

**Reinhardt University**  
**Sexual Harassment and Sexual Violence Policy**

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## APPENDIX—ASSISTANCE AND RESOURCES

### I. Introduction

It is the policy of Reinhardt University (“Reinhardt” or “the University”) to maintain an environment that is free of all forms of discrimination and harassment, including sexual misconduct, for everyone involved with the University in an official capacity. The University has enacted this Sexual Misconduct Policy (the “Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, , dating violence, domestic violence, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All of the foregoing conduct shall be referred to as “Prohibited Conduct.”

This policy ensures equitable treatment for both the individual(s) bringing a complaint of prohibited conduct (the Complainant) and the individual(s) accused of prohibited conduct (the Respondent.) Determination regarding responsibility is made at the conclusion of a grievance process.

Reinhardt does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964.  
<https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. “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.” (20USC 1681a)

Title IX underwent significant revision with final rules adopted in May of 2020 to go into effect in August 2020. Among other changes, these rules clarified the intention of the Department of Education in respect to sexual harassment, modified the grievance process by providing for live hearings and cross examination, and mandated support to all individuals involved.

<https://www2.ed.gov/about/offices/list/ocr/docs/proposed-title-ix-regulation-fact-sheet.pdf>

Reinhardt University’s policy has been updated to reflect these new rules.

Reinhardt University will respond promptly to any complaints of sex discrimination and harassment. We will attempt to resolve complaints in a timely manner while maintaining the due process rights, fairness, and need for accuracy and thoroughness in the interest of all Parties. Reinhardt will be in compliance with the new rules requiring that we not be “deliberately indifferent” to complaints brought to our attention.

Reinhardt University will train identified faculty and staff to serve as investigators, Advisors, and members of the Title IX Hearing Council. Additional training in Title IX is also provided to these faculty and staff members on an annual basis. All Reinhardt faculty and staff will receive training on their responsibility to report incidents of prohibited conduct that were relayed to them or that they observed.

In addition to Title IX and Title VII, the University will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (VAWA), and amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act")

## II. Scope of Policy

This Policy applies to all reports of Prohibited Conduct.

### Persons Covered

This Policy applies to all Reinhardt community members, including students, faculty, Administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, or having any official capacity with the University or on its property. The University strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the University does not have jurisdiction over all Parties, the University will take prompt action to provide for the safety and wellbeing of the individuals involved and the broader campus community.

Certain acts of prohibited activity under this policy fall into the purview of federal Title IX rules and regulations, including most situations in which either one or both Parties are students. Situations in which both Parties are employees may be resolved through the process described here or through the process outlined in the Reinhardt *Employee Handbook* II D Harassment Policies and Procedures or the Reinhardt University Faculty Handbook V (8-10) Human Resources Policies on Separation, Grievance and Harassment, depending on the circumstances.

Under the new Title IX final regulations, employees should receive the same benefits and due process protections that students receive. Recognizing that the Title VII definition of sexual harassment is not identical to that of the definition of sexual harassment in Title IX, and mandatory grievance procedures for Title IX are more prescriptive, Reinhardt University recognizes that employee conduct may be addressed through both Title IX and Title VII processes simultaneously.

### Locations Covered under Title IX rules and regulations.

This policy applies to the University's educational program or activity which includes locations, events, or circumstances over which the University exercises substantial control over both the Parties involved, and the context in which the alleged sexual harassment occurs. This Policy applies to all on-campus conduct and some off-campus conduct, described below. The University strongly encourages reports of Prohibited Conduct regardless of location. Even if the Policy does not apply to the conduct because of its location, the University will take prompt action to provide for the safety and well-being of the Individuals involved and the broader campus community.

**1. On-Campus Conduct.** This Policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or controlled by the University. This policy also applies to any building owned or controlled by a student organization that is officially recognized by the University.

**2. University Programs.** This Policy applies to conduct that occurs in the context of University employment or education programs or activities which take place in the United

States and some internship programs where the university has substantial control over the location and individuals involved.

**3. Off-Campus Conduct.** This Policy may apply to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for any member of the Reinhardt community on-campus or in any University employment or education program or activity. Prohibited conduct that occurs in a location not owned or controlled by the University or recognized student organization will generally be addressed through the student code of conduct, policies described in the staff and faculty handbooks, or engagement of legal authorities rather than the Title IX procedures.

### **III. Prohibited Conduct**

#### **A. Sex or Gender-based discrimination and harassment**

Sex or Gender Based Discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity or gender expression.

