

Title IX: Gender-Based Discrimination and Sexual Misconduct Policy

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1. Introduction

Georgetown College is committed to providing all individuals with an environment free of gender-based discrimination. Georgetown College prohibits all forms of gender discrimination including, but not limited to dating violence, domestic violence, stalking, sex/gender-based intimidation and/or harassment, sexual misconduct, sexual violence. Instances of gender discrimination, in any form, will not be tolerated. Should such issues arise, the college has policies and procedures in place to handle these situations thoroughly, effectively and in a timely manner. These policies are not and should not be construed to be a replacement or alternative for the criminal justice system, rather, they provide avenues through which the campus community may work to create a better environment.

The College will:

- Respond to and investigate every reported complaint in a timely manner
- Provide involved parties with appropriate resources such as connection to legal, mental and physical health care providers, as well as campus policies on gender discrimination
- Provide remedies when misconduct is discovered
- Impose appropriate sanctions on a case-by-case basis
- Protect the privacy of all those involved to the extent it is possible, and where protecting that privacy does not put the individual or others at risk

Georgetown College is committed to addressing all forms of gender discrimination through enacting preventative measures, educating the campus community and the establishment of thorough grievance procedures. Georgetown College employees at all levels are responsible for taking reasonable and necessary action to prevent, address, and respond to gender discrimination as permissible by their professional guidelines, which are based on the capacity in which they were hired by the College. For example, those hired as mental health counselors may be exempt from reporting instances of sexual assault if the individual does not pose a threat to themselves or the campus community. However, a faculty member who may also hold a degree in counseling would still be required to report as he/she was hired by the College in the capacity of faculty rather than mental health counselor.

2. Scope of the Policy

This policy applies to any form of gender discrimination that is sufficiently severe, pervasive or persistent to deny or limit an individual's ability to participate in or benefit from any program or educational opportunity provided by Georgetown College. Upon notice of gender discrimination, Georgetown College is responsible to take immediate steps to eliminate the harassment, remedy its' effects and prevent its' recurrence. This policy applies to all College-related activities both on and off campus and applies to all individuals involved in these activities. This policy applies to all students, faculty, and staff (hourly or salary) regardless of sexual orientation or gender identity. Any member of the Georgetown College community found in violation of these policies may be subject to disciplinary action, up to and including expulsion or termination of employment. Likewise, the policy also applies to conduct by third parties, who are not themselves employees or students of Georgetown (such as a visiting speaker, contracted professional or visiting athletic team). The disciplinary actions the College may take will differ depending on the level of control the school has over the harasser. Regardless of the level of disciplinary action that may be taken, Georgetown is committed to remedying the effects of any gender discrimination and preventing its' recurrence.

It should be noted that harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. The policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics

may elicit discomfort in a class member. Nor is this policy intended to limit scholarly research, publication, or public speaking on gender-related topics.

All members of the Georgetown College community are required to comply with the policy and procedures outlined to address complaints. In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U. S. Equal Employment Opportunity Commission or U. S. Department of Education, Office for Civil Rights. Any complaint of sexual harassment filed under the College's policy shall be processed even if the reporting party also files a complaint or suit with an outside agency, U. S. Equal Employment Opportunity Commission or U. S. Department of Education, Office for Civil Rights. Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.

3. Confidentiality Policy

If you are a victim or are aware of an instance of gender discrimination and/or sexual misconduct, we highly encourage you to report. We have resources to offer and may be able to help. There are several options for reporting with differing levels of confidentiality. We will make every effort to keep the report as private as you wish.

Certain employees can maintain complete confidentiality and are not required to share the details of the incident with anyone else, unless there is a concern for your safety or the safety of others. Other employees are required to share certain details of your report with specific professional staff on campus. Likewise, in certain situations the College has Federal reporting requirements. In these cases your information will be shared with as few people as possible and every effort will be made to maintain your privacy.

If you are unsure of a staff or faculty member's reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of, or are aware of sex discrimination. The reporting avenues, levels of confidentiality and other College reporting requirements are outlined in *Section 8: Reporting Policies and Protocols*.

All individuals involved in an investigation or adjudication procedure will be informed of the importance of confidentiality.

4. Options for Assistance

Assistance immediately after an incident of sexual misconduct

If you or someone you know is a victim of sexual assault, the following procedures are encouraged.

1. Go to a safe place.
2. Call someone whom you trust and/or
3. Please consider seeing a medical professional. There are many benefits from doing so. Seek medical care at an emergency room or hospital of your choice. It is important to have a medical exam to check for physical injuries and disease, to dispense pregnancy information and prophylaxis if necessary, and to collect evidence should you decide to prosecute. If you are planning on filing a criminal complaint, the medical exam must be done within 72 hours of the assault. You may have the exam and then decide not to prosecute. It may be helpful to ask for someone you trust, a Georgetown staff member or a volunteer from the Rape Crisis Center to go with you.
4. If you want to prosecute, there are steps you can take to help preserve evidence. You should avoid changing clothes, bathing, douching, urinating or defecating before arriving at the Emergency Room. Urine samples will be necessary to test for any date rape drugs. Do bring extra clothes with you, as clothing may be held as evidence.

We encourage you to report any instance of sex discrimination or sexual misconduct to campus personnel so we may provide you with support, assistance and resources. Campus personnel can also assist you in contacting other resources both on and off campus.

1. Campus Safety: 502-863-8111
 - ✓ Available 24 hours a day
 - ✓ Campus Safety can also connect you with a campus counselor or the Title IX Coordinator in after-hours emergencies
2. Title IX Coordinator: Mike Brown: 502-863-8371
 - ✓ To reach after hours please contact Campus Safety at 502-863-8111
 - ✓ Title IX Deputy Coordinator
3. Jules Arthur: 502-862-8034 Student Wellness Center Counselors: 502-863-7074
 - ✓ To reach after hours please contact Campus Safety at 502-863-8111
4. Local Law Enforcement: 911 or 502-863-7820
5. Bluegrass Rape Crisis Center: 1-800-656-4673
6. Georgetown Community Hospital: 502-868-1201
 - ✓ Please note this hospital does not offer Sexual Assault Nurse Examiners or “rape kits”. UK Chandler Hospital in Lexington, KY offers these services. Their contact number is below.
7. UK Chandler Hospital: 859-323-5000
8. Scott County Attorney’s Office: (502) 863-7870

The College will also offer remedies and/or accommodations for individuals reporting issues of sexual misconduct. Some examples of these are below. No formal complaint or investigation, campus or criminal, need occur before these options are available.

