “Reporting to Off-campus entities and Reporting to Law Enforcement/Emergency Services”);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the student of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Because the College is under a continuing obligation to address the issue of sexual harassment and sexual violence campus-wide, reports of sexual harassment and sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a student's request for confidentiality, the College will also take immediate action as necessary to protect and assist the student.

Reporting to an Off Campus Entity

It is also possible to report to a counseling agency or advocate group off campus who may maintain confidentiality and only inform the school that an incident has occurred. As reporting requirements vary, it is important to discuss confidentiality with the third party prior to speaking with that individual.

- The Cottage Hotline - 1-877-363-1912 or (706) 353-1912 (operates 24 hours a day, 7 days a week).
- The Harmony House – (706) 245-8700; an advocate can assist with obtaining resources and arrange for a student to be seen by a Sexual Assault Nurse Examiner (SANE) in the event of a sexual assault. Additional advocacy and support following the incident can also be provided.

Reporting to Law Enforcement/Emergency Services

Individuals can also report cases of sexual assault, relationship violence, etc. to the following local law enforcement/emergency services entities:

- Franklin County Emergency Dispatch – 911
- Franklin Springs Police Department – (706) 245-0000
- Franklin County 911: Non-Emergency - (706) 384-7188
- St. Mary Sacred Heart Hospital – (706) 356-7800; 367 Clear Creek Pkwy., Lavonia GA, 30553
- Franklin County Health Department (706) 384-5575
- U.S. Department of Education, Office for Civil Rights to complain of sexual discrimination, sexual harassment, or sexual violence; see: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> .

The College reserves the right to share any information from its own investigation with law enforcement at the discretion of the Title IX coordinator.

Formal Resolution Process and Procedure

Upon receipt of a formal written complaint that alleges a violation of the College's policy against sexual violence, sexual harassment, or other Title IX policies (including dating/domestic

violence and stalking), the College's Title IX Coordinator, a Title IX Deputy Coordinator, or designee shall begin an investigation of the charge(s).

An investigation shall include an interview with the person filing the complaint, the person(s) accused of violating the anti-harassment policies and any person designated by either of the principle parties as witnesses to the incident in question. All evidentiary decisions made regarding the complaint will be based on a preponderance of evidence standard.

In cases of sexual violence involving students, the College may begin an investigation without a written complaint from the student. The right to confidentiality of all members of the College community will be respected in both formal and informal procedures insofar as possible.

The investigation shall be completed within 30 days of the receipt of the complaint unless extraordinary circumstance arise that delay in the investigation. Both the accuser and the accused are entitled to all procedural protections outlined in this policy including the same opportunities to have a person choice (other than legal counsel) present during the investigation and disciplinary proceedings.

At the conclusion of the investigation, the matter shall then be presented to the Executive Vice President and CFO in the form of written recommendations. At the Executive Vice President and CFO's discretion, he may accept the recommendations, interview the persons involved, or direct further investigation by the investigator. This process shall be completed and the Executive Vice President and CFO shall make a final decision on the merits of the complaint and communicate that decision simultaneously to both parties in writing within 60 days of receipt of the complaint by the College.

Possible outcomes of the investigation are (1) that the allegation is not warranted and cannot be substantiated, (2) a negotiated settlement of the complaint or (3) that the allegation is substantiated requiring a recommendation to the Executive Vice President and CFO that disciplinary action be taken. In the case of students, disciplinary sanctions include those listed in the College's Code of Student Conduct. In the case of employees, disciplinary sanctions include those listed the Employee Handbook.

In matters involving students, the decision of the Executive Vice President and CFO shall be final; employees may appeal a final decision regarding the complaint in writing within 10 days to the college President. Throughout this process, the college will keep the identities of the complaining party and accused confidential.

Interim Measures

Upon beginning an investigation, the College may take any immediate interim actions deemed appropriate that may remain in effect until a decision is reached; these actions could involve the alteration of class schedules, extracurricular activities, or residential location; removal from classes; or restrictions from communicating with involved parties. In some cases, these measures could remain in place even after final decisions are made.

Accommodations

Likewise, the College may work with a reporting student to provide additional academic support or even withdrawing from class(es) without penalty. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available. The College can assist students in obtaining other relief, including the issuance of a “no contact” order directing the accused not to have any further contact with the complainant, and a ban from campus of non-students alleged to have committed sexual assault on campus.

Retaliation

Throughout the entire process, the College prohibits retaliation against any person involved in the investigation; as a separate violation of college policy, serious sanctions, including separation from the institution may result from any act that could be reasonably deemed retaliation for participation in the process.

Campus Education of Title IX Policies

Emmanuel College is committed to preventing sexual violence, relationship violence, and sexual harassment. Educational programs will be conducted annually by the College to (1) inform students, faculty, staff and administration about identifying sexual harassment and the problems it causes; (2) advise members of the College community about their rights and responsibilities under this policy; (3) train personnel in the administration of this policy. The Sexual Harassment / Sexual Violence Policy and Procedures will be issued to all incoming students and personnel.

Public awareness events or forums such as "Take Back the Night," the Clothesline Project, or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

Additional information regarding how to respond to instances of sexual violence that also include other service providers include:

- Georgia Network to End Sexual Assault (GNESA): <http://gnesa.org>
- The Federal Government's "Not Alone" Website: www.notalone.gov
- National Domestic Violence Hotline: 1-800-799-7233 (SAFE)
- Domestic abuse Helpline for Men & Women: 888-7HELPLINE (888-743-5754)