Sex or Gender-Based Harassment is harassment based on sex, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

#### **B. Sexual Harassment**

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

1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (sometimes known as Quid Pro Quo harassment).

2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. (Hostile Environment)

Harassing conduct can take many forms. The determination of whether an environment is hostile under Title IX standards is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

C. The following types of Prohibited Conduct are identified in Title IX as defined in the US Code (U.S.C.) and specified in the Clery Act and Violence Against Women Act Reauthorization (section 304.) The numbers after each indicate the section of the code.  
<https://www.law.cornell.edu/uscode/text>

**Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined in 20 U.S.C. 1092(f)(6)(A)(v). Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

In addition, these Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual (From the Federal Bureau of Investigation Uniform Crime Reporting Program Sex Offenses) constitute Prohibited Behavior:

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

- A. *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence.** 34 USC 12291(a)(10). The term “dating violence” means violence committed by a person—

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

**Domestic Violence** 34 USC 12291(a)(8) The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Stalking.** 34 USC 12291(a)(30) The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—  
**(A)** fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

**D. Retaliation.** No recipient or other person may intimidate threaten coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this part.

Intimidation, threats, coercion or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation.

#### **IV. Other Important Title IX Concepts and Definitions**

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Any individual can be a Respondent, whether such individual is a student, faculty member, another employee of the University, or other person with or without any affiliation with the University

**Recipient:** The Institution which receives the report of sexual harassment.

**Formal Complaint.** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

**Consent** is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. An individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, is not able to give consent. Further, one cannot infer consent under circumstances in which consent was not clear, including but not limited to the absence of “no” or “stop,” or the existence of a prior or current relationship or sexual activity.

- **Consent cannot be obtained through Intimidation**

Intimidation is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent.

- **Consent cannot be obtained when an individual is Incapacitated**

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the *who, what, when, where, why or how* of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual

activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

- **Consent cannot be obtained by force**

Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent.

- **Consent cannot be obtained by Coercion**

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

### **Privacy and Confidentiality: Understanding the Differences**

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The University also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All University employees who are involved in the University's Title IX response receive specific training about respecting and safeguarding private information.

All participants should be aware that Parties will not be restricted from discussing the allegations under investigation or from gathering and presenting relevant information. All Parties will be provided with an equal opportunity to inspect and review any evidence obtained that is directly related to the allegations raised in a Formal complaint. The University may, however, impose a non-disclosure agreement on the Preliminary and Final Report.

A restriction is further recognized for any medical records from either party that have not been placed into public record or released by the Parties involved.

Privacy and confidentiality have distinct meanings under this Policy.

#### **1. Privacy**

"Privacy" generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

## 2. Confidentiality

“Confidentiality” generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. Students may call the direct line of Office of Student Affairs at 770-720-5538 or reach out to the following confidential resources at Reinhardt University:

- ***Campus Counselor***

Smith-Johnston Hall

(770) 720-5549

- ***Coordinator of Spiritual Life & Service***

Hasty Student Life Center

(770) 720-5634

- ***Campus Nurse***

Smith-Johnston Hall

(770) 720-5542

**Requests for Confidentiality** A student may desire to report Prohibited Conduct to the University but to maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a Complainant requests that the Complainant’s name or other identifiable information not be shared with the Respondent or that no Formal Complaint be filed, the Title IX Coordinator will balance the Complainant’s request with its dual obligation to provide a safe and non-discriminatory environment for all University community members and to remain true to principles of fundamental fairness that ordinarily provide for notice and an opportunity to respond before action is taken against a Respondent.

### **Officials with Authority and Responsible Authorities**

**A. Officials with Authority** are those University employees who have the ability and power to intervene when violations of this policy are reported. In addition to the Title IX Coordinator, Recognized Authorities at Reinhardt University include the Provost, the Dean of Students, and the Assistant Dean of Students.

**B. Responsible Employees** includes any employee who:

- (1) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- (2) All University employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors. The University requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or other Official with Authority. The purpose of this requirement is to permit the University to take immediate and corrective action to respond to allegations of Prohibited Conduct.

**Communication in Writing.** Whenever in this policy there is a reference to written communication, this will refer to either hard copy or secure electronic communications from an official Reinhardt origin (email, etc.).