The College will:

- Inform the reporting party of, and offer to assist in accessing available resources both on and off campus such as mental health counseling, physical health care providers, legal assistance and victim advocacy services.
- Inform the reporting party of the right to report to local law enforcement and provide assistance if the reporting party so wishes.
- Offer other security and support services such as
 - Issuing a campus no-contact order against an individual who has engaged in or threatens to engage in sexual misconduct, stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
 - Arranging a change of living, working arrangements or academic accommodations so the reporting party need not face the respondent. Academic accommodations will vary based on the situation and class, but may include things such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

Ongoing Assistance

You may have needs for ongoing support and many questions in the days and weeks following instances of gender discrimination and/or sexual violence. Georgetown College encourages you to utilize the following resources. These resources are available to you whether or not you choose to make an official report or participate in an institutional disciplinary and/or criminal process

1. Counseling and Advocacy Services
 1. *On campus*: Student Wellness Center: 502-863-7074
 - ✓ Services are free to students
 2. *Off campus*: Bluegrass Rape Crisis Center: 1-800-656-4673
2. Health Care Providers

1. *On campus*: Student Wellness Center: 502- 863-8201
 - ✓ Services are free to students
2. *Off campus*: Georgetown Community Hospital: 502-868-1201
3. *Off campus*: UK Chandler Hospital: 859-323-5000
3. Legal Services
 1. *Off campus*: Scott County Attorney’s Office: (502) 863-7870
4. Georgetown College Title IX Coordinator: Mike Brown: 502-863-8371
 - ✓ The Title IX Coordinator is trained in issues of sex discrimination and can connect you to resources, answer questions and offer other forms of assistance as appropriate. The Title IX Coordinator can help provide ongoing support with a disciplinary process.

5. Title IX Coordinator

The Title IX Coordinator for Georgetown College is Mike Brown, Associate Dean of Students. He can be reached at Michael_Brown@georgetowncollege.edu or 502-863-8371. To reach him after hours or in an emergency, please contact Campus Safety at 502-863-8111.

There is also a Deputy Title IX Coordinator tasked with assisting in conducting investigations and implementing policy. The Deputy Title IX Coordinator is Jules Arthur and can be reached at Julianne_Arthur@goergetowncollege.edu or 502-863-8034

The Title IX Coordinator is responsible for the following:

- Oversight and implementation of the Title IX: Gender-Based Discrimination and Sexual Misconduct Policy including investigation and adjudication procedures.
- Ensuring all members of the investigation and adjudication teams for gender discrimination are trained in issues specific to gender discrimination and sexual misconduct.
- Educating the campus community on reporting requirements for gender-based offenses including when and how to report instances of gender discrimination.
- Coordinate trainings for the campus community (students, faculty and staff) on issues of gender discrimination and sexual misconduct.

6. Definitions and Examples

Definitions: There are many terms used in issues of sex discrimination. The following will provide some common definitions and examples.

- **Awareness programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- **Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- **Coercion:** Coercion is unreasonable pressure for sexual activity.
- **Reporting party:** The alleged victim or individual reporting the issue of sex discrimination.
- **Consent:** Consent is an active giving of permission to engage in activity. Consent is clear, knowing and voluntary. Consent may be given through words or actions. Silence should not be interpreted as

consent. Absence of protest is not consent. Previous history does not imply consent for future activity. Likewise, consent to one activity does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Consent cannot be given under pressure, force, threats, intimidation, coercion or while incapacitated due to the influence of alcohol and/or drugs. In order to give consent one must be of legal age and not incapacitated mentally or physically. Lack of consent occurs when:

- A person is forced to submit.
- The person does not expressly or implicitly agree with the respondent's conduct under circumstances other than forcible compulsion or incapacity to consent.
- A person is deemed to be incapable of consenting if he/she is less than 16 years old, is mentally challenged, suffers from mental illness, or is physically helpless or is totally incapacitated.
- A person is rendered temporarily incapable of appraising or controlling his/her conduct as a result of a controlled or intoxicating substance administered to him/her with or without consent or knowledge.
- A person is unable to consent when he/she is unconscious, or for any other reason is physically unable to communicate unwillingness to act.
- **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.
 - (i) The existence of such a relationship shall be 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.
 - (ii) For the purposes of this definition-
 - a) Dating violence includes, but is not limited to, sexual or physical
 - b) Abuse or the threat of such abuse.
 - c) Dating violence does not include acts covered under the definition of domestic violence.
 - (iii) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The Commonwealth of Kentucky currently does not have any laws regarding Dating Violence.

- **Domestic Violence:** (i) Felony or misdemeanor crimes of violence committed –
 - a) By a current or former spouse or intimate partner of the victim;
 - b) By a person whom the victim shares a child in common;
 - c) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d) 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
 - e) By any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- (ii) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The Commonwealth of Kentucky has the below listed definitions for use in domestic violence situations:

As used in KRS 403.715 to 403.785:

- (1) “Domestic violence and abuse” means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple;
- (2) “Family member” means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;
- (3) “Global positioning monitoring system” means a system that electronically determines a person’s location through global positioning satellite technology, radio frequency technology, or a combination thereof and reports the location of an individual through the use of a transmitter or similar device worn by that individual and that transmits latitude and longitude data to a monitoring entity. The term does not include any system that contains or operates global positioning system technology, or any other similar technology, that is implanted or otherwise invades or violated the individual’s body; and
- (4) “Member of an unmarried couple” means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

- **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.
- **Incapacitation:** Incapacitation is a state where an individual cannot make a rational or reasonable decision because he/she lacks the ability or information to understand the sexual interaction to the fullest extent. Incapacitation can result from mental or physical disabilities, drug or alcohol use, physical restraints, “date-rape” drugs, or anything that affects the individual’s ability to make a clear and informed decision. Incapacitation occurs anytime sexual activity takes place where the alleged victim does not understand the “who, what, when, where, why and how.”
- **Intimidation:** Intimidation is the act of using coercion, instilling fear or making threats to induce submission, compliance or acquiescence from another.
- **Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight with any object, by a man or a woman upon a man or a woman that is without consent and/or by force
- **Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
- **Primary Prevention Programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- **Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
- **Rape:** 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.
- **Respondent:** The alleged perpetrator of any form of gender discrimination

- **Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.
- **Retaliation:** Retaliation occurs when an individual seeks a form of revenge against another for a perceived wrong
- **Risk Reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- **Sex Discrimination/Sexual Misconduct:** Sex Discrimination and Sexual Misconduct occurs anytime a person's sex becomes a factor or basis in treating them unfairly. Sex Discrimination may also occur when an individual is treated unfairly due to his/her connection with a group or organization that is typically associated with a certain sex. Sex discrimination includes behaviors such as sexual assault, sexual harassment, any non-consensual behavior of a sexual nature, domestic or dating violence, and stalking. Such behaviors could be committed by force, intimidation or use of a victim's incapacity (physical, mental or through the use of drugs or alcohol).
- **Sexual Assault:** Sexual assault is defined as sexual intercourse or sexual contact with another person by forcible compulsion and/or without consent. Forcible compulsion may be committed by means such as physical power, coercion or incapacitation. Acts of sexual assault include rape, oral or anal intercourse, and other sexual acts not involving intercourse to which participants are not both consenting. Absence of protest is not consent.
- **Sexual Contact:** Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another person touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- **Sexual Exploitation:** Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:
 - ✓ Invasion of sexual privacy
 - ✓ Non-consensual video or audio-taping of sexual activity
 - ✓ Going beyond the boundaries of consent (such as letting friends view you having consensual sex without the other party knowing)
 - ✓ Sexually-based stalking and/or bullying
 - ✓ Engaging in voyeurism
 - ✓ Knowingly transmitting an STI or HIV to another student
- **Sexual Harassment:** Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - ✓ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience.
 - ✓ Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliating against the victim by the respondent or by friends of the respondent or others who are sympathetic to the respondent. In addition, retaliation directed toward a third party due to their participation in a grievance process, or for supporting a grievance may be retaliatory harassment.
 - ✓ Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offensive environment.

Types of sexual harassment include:

- **Quid Pro Quo:** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience.
 - **Retaliatory:** Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliating against the victim by the respondent or by friends of the respondent or others who are sympathetic to the respondent. In addition, retaliation directed toward a third party due to their participation in a grievance process or for supporting a reporting party may be retaliatory harassment.
 - **Hostile Environment:** Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offensive environment.
- **Stalking:**
 - (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - a) Fear for the person's safety or the safety of others; or
 - b) Suffer substantial emotional distress.
 - (ii) For the purposes of this definition –
 - a) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.
 - c) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
 - (iii) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Examples of Sexual Misconduct

Examples of conduct prohibited by this policy include, but are not limited to, the following, when such conduct meets the aforementioned criteria above:

1. Direct or implied threats that submission to sexual advances or rejection of sexual advances will be a condition of employment, work status or assignments, promotion, grades, letters of recommendation, salary, academic standing, or receipt of financial aid;
2. Persistent unwelcome flirtation, advances and/or propositions of a sexual nature, intimidating conduct which exerts pressure for sexual favors, including inappropriate behavior or offensive advances (e.g., sexual propositions when the other person has made it clear that they are not interested) without threat of punishment for noncompliance and without promise of reward for compliance;
3. Repeated insults, humor, jokes, and/or stories that belittle or demean an individual's or group's gender, race, color, religion, or national origin, and physical conduct or verbal innuendo which, because of one's gender, race, color, religion, or national origin creates an intimidating, hostile, or offensive environment.
4. Repeated unwelcome comments of a sexual nature about an individual's body or clothing.
5. A pattern of conduct in class, in the work-place, or in the general campus environment that a reasonable person would identify as creating a sexist atmosphere; that is, an atmosphere that demeans or oppresses people simply by virtue of their gender. Examples of such patterns of conduct might include persistent

denigration of women or men through sexist humor or remarks, assignment according to gender of tasks that are not gender-specific, or other activities that, by alienating or discouraging members of one sex, tend to impair their academic or professional performance or their ability to function within the community (e.g., hanging of signs which depict women/men in a derogatory manner, yelling sexist remarks from windows as women/men walk by);

6. Behavior that would cause discomfort or humiliate a reasonable person through one or more of the following:
 1. Inappropriate touching, patting, pinching, unwanted hugging, or brushing against a person's body,
 2. Remarks of a sexual nature about a person's clothing or body,
 3. Remarks about sexual activity or speculation about previous sexual experience or sexual orientation, or other sexually suggestive remarks or insults.

7. Reporting Policies and Protocols

Georgetown College encourages all members of the campus community to report instances of gender discrimination and sexual misconduct. You may report if you are a victim, or you are a third party who is aware of an issue of gender discrimination or sexual misconduct. There are various avenues for reporting with varying levels of confidentiality and services available. Certain employees can maintain complete confidentiality and are not required to share the details of the incident with anyone else, unless there is a concern for your safety or the safety of others. Other employees are defined as "responsible employees" as they are required to share your report with the Title IX Coordinator so that Georgetown may take steps to offer you support services, prevent the recurrence of the discrimination, misconduct, etc. In these cases your information will be shared with as few people as possible and every effort will be made to maintain your privacy. Regardless of the reporting avenue you choose, we will make every effort to keep the report as private as you wish.

If you are unsure of a staff or faculty member's reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of, or are aware of gender discrimination or sexual misconduct. The reporting avenues, levels of confidentiality and other College reporting requirements are outlined below.

Retaliation

Retaliation against any individual who makes a report or participates in the reporting or investigation process will not be tolerated.

Reporting Avenues

✓ **Confidential Reporting**

The Student Wellness Center Counselors and health care professionals can provide you with confidential reporting. These employees cannot and will not share the details of your report without your consent. However, should your report indicate there is a concern for your safety or the safety of others, they may have to share some details. They can be reached at 502-863-7074. To reach them after-hours, please contact Campus Safety at 502-863-8111. These individuals can connect you with resources and explain the other reporting options that are available to you as well.

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. If you would like to report to someone off campus, you may also contact the Rape Crisis Center at 859-863-7350.

✓ **Private Reporting**

You may also report issues of gender discrimination and/or misconduct to any Faculty member or Student Life Staff (Residence Life Staff, Campus Safety, etc.). These individuals are defined as “responsible employees” and are required to share your information with the Title IX Coordinator. Your information will be shared with as few people as possible. Every effort will be made to keep the details private. The details of your report, to whom you report and the course of action you wish to pursue will determine how your information is shared. A responsible employee should not share information with law enforcement without the reporting party’s consent or unless the reporting party has also reported the incident to law enforcement.

When a responsible employee is made aware of an incident of gender discrimination or sexual misconduct, the reporting party has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

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

✓ **Title IX Coordinator**

The Sexual Misconduct Policy oversight and implementation is the responsibility of the Title IX Coordinator. The Title IX Coordinator for Georgetown College is Mike Brown, Associate Dean of Students. He can be reached at Michael_Brown@georgetowncollege.edu or 502-863-8371. To reach him after hours or in an emergency, please contact Campus Safety at 502-863-8111. The Title IX Coordinator is supported by a Deputy Title IX Coordinator, Jules Arthur, who can be reached at Julianne_Arthur@georgetowncollege.edu or 502-863-8034.

✓ **Local Law Enforcement**

You may also report to the Georgetown Police Department. They can be reached via 911 or by calling 502-863-7820. They can assist in filing civil charges. Sexual assault is a criminal offense. Georgetown College realizes colleges cannot and should not hold themselves as an alternative to the criminal justice system.

Take Back the Night and Other Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “Survivor Speak Outs” 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.

College Reporting Requirements

✓ **Federal Reporting Obligations**

Campus officials have a duty to report certain forms of gender based discrimination and/or sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location for publication in the annual Campus Safety Report.