## **V. Title IX Coordinator**

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, Reinhardt University's Title IX Coordinator is the designated representative of the University with primary responsibility for coordinating University Title IX compliance efforts. The responsibilities of this position are critical to the advancement, execution, and monitoring of University-wide efforts to comply with Title IX legislation, regulation, and case law. The Title IX Coordinator is the University agent who is charged with the responsibility to oversee and monitor Title IX related policies and developments; the implementation and oversight of grievance processes and procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all Parties; and monitoring all other aspects of the University's Title IX compliance. The Title IX Coordinator will report any and crimes to the Clery Administrator. All applicants for admission and employment, students, others holding professional agreements with the University will be provided with all applicable contact information for the designated Title IX Coordinator as part of the application package, employment package, or contractual agreements.

Reinhardt University's Title IX Coordinator is:

Kristy DeBord

Title IX Coordinator

Director of Human Resources

Burgess Administration Building

Lower Level

770-720-9146

[kristy.debord@reinhardt.edu](mailto:kristy.debord@reinhardt.edu)

## **VI. Initial Steps/ Reporting Prohibited Activity**

In order for the Title IX process to begin, the University must have “actual knowledge” of the allegations. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any Official with Authority (Provost, Dean of Students, Assistant Dean of Students). Making a report means telling the Title IX Coordinator or other Official with Authority or a Responsible Employee what happened—in person, by telephone, in writing, or by email. If the reporting is to a Responsible Authority, the University only has “actual knowledge” when the Responsible Authority has reported the notice to an Official with Authority.. If the alleged perpetrator is an Official with Authority, that individual’s knowledge of the allegation does not constitute “actual knowledge” of the institution.

The University will investigate and resolve all reports of Prohibited Conduct in a fair and impartial manner. A Complainant, a Respondent and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the University will make an immediate assessment of any risk of harm to the Complainant, Respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include Emergency Removal or administrative leave to provide for the safety of the Complainant and the campus community.

The University strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The University also strongly encourages all individuals or third party witnesses to report any incident to the University and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal investigations may occur simultaneously. It is not necessary for a Complainant to pursue the matter criminally in order to initiate a University proceeding. Also, the University will not wait until prosecution procedures are initiated or until a judgment is reached in court in order to proceed with its own decision-making procedure. .

At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent possible. In this process, the University will balance the individual's interest with its obligation to provide a safe and nondiscriminatory environment for all members of the University community.

The first concern of any official to whom Prohibited Conduct is reported will be the well-being of the Complainant. In particular, the official will inform the Complainant of both on- and off campus resources available to her/him and help the Complainant with the resources she/he chooses. If the Complainant requests the assistance of local law enforcement, the University official will notify the Reinhardt University Department of Public Safety (770-720-5789 or 5911). The Department of Public Safety will notify Cherokee County Sheriff's Office.

Another concern of University officials must be the safety of the Reinhardt University community. If there is reason to believe that an assailant is at large who poses an immediate threat to other members of the community, the Title IX Coordinator and the Director of Public Safety will take action to protect the campus. The identity of the Complainant will not be revealed during this process.

## **VII. Intake Meeting-Complainant**

Upon receipt of a report or notice of an incident, with or without a Formal Complaint, the Title IX coordinator will promptly contact the Complainant to set up an intake meeting and discuss the availability of Supportive Measures to address urgent needs.

At the intake meeting with the Complainant, the Coordinator will address the following topics as appropriate:

- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence
- Notify the Complainant of the right to be assisted by individuals at the University in contacting law enforcement
- Notify the Complainant of confidential and non-confidential reporting options on and off campus

- Provide the Complainant with Support Measures and with information about:
  - On and off campus resources including counseling, health, mental health, victim advocacy, and legal assistance
  - The range of Supportive Measures (see below, Section XII. including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant regardless of whether the Complainant files a Formal complaint with the University, Campus Safety or local law enforcement
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Complainant to prepare to participate.
- Explain that if, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice described above, the University will provide notice of the additional allegations to both Parties.
- Provide notice of any provision in the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Explain that the Complainant will have the opportunity to object to the involvement of any member of the Title IX team on the grounds of bias or conflict of interest. If there is a bias objection, the process will be suspended and the Title IX Coordinator or other appropriate university Administrator who is not subject to the objection will evaluate whether the objection is substantiated. The process will resume immediately upon a finding of no bias or conflict of interest, or upon the individual's replacement, whichever is first
- Explain that the Complainant will be provided with an Advisor by the University without charge or fee. The Complainant may select a different advisor than the one provided to them, including a family member or an attorney, Explain that an Advisor is required for the Live Hearing (See Section XVI.)
- Explain the University's alcohol and drug amnesty policy. A student or employee who is under the influence of alcohol or drugs at the time of a sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned. The University will not pursue disciplinary violations against a Complainant (or against a witness) for his or her improper use of alcohol or drugs (e.g. underage drinking, drinking on campus) if the Complainant or witness is making a good faith report of sexual misconduct. This Policy only provides amnesty from violations of the Reinhardt University Code of Conduct. It does not necessarily grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.
- Explain the University's policy prohibiting retaliation. No recipient or other person may intimidate threaten coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this part.