✓ **Federal Timely Warning Reporting Obligations**

Victims of gender discrimination or sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or

danger to members of the campus community. The College will make every effort to ensure that a reporting party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

✓ **Parental Notification**

Georgetown College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. The College may contact parents/guardians to inform them of situations in which there is a health and/or safety risk. Georgetown College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

What to Expect When you Report

1. If you contact a member of Residence Life (your RA or RD), Campus Safety, faculty or professional staff (not including those hired by Georgetown College as mental or physical health providers):

- The employee will notify the Title IX Coordinator of the incident.
- You may be contacted by the Title IX Coordinator regarding the incident.
- An investigation conducted by a campus employee trained as a Title IX investigator may begin if the individual so chooses or if the incident suggests there is an ongoing threat to the campus community. An investigation does not mean that your personal identity will be revealed to the campus community, nor does it mean that you would ever have to come face to face with the respondent.
- The Title IX Coordinator will offer to connect you to local police, mental and physical health care providers and legal resources if you so desire.
- If the respondent is a member of the campus community, the Title IX Coordinator can order the respondent to cease and desist from any intentional contact, direct or indirect, with you. We may also be able to offer housing and/or classroom accommodations so that the reporting party need not face the respondent.
- You will also be given the opportunity to contact the Georgetown College Counseling Center or another agency in the community such as a rape crisis center.
- The nature of your report (i.e. sexual assault) may be included in the College's crime statistic log. The crime log does not include personally identifiable information, just that a report of an issue such as sexual assault was taken. Likewise, should the nature of your report pose a threat to the campus community, general information may need to be shared. This is further explained in the Federal Reporting Obligations section below.
- If you chose to move forward with a campus judicial process, the individuals who facilitate that process will be notified as well as the respondent.

2. If you contact the Student Wellness Center:

- A counselor and/or PA will meet with you on-campus and provide support.
- The counselor and/or PA will not share any information of the incident with law enforcement or a member of the Georgetown College community without your consent, unless there is a clear threat to other members of the Georgetown College community, or the individual makes statements of a suicidal/homicidal nature.
- The counselor and/or PA will explain reporting options and support you in whatever decision you make regarding reporting or not reporting.
- If you choose to file a report with the Title IX Coordinator or law enforcement, a counselor may accompany you and support you through the process if you so desire.

3. If you contact Georgetown Police:

- Georgetown Police will meet you on campus to discuss the incident and create a report.
- The police will ask you for details of the sex discrimination and explain your legal rights.
- They may contact a victim advocacy service or the alleged perpetrator. Their actions will depend on what you report and how you want to proceed.
- The police may contact Campus Safety to let them know that they are on campus.

4. If you go to the hospital for an exam:

- You may request a sexual assault exam to be completed.
- A police officer may be contacted and you may be asked to make a report. The officer is there to collect any evidence obtained during the exam.
- If you consent to make a police report, the Commonwealth of Kentucky will pay for the exam and the exam will not be billed to your insurance.
- If you are 18, your parents will not be notified without your consent.
- Making a report and completing an exam preserves the option to prosecute, but does NOT commit an individual to pressing charges.
- You may request a member of Georgetown College community, the Counseling Center, or an advocate from the Bluegrass Rape Crisis Center to accompany you to the exam.

8. Investigation Procedures and Protocols

The College will investigate all reports of gender discrimination and sexual misconduct. However, the level and scope of the investigation may in some cases be decided by the reporting party. Responsibility for the investigation model is assigned to the Title IX Coordinator. The Title IX Coordinator oversees the training and implementation of the investigator team. In instances of employee on student investigations college legal counsel may also be part of the investigation to ensure legal guidelines and processes are met for all parties.

Investigations

Investigations with willing participants provide the most thorough and effective processes. Investigations of alleged sex discrimination and sexual misconduct will be handled using an Investigator Model. In this model, an investigator(s) serves as a neutral fact-finder who will interview the reporting party, the respondent, any witnesses, and also gather any other evidence as necessary. The lead investigator will be assigned by the Title IX Coordinator and will be trained in issues of gender discrimination and sexual misconduct. Issues such as impartiality, appropriateness (based on involved parties), fit, etc. will be considered in appointing the lead investigator on any case.

The lead investigator may interview the reporting party, the respondent, witnesses, any parties with potentially relevant information, review video footage, and investigate any other appropriate avenues that may provide pertinent information. The investigator will keep both the reporting party and the respondent apprised of their rights and the status of the process. The investigator will compile all the investigation material into a report.

The report will be submitted to the Chair of the Hearing Committee who will make a determination of charges. Should a hearing be deemed necessary, the report will be given to the Hearing Committee for adjudication. The steps of the process are outlined in *Section 9. Grievance and Adjudication Procedures*.

Investigations and Requests for Confidentiality

If a reporting party 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 individuals, including the reporting party.

If the College honors the request for confidentiality, the reporting party 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 reporting party's request not to investigate in order to provide a safe, non-discriminatory environment for all students. When weighing a reporting party's request for confidentiality or that no investigation or discipline be pursued, the College will consider a range of factors, including, but not limited to, the following:

- The severity of the alleged act of gender or sexual based violence based on issues such as level of violence, aggression, brutality, intensity, persistence and duration of the act/s
- The increased risk that the respondent will commit additional acts of gender or sexual based violence, such as:
 - Whether there have been other gender or sexual based violence complaints about the same respondent ;
 - Whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the respondent threatened further gender or sexual based violence or other violence against the victim or others;
 - Whether the violence was committed by multiple perpetrators;
 - Whether the violence was perpetrated with a weapon;
 - Whether the reporting party is a minor;
 - Whether the College possesses other means to obtain relevant evidence of the gender or sexual based violence (e.g., security cameras or personnel, physical evidence); or
 - Whether the reporting party'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.

Note: This list is illustrative and not meant to be exhaustive.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. The college reserves the right to initiate a complaint, to serve as the reporting party, and to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.

If the College determines that it cannot maintain a reporting party's confidentiality, the College will inform the reporting party 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 may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of gender and sexual based violence campus-wide, reports of gender or sexual based 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 violence occurred, increasing education and prevention efforts, conducting climate assessments/victimization surveys, and/or revisiting its policies and practices.

If the College determines that it can respect a reporting party's request for confidentiality, the College will also take immediate action as necessary to protect and assist the reporting party. The College will offer remedies and/or accommodations to the reporting party. Some examples of these are below. No formal complaint or investigation, campus or criminal, need occur before these options are available.

The College will:

- Inform the reporting party of, and offer to assist in accessing available resources both on and off campus such as mental health counseling, physical health care providers, legal assistance and victim advocacy services.
- Inform the reporting party of the right to report to local law enforcement and provide assistance if the reporting party so wishes.
- Offer other security and support services such as
 - Issuing campus a no-contact order against a campus community member who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
 - Arranging a change of living, working arrangements or academic accommodations so the reporting party need not face the respondent. Academic accommodations will vary based on the situation and class, but may include things such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

Confidentiality

All individuals involved in an investigation and/or adjudication process will be informed of the importance of confidentiality and may asked to sign a confidentiality statement. Conversations and information that result from an investigation or disciplinary proceeding are private and should not be shared.

Time Frames

Investigations will be conducted in reasonable and prompt timeframes with a goal for resolution of any gender or sex based discrimination complaint being 60 days. Certain issues, such as the point in the semester when the incident is reported may result in prolonged investigations. For example, conducting interviews during semester breaks may be more challenging as students, faculty or staff may be away. Every effort will be made to find resolution within the 60 day time frame. If the incident is also being investigated by local law enforcement, the campus process need not wait for the outcome of the criminal justice system process before making a final determination.

9. Grievance/Adjudication Procedures

Hearing Committee

Mediation is never an appropriate means for handling issues of gender discrimination or sexual misconduct. Gender or sex discrimination hearings will be heard by a Hearing Committee. All members have been trained in issues of gender discrimination and sexual misconduct. This committee may be composed of staff and faculty and will represent both genders. The committee chair will be the Director of Student Accountability or his/her designee and serve as a voting member. At least 3 voting members must be present for a hearing to take place with no more than 5 sitting on any hearing. Both the respondent and reporting party may bring an advocate to each stage of the hearing.

In instances of employee on student hearings an Executive Hearing Committee will be composed. The Executive Hearing Committee Chair will be the Director of Human Resources or his/her designee and will serve as a facilitator, but not a voting member. The Director of Human Resources will appoint a Hearing Committee as appropriate based on the status of the involved parties. All members will be trained in issues of gender discrimination and sexual misconduct. Both the student and employee may bring an advocate to each stage of the hearing. College legal counsel may also be present to ensure legal rights of both students and employees are met.

To prevent bias and impartiality, Hearing Committee members will be informed of the names of the reporting party and respondent prior to the hearing. Should circumstances arise in which a Hearing Committee member cannot be impartial and/or there is a conflict of interest, that member will be replaced with another. For example, if a hearing committee member is a relative or supervisor of one of the individuals involved in the report, their impartiality may be compromised making it inappropriate for them to hear that particular case. Hearing Committee members are expected to recuse themselves from hearings in which they identify a potential bias. Likewise, both the reporting party and the respondent may petition that a member of the Hearing Committee member be replaced due to bias. Any concerns with a hearing committee member's impartiality or fit should be brought to the attention of the Title IX Coordinator. The Title IX Coordinator will have final say on who sits on the committee and hears any particular case.

Georgetown College's Executive Cabinet reserves the right to serve as the Hearing Committee in instances of extreme and/or unique nature.

Standard of Proof

The standard of proof used for hearing cases of gender discrimination and sexual misconduct will be preponderance of the evidence or "more likely than not". Findings of responsible or not responsible for gender discrimination or sexual misconduct cases will be made based on this standard of proof in determining if a violation occurred.

Reporting Party and Respondent Rights:

- The right not to be discouraged by College officials from reporting an assault to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire.
- The right to have complaints of gender discrimination and sexual misconduct responded to quickly and with sensitivity.
- The right to be notified of available counseling, mental health or student services, both on campus and in the community.
- The right to investigation and appropriate resolution of all credible complaints of gender discrimination and sexual misconduct made in good faith to College administrators.
- The right to be notified of the identity of the lead investigator and requests for interview with appropriate time to prepare a statement.
- The right to be treated with respect by College officials.
- The right to preservation of confidentiality, to the extent possible and allowed by law.
- The right to a hearing closed to the public.
- The right to a hearing in which the respondent and reporting party need not be in the same room at the same time.
- The right to be present for all testimony given and evidence presented before the Hearing Committee. Note: If the respondent and reporting party choose not to be in the room at the same time technology such as Skype or speaker phone can be used to accommodate this thereby still allowing both parties to hear all testimony given and evidence presented.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right to a campus accountability outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
- The right to appeal the finding and sanction of the Hearing Committee in accordance with the standards for appeal.
- The right to a fundamentally fair hearing, as defined in these procedures.

- The right to have College policies and procedures followed without material deviation.

Individuals Present at the Hearing

Those present at the hearing will include:

- 3 or 5 members of the Hearing Committee
- The reporting party
- The respondent
- The Title IX Investigator/s
- Advocates: Both the reporting party and the respondent may have one advocate present during the hearing. This may be a College official, legal counsel, friend, parent, etc. The reporting party/respondent may confer with their advocate, but the advocate may not participate in the hearing.
- Witness(es) may be called to provide statements.
- In instances of employee on student cases legal counsel may also be present

If any party is uncomfortable being in the same room for the hearing, accommodations may be made such as using Skype, thereby allowing the hearing to take place without direct confrontation.

Notification of Hearing

All parties whose presence is requested at the hearing will be notified in writing seven calendar days prior to the hearing. Notifications will be made via campus email by the Title IX Coordinator. The reporting party and respondent will be notified of the following:

- The time and location of the hearing.
- Notice of the alleged violations within the complaint including the nature of the violation
- The name of the lead investigator
- Possible sanctions should the respondent be found responsible for a violation
- The names of the members of the Hearing Board assigned to the case. Neither the respondent nor the reporting party may directly or indirectly contact any member of the Hearing Committee prior to the hearing.
- The names of all witnesses who will be called at the hearing, except in cases where a witness' identity may not be revealed for compelling safety reasons. Upon review of witnesses to be called, either the respondent or reporting party may request that additional witnesses be called. This request should be made to the Title IX Investigator in writing via campus email. The Title IX Investigator will determine if the new witnesses will be added to the hearing. If added, the reporting party and respondent will be notified no less than 48 hours prior to the hearing. Witnesses may be added no later than 48 hours prior to the hearing.
- All documentary evidence to be presented at the hearing (subject to confidentiality limitations imposed by state and federal law). Both the reporting party and the respondent have the opportunity to review this at least 48 hours prior to the hearing. Requests to review this evidence should be made in writing via campus email to the Title IX Investigator.
- The rights nature, rules and procedures of the campus conduct process as outlined in this policy.

Hearing Steps

The Investigator Report will be given to the Hearing Committee Chair who will make a determination of charges and if necessary, request a committee be convened and a hearing scheduled. The hearing steps are as follows:

1. Introductions: The hearing will be facilitated by the Hearing Committee chair and begin with introductions.
2. Presentation of Investigator Report: The lead investigator will present the report to the Hearing Committee.