At this meeting, the Title IX Coordinator will provide the Complainant with the above listed information in writing. As described in the Policy, the Complainant has the right to request that the Title IX Coordinator not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no formal action in response to the report. If the Complainant makes such a request, the Title IX Coordinator will balance the request with the

obligation to provide a safe and nondiscriminatory environment for all University community members.

In the case of a Complainant request for confidentiality, the Title IX Coordinator will make a determination on further action consistent with the following considerations, namely (1) the seriousness of the conduct; (2) the respective ages and roles of the Complainant and the Respondent; (3) whether there have been other complaints or reports of Prohibited Conduct against the Respondent; and (4) the right of the Respondent to receive due process before disciplinary action is sought. Should the Title IX Coordinator determine that, in response to the Complainant's request, the University can satisfy its obligations to the Complainant, the University community members, and the Respondent without proceeding through the Title IX process described herein, the Title IX Coordinator has the discretion to do so.

The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but Complainant should understand that the University's ability to pursue the investigation will be limited based on the nature of the request by the Complainant. Where the University is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the chosen course of action. The course of action may include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Absent a request for confidentiality as described above, the Title IX Coordinator will ask the Complainant questions to get a basic understanding of the reported Prohibited Conduct. The interview will include, but is not limited to, questions to understand the key facts upon which the Complainant bases the report (the who, what, where, and when) to appropriately assess how to proceed. If the process is continuing, the next step is Notice to the Respondent and then an Intake Meeting with the Respondent.

## **VIII. Intake Meeting – Respondent**

Prior to meeting with the Respondent, the University will provide written notice to Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Respondent will be informed that Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility will be made at the conclusion of the grievance process.

The needs of the Respondent will frequently vary from the needs of the Complainant, and the Coordinator will assess these needs and respond as appropriate. This intake meeting will proceed with the presumption that the Respondent is not responsible for the alleged conduct. At the Intake meeting with the Respondent, the Coordinator will address the following topics:

- Address immediate physical safety and emotional well-being needs
- Notify the Respondent of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence
- Notify the Respondent of the right to be assisted by individuals at the University in contacting law enforcement
- Notify the Respondent of confidential and non-confidential reporting options on and off campus

- Provide the Respondent with Supportive Measures and with information about:
  - On and off campus resources including counseling, health, mental health, victim advocacy, and legal assistance
  - The range of Supportive Measures including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Respondent (see below, Section XI)
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Respondent will receive written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Respondent to prepare to participate.
- Explain that if, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice described above, the University will provide notice of the additional allegations to both Parties.
- Provide notice of any provision in the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Explain that the Respondent will have the opportunity to object to the involvement of any member of the Title IX team on the grounds of bias or conflict of interest. If there is a bias objection, the process will be suspended and the Title IX Coordinator or other appropriate university Administrator who is not subject to the objection will evaluate whether the objection is substantiated. The process will resume immediately upon a finding of no bias or conflict of interest, or upon the individual's replacement, whichever is first
- Explain that the Respondent will be provided with an Advisor by the University without charge or fee. The Respondent may select a different advisor than the one provided to them, including a family member or an attorney. The Coordinator will explain that an Advisor is required for the Live Hearing (See Section XVI)
- Explain the University's Amnesty Policy. A student or employee who is under the influence of alcohol or drugs at the time of a sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned. This Policy only provides amnesty from violations of the Reinhardt University Code of Conduct. It does not necessarily grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.
- Explain the University's policy prohibiting retaliation. No recipient or other person may intimidate threaten coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this part.

At the Intake meeting, the Title IX Coordinator will provide the Respondent with the above listed information in writing.

## **IX. Role of the Advisor**

The Advisor may accompany the Complainant or Respondent to any and all portions of the process. The Advisor may not participate directly in, or interfere with, the proceedings, with the exception of limited participation in the Live Hearing (see below "live hearing, section?"). Although reasonable attempts will be made to schedule proceedings consistent with Advisors availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The Title IX

Coordinator has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings or acts in a disruptive manner. If it is necessary to remove an Advisor from the proceedings, the proceeding will be halted and another advisor will be provided by Reinhardt University.