3. Questioning:
 - ✓ Members of the Hearing Committee will be given the opportunity to ask questions of the respondent, the reporting party and/or the investigator.
 - ✓ The respondent and reporting party may not directly ask questions of each other or any witnesses. Should such a question arise, the reporting party or respondent will in writing submit the question to the Committee Chair. The Committee Chair will determine the appropriateness and/or usefulness of the question and then present the question or deny it.
 - ✓ Questions about prior sexual conduct with any individual other than the respondent are prohibited
 - ✓ Evidence of a prior consensual dating or sexual relationship between the respondent and reporting party does not imply consent or preclude a finding of gender discrimination or sexual misconduct.
4. Witnesses and other evidence: Any witnesses or individuals with relevant information will then be called. Video footage and other types of evidence will be reviewed. The Hearing Committee will first be allowed to ask questions of witnesses. The reporting party and respondent will then be permitted to ask questions of witnesses. Witnesses will be called as needed, questioned and dismissed. Witnesses will be present only for the portion of the questioning that applies to them directly.
5. Statements: The reporting party and the respondent will then both be given a chance to make a statement after all questioning is finished.
6. Dismissal: At this point the reporting party, respondent, investigator, advocates, witnesses and any other individuals will then all be dismissed leaving only the Hearing Committee.
7. Deliberation: The Hearing Committee will deliberate and make a determination of responsible or not responsible for the respondent.
8. Sanctioning: If a determination of responsible is reached, the board will then be made aware of any past Student Code of Conduct issues and then assign sanctions.

Charges

- **Coercion:** Coercion is unreasonable pressure for sexual activity.
- **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.
 - (ii) The existence of such a relationship shall be 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.
 - (iii) For the purposes of this definition-
 - d) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - e) Dating violence does not include acts covered under the definition of domestic violence.
 - (iv) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Domestic Violence:** (i) Felony or misdemeanor crimes of violence committed –
 - f) By a current or former spouse or intimate partner of the victim;
 - g) By a person whom the victim shares a child in common;
 - h) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - i) 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

j) By any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(ii) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The Commonwealth of Kentucky has the below listed definitions for use in domestic violence situations:

As used in KRS 403.715 to 403.785:

- (5) "Domestic violence and abuse" means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple;
- (6) "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;
- (7) "Global positioning monitoring system" means a system that electronically determines a person's location through global positioning satellite technology, radio frequency technology, or a combination thereof and reports the location of an individual through the use of a transmitter or similar device worn by that individual and that transmits latitude and longitude data to a monitoring entity. The term does not include any system that contains or operates global positioning system technology, or any other similar technology, that is implanted or otherwise invades or violated the individual's body; and
- (8) "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

- **Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight with any object, by a man or a woman upon a man or a woman that is without consent and/or by force

Consent is an active giving of permission to engage in activity. Consent is clear, knowing and voluntary. Consent may be given through words or actions. Silence should not be interpreted as consent. Absence of protest is not consent. Previous history does not imply consent for future activity. Likewise, consent to one activity does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Consent cannot be given under pressure, force, threats, intimidation, coercion or while incapacitated due to the influence of alcohol and/or drugs. In order to give consent one must be of legal age and not incapacitated mentally or physically. Lack of consent occurs when:

- A person is forced to submit.
- The person does not expressly or implicitly agree with the respondent's conduct under circumstances other than forcible compulsion or incapacity to consent.
- A person is deemed to be incapable of consenting if he/she is less than 16 years old, is mentally challenged, suffers from mental illness, or is physically helpless or is totally incapacitated.
- A person is rendered temporarily incapable of appraising or controlling his/her conduct as a result of a controlled or intoxicating substance administered to him/her with or without consent or knowledge.
- A person is unable to consent when he/she is unconscious, or for any other reason is physically unable to communicate unwillingness to act.

Types of Non-Consensual Sexual Contact include:

- **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.
- **Incapacitation:** Incapacitation is a state where an individual cannot make a rational or reasonable decision because he/she lacks the ability or information to understand the sexual interaction to the fullest extent. Incapacitation can result from mental or physical disabilities, drug or alcohol use, physical restraints, “date-rape” drugs, or anything that effects the individual’s ability to make a clear and informed decision. Incapacitation occurs anytime sexual activity takes place where the alleged victim does not understand the “who, what, when, where, why and how”
- **Intimidation:** Intimidation is the act of using coercion, instilling fear or making threats to induce submission, compliance or acquiescence from another.
- **Retaliation:** Retaliation occurs when an individual seeks a form of revenge against another for a perceived wrong
- **Sexual Assault:** Sexual assault is defined as sexual intercourse or sexual contact with another person by forcible compulsion and/or without consent. Forcible compulsion may be committed by means such a physical power, coercion or incapacitation. Acts of sexual assault include rape, oral or anal intercourse, and other sexual acts not involving intercourse to which participants are not both consenting. Absence of protest is not consent.
- **Sex or Gender Discrimination:** Sex or Gender Discrimination occurs anytime a person’s sex or gender becomes a factor or basis in treating them unfairly. Sex or Gender Discrimination may also occur when an individual is treated unfairly due to his/her connection with a group or organization that is typically associated with a certain sex or gender.
- **Sexual Exploitation:** Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:
 - ✓ Invasion of sexual privacy
 - ✓ Non-consensual video or audio-taping of sexual activity
 - ✓ Going beyond the boundaries of consent (such as letting friends view you having consensual sex without the other party knowing)
 - ✓ Sexually-based stalking and/or bullying
 - ✓ Engaging in voyeurism
 - ✓ Knowingly transmitting an STI or HIV to another student
- **Sexual Harassment:** Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - ✓ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience.
 - ✓ Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliating against the victim by the respondent or by friends of the respondent or others who are sympathetic to the respondent. In addition, retaliation directed toward a third party due to their participation in a grievance process or for supporting a grievance may be retaliatory harassment.

- ✓ Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offensive environment.

Types of sexual harassment include:

- ✓ **Quid Pro Quo:** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience.
- ✓ **Retaliatory:** Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliating against the victim by the respondent or by friends of the respondent or others who are sympathetic to the respondent. In addition, retaliation directed toward a third party due to their participation in a grievance process or for supporting a reporting party may be retaliatory harassment.
- ✓ **Hostile Environment:** Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offensive environment.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - c) Fear for the person's safety or the safety of others; or
 - d) Suffer substantial emotional distress.
 - (iii) For the purposes of this definition –
 - d) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - e) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.
 - f) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
 - (iv) For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting

Sanctions

Any of the following sanctions, or combinations of sanctions, may be imposed on a student responsible for a violation of this policy. Disciplinary action other than those outlined below may be taken as the situation warrants. Sanctions should be proportionate to the severity of the violation and the respondent's cumulative conduct record. Failure to abide by the imposed sanction may result in additional violations/sanctions.

- **Oral Reprimand:** An oral statement to a student that he or she is violating or has violated institutional rules. No reprimand shall be entered as a permanent part of the student's record unless issued by the appropriate accountability body.
- **Written Reprimand:** Notice in writing that continuation or repetition of inappropriate conduct within a period of time stated in the warning may be cause for more severe disciplinary action.
- **Forced Change of Residency:** Requires the movement of the student from one residence hall area to another.
- **Removal from Campus Housing:** Requires the student to vacate campus housing by a designated time.
- **Trespass Warning:** The student is prohibited from visiting or returning to a part or all of any designated area of campus. If the student returns, he/she is subject to arrest and additional action.
- **Fines:** An appropriate fine may be levied for policy violations or damages incurred.

- **Restitution:** Loss encumbered by the individual or College as a result of the student’s code of conduct violation.
- **Campus Work:** Participation in educational programs or projects may be assigned. There will be a \$20.00 per hour fee for campus work hours not completed.
- **Loss of Privileges.**
- **Educational Sanctions:** Requires actions such as conducting research, writing essays, participation in counseling, etc.
- **Disciplinary Probation:** May include exclusion from participation in privileged or extracurricular College activities as set forth in the notice of probation.
- **Interim Suspension:** Temporary suspension by an official of the College for a designated period of time. Students who are interim suspended are judged to be disruptive in conduct to the educational mission and/or pose a substantial threat to the health or safety of themselves or others. An interim suspension is made pending a hearing on the alleged offense.
- **Deferred Suspension:** Students are suspended, but are allowed to continue as a student under specific conditions as outlined by the Student Life Office and agreed upon by the student.
- **Suspension:** Exclusion from classes and other privileges or activities or from the College, as set forth in the notice of suspension, for a definite period of time.
- **Expulsion:** Termination of student status for an indefinite period of time.

The chart below provides a guideline of suggestions sanctions based on charges. This is meant to be only a guideline. The specific sanctions assigned will vary based on the details and severity of the incident.

Charge	Suggested Sanctions							
	Oral or Written Reprimand	Removal from Campus Housing	Loss of Privlidges	Educational Sanctions	Disciplinary Probation	Deferred Suspension	Suspension	Expulsion
Coercion	X	X	X	X	X			
Dating Violence	X			X	X	X	X	
Domestic Violence	X			X	X	X	X	
Non-Consensual Sexual Contact		X	X	X	X	X	X	X
Retaliation	X	X	X		X			
Sexual Assault							X	X
Sex or Gender Discrimination	X			X	X	X		
Sexual Exploitation	X	X	X	X	X	X		
Sexual Harassment	X			X	X	X	X	
Stalking	X	X	X	X	X	X	X	

Notification of Outcome

In gender discrimination cases, both the respondent and reporting party will be notified simultaneously, in writing via campus email of the outcome within 48 hours of completion of the hearing. The reporting party will also be notified of any sanctions assigned to the respondent that may impact the reporting party. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Appeals

- Both the reporting party and the respondent are granted one opportunity for appeal.

- All decisions made and sanctions imposed by the initial hearing body are to be implemented during the appellate process. At the discretion of the Vice President for Student Life, implementation of sanctions may be stayed pending appellate review. This may be done only in extremely exigent circumstances and may or may not include considerations such as proximity to graduation, end of term, exams or housing needs.
- Appeals hearings are not intended to be full re-hearings.
- Appeals decisions are to be deferential to the original hearing-committee, making changes only where there is clear error and/or compelling justification to do so. The original finding and sanction(s) are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear reasoning for a reversal or sanction adjustment.

Appellate Committee

- Membership of the appellate committee will be comprised of at least 3 members of Executive Cabinet and/or Human Resources.
- Appellate committee membership will be comprised taking into consideration the parties involved in the case.

Requesting an appeal

- Appeal requests should be submitted in writing by campus email to the Title IX Coordinator within 48 hours of notification of outcome of the initial hearing.
- If the appeal request is not timely or substantively eligible, the finding and sanction(s) assigned by the original hearing committee will stand. That decision is final.
- Appeal requests may be made on the following grounds:
 - An excessive or inappropriate sanction was given;
 - Procedural errors or bias existed in the initial hearing that were sufficient enough to deny a fair hearing process;
 - Lack of sufficient evidence to support the finding; or
 - Admission of new material or evidence that is not merely corroborative or repetitive and was not present at the time of the initial hearing.
- A request for an appeal does not necessarily mean that one will be granted.
- In deciding if an appeal hearing will be granted, the Appellate Committee will review any documentary evidence provided during the initial hearing. The Appellate Committee will also have opportunity to ask both the Investigator and Hearing Committee Chair questions about the initial hearing.
- The Appellate Committee will decide within 7 calendar days of an appeal request if the appeal hearing will be granted. This will be communicated to the appellant in writing with the date, time and location of the appeal hearing.
- The Appellate Committee may call witnesses as appropriate. The names of all witnesses who will be called at the appeal hearing, except in cases where a witness' identity may not be revealed for compelling safety reasons, will be communicated to the appellate no later than 48 hours prior to the appeal hearing.
- The appellant will have at least 48 hour notice prior to the scheduled appeal hearing.

Appeal Process

- The following individuals will be present at the appeal hearing:

- The Appellate Committee
- The appellant
- The appellant may bring 1 advocate. This may be a College official, legal counsel, friend, parent, etc. The appellant may confer with the advocate, but the advocate may not participate in the hearing. The name of any advocate must be provided to the Title IX Coordinator via campus email at least 48 hours prior to the hearing.
- The Appellate Committee will hear the statement of the appellate, review any new evidence and ask any relevant questions.
- The appellate will then be dismissed and the committee will deliberate and make a determination.
- In Appellate Committee decisions, if it is determined
 - The sanction(s) given by the initial hearing committee was inappropriate, the appellate committee may assign a new sanction(s)
 - Procedural errors or bias existed in the initial hearing that were sufficient enough to deny a fair hearing process, the appellate committee will require a new hearing committee be constituted to reconsider the matter. The re-hearing will follow all guidelines outlined in the initial hearing process. The outcome can in turn be appealed, once.
 - There was a lack of sufficient evidence to support the finding, the Appellate Committee may assign a different finding and sanction(s)
 - There is new material or evidence (that is not merely corroborative or repetitive and was not present at the time of the initial hearing) to be considered, the initial hearing body will be asked to re-hear the matter taking into account the new evidence. The re-hearing will 1) focus only the new material or evidence and not be a complete repetition of the initial hearing and 2) follow all guidelines outlined in the initial hearing process. The outcome can in turn be appealed, once.

Notification of Appeal Hearing and Outcome

- Should an appeal hearing be granted, both parties will be informed of the outcome in writing via campus email within 48 hours of the decision.
- Should an appeal hearing result in a re-hearing, all appeal request-related documents will be shared with all parties.
- Should an appeal hearing result in a re-hearing, the re-hearing will follow all guidelines outlined in the initial hearing process. The outcome of that hearing can in turn be appealed, once.

Example of the appeals process:

- *If a hearing board finds the respondent responsible for gender discrimination sexual misconduct, the respondent may appeal that decision (in writing within 7 calendar days of the decision). The appeal hearing will be set. The outcome of the appeal hearing will be shared with both the respondent and the reporting party. If the respondent is found not responsible for a gender discrimination or sexual misconduct violation through the appeal hearing, the reporting party has seven calendar 48 hours after being notified of the outcome to appeal that decision. After this, both parties have exhausted their appeal rights.*
- *If a hearing board finds the respondent non-responsible for gender discrimination or sexual misconduct, the reporting party may appeal that decision (in writing within 7 calendar days of the decision). The appeal hearing will be set. The outcome of the appeal hearing will be shared with both the respondent and the reporting party. If the respondent is found responsible for a gender discrimination or sexual misconduct violation through the appeal hearing, the respondent has 48 hours after being notified of the outcome to appeal that decision. After this, both parties have exhausted their appeal rights.*

Timeline Estimates for Major Stages of the Process

Please refer to sections 4: *Options for Assistance*, 8: *Investigation Procedures and Protocols* and 9: *Grievance/Adjudication Procedures* for full details on each step of the process. The summary below is meant to provide a rough timeline of what to expect when moving through the reporting, investigation and resolution process.

Investigations will be conducted in reasonably prompt timeframes with a goal for resolution being 60 days from the initial report to the end of the hearing/appeals process. Certain issues such as the point in the semester when the incident is reported may result in prolonged investigations. For example, conducting interviews during semester breaks may be more challenging as students, faculty or staff may be away. Every effort will be made to find resolution within the 60 day time frame. If the incident is also being investigated by local law enforcement, the campus process need not wait for the outcome of the criminal justice system process before making a final determination.

- **Safety Precautions:** Once the institution becomes aware of an instance of sex discrimination we will immediately take any interim measures to ensure the safety of the individual and campus community. Likewise we will take steps to offer the reporting party interim options for support and remedy. These may include things such as issuing a timely warning statement or no-contact orders, offering a change of housing, offering counseling services, etc.
- **Investigations:** The length of the investigation will vary widely based on the situation. Investigations will involve meeting with the individuals involved, taking statements, reviewing and gathering any other evidence (such as video footage), talking with witnesses, corroborating statements, meeting with College personnel, etc. This process will begin immediately upon receiving a complaint. Our goal is to be extremely thorough in gathering information so this process may take several weeks.
- **Hearings:** Hearings will be scheduled providing at least a seven day notice. This will allow both parties time to review the allegations and evidence to be submitted.
- **Resolution:** The Hearing Committee will deliberate after the hearing is completed and in most circumstances will make a determination of responsibility immediately. There may be instances in which they request additional information or interviews. In these cases the goal will be to gather the additional information/interviews and complete the hearing within seven calendar days. Should such an instance occur, both the reporting party and respondent will be notified that an extension in the hearing process has been requested and other information is being gathered.
- **Notification of Outcome:** Once a determination of responsibility is made, within 48 hours both the reporting party and the respondent will be notified of the outcome simultaneously, in writing via their campus email.
- **Appeals:** Appeals must be submitted in writing within 48 hours of notification of outcome. The Appellate Committee will decide within seven calendar days of an appeal request if the appeal will be heard. If an appeal is granted, the hearing will be scheduled giving the appellant at least 48 hour notice prior to the scheduled hearing. Both the reporting party and the respondent have one appeal opportunity.
- **Notification of Appeal Outcome:** Once a determination is made, within 48 hours both the reporting party and the respondent will be notified of the outcome simultaneously, in writing via their campus email.

Confidentiality

All individuals involved in an investigation or adjudication procedures will be informed of the importance of confidentiality and in some instances may be asked to sign a confidentiality statement. Conversations and information that result from an investigation or disciplinary proceeding are private and should not be shared.

Retaliation

No student or employee shall be subject to any form of reprisal or retaliation for having made a good faith complaint under the College's Title IX Policy or for participating in an investigation of such complaint. Appropriate steps will be taken to protect employees and students from retaliation.

Jurisdiction

These policies apply to any student, staff and employee of Georgetown College and are not affected by the location in which the sex discrimination and/or misconduct incident occurs.

Statute of limitations

There is no statute of limitations on reporting gender discrimination or sexual misconduct. However, please be aware that services may be the most effective when incidents are reported immediately.

10. Prevention and Education

Georgetown College has several avenues for preventing issues of gender discrimination and sexual misconduct by educating the campus community. Some of the highlights are below

1. Bystander Intervention Training: The Student Wellness Center is trained in Green Dot Bystander Intervention Training and facilitates this program yearly.
2. Awareness and Educational Campaigns: Several Student Life offices such as Residence Life, Georgetown Activities Council, the Student Wellness Center, Greek Life and student organizations under faculty supervision conduct programs throughout the year on topics such as dating violence, sexual assault myths, making healthy choices, sexual violence awareness, etc.
3. Orientation educates new students every fall on issues of sex discrimination, Georgetown's sex discrimination policies, how to report and resources available to them.
4. My Student Body is an online program required of all new students. One of the tracts focuses on sex discrimination and sexual violence. Students are educated and tested on the issue.
5. The Title IX Coordinator educates the campus employees on issues of sex discrimination and how to report these issues. Likewise, the Title IX Coordinator trains campus employees on how to sensitively handle such reports.
6. Georgetown College provides ongoing prevention and awareness programs in the area of sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. Georgetown College provides an annual, mandatory online training to all employees using Moodle in which they are taught about sexual misconduct, reporting requirements, reporting avenues and fraternization guidelines. Georgetown College provides a training program for all new students through EverFi called *Haven* (<http://www.everfi.com/haven>). *Haven* 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, providing:
 - Key definitions and statistics
 - Reflective and personalized content
 - Bystander skill and confidence-building strategies
 - Campus-specific policies, procedures and resources
 - Rich data summaries to inform future programming

11. Training

Georgetown is committed to ensuring all employees are trained in a trauma-informed approach to issues of gender discrimination and sexual misconduct. Training for faculty and staff on issues of gender discrimination and sexual misconduct is the responsibility of the Title IX Coordinator. Staff are trained annually on what constitutes gender discrimination and sexual misconduct, their reporting responsibilities, how to handle reports of gender discrimination or sexual misconduct with a trauma-informed approach and campus resources. Likewise, any individual involved in investigating or adjudicating issues of gender discrimination or sexual misconduct undergoes training prior to engaging in such responsibilities. Trainings are conducted by the Title IX Coordinator in collaboration with other experts versed in gender discrimination and sexual misconduct issues.