It is the responsibility of the Complainant and Respondent to communicate with their respective Advisors regarding allegations, times and dates of meetings, hearings, reports, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator, and others involved resolving the allegation will not discuss the case directly with any Advisor in the absence of Complainant or Respondent. The Advisor may:

- attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant or Respondent
- provide advice to the Complainant or Respondent he/she is advising through quiet conversation or written notes in any meeting or hearing related to the case
- be a member of the University community, but is not required to be
- be an attorney but is not required to be

The Coordinator, at their discretion, may request a voluntary meeting or conversation with the Advisors (with the Complainant or Respondent participating) to clarify the Title IX process and the role of the Advisors. A written summary of the expectations and responsibilities of Advisors, as well as the timeline and flow of the proceedings will be furnished to each.

## **X. Emergency Removal and Administrative Leave**

On occasion the Title IX Coordinator may believe that an Emergency Removal or Administrative Leave are required to protect the safety of the Complainant or the broader Community.

The University will provide reasonable and appropriate measures designed to eliminate the alleged hostile environment and protect the Parties involved. The University will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the University. A Complainant or Respondent may request a No Contact Letter or other protection, or the University may choose to impose measures at its discretion to ensure the safety of all Parties, the broader University community, and/or the integrity of the process.

Such measures will not be considered punitive and will be designed for minimal harm or inconvenience to all Parties. For example, no disciplinary record will be filed, administrative leave can be with pay, and students would be allowed to access courses remotely.

### **Emergency Removal**

Nothing in this Policy precludes the University from removing a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals

with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Administrative Leave**

Nothing in this Policy precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of this process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. These measures (Emergency Removal and Administrative Leave) are only to be considered in the exceptional cases as described, and may be challenged by an appeal to the Reinhardt University Provost.

## **XI. Supportive Measures**

Supportive Measures are non-disciplinary services offered as appropriate, as reasonably available, and without fee or charge to both the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These Supportive Measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening Complainant and Respondent, including measures designed to protect the safety of all or the University's educational environment, or deter sexual harassment

Supportive Measures may include, but are not limited to the following list below, regardless of whether the respondent is a student or an employee. Supportive services may continue after a case is resolved if it is in the best interest of the Complainant, Respondent, or the campus community.

Included in the range of Supportive Measures that could be offered to students:

- Imposition of campus "No-Contact" order
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule;
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Limit an individual or organization's access to certain University facilities or activities pending resolution of the matter
- Access to counseling services on campus;
- Assistance from University support staff in completing housing relocation;
- Providing academic support services, such as tutoring, extensions of deadlines or other course-related adjustments, class schedules; and
- Providing information regarding off campus services.

Included in the range of Supportive Measures that could be offered to employees are:

- Imposition of campus "No-Contact" order
- Access to counseling services on campus
- Information regarding off campus services
- Options for work reassignment or telework options
- Access to the sick leave bank/leave of absence

## **XII. Formal Complaint**

The formal Title IX procedure is initiated by the filing of a Formal Complaint, signed by the Complainant or by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University.

The Title IX Coordinator's decision to sign a Formal Complaint in lieu of the Complainant may occur only after the Title IX Coordinator has promptly contacted the Complainant to discuss availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, and explain to the Complainant the process for filing a Formal Complaint. Thus, the Title IX Coordinator's decision to sign a Formal Complaint includes taking into account the Complainant's wishes regarding how the University should respond to the Complainant's allegations.

**Mandatory Grounds for Dismissal.** Once a Formal Complaint has been filed, the Title IX Coordinator must consider several factors which might lead to dismissal of the Formal Complaint. If the conduct in the Complainant would not constitute sexual harassment even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint under Title IX. Such a dismissal does not preclude action under another provision of the University's Code of Conduct or Employee Handbook.

**Discretionary Grounds for Dismissal.** In addition, the University may dismiss the Formal Complaint if, at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint and the Title IX Coordinator believes dismissal would not be detrimental to the University community; if the Respondent is no longer enrolled or employed by the University, or if circumstances prevent the University from gathering evidence sufficient to reach a determination.

Any decision to dismiss the complaint must be conveyed in writing simultaneously to each of the Parties involved.

In both Informal and Formal Resolution processes, the Coordinator's written notification to the Respondent and Complainant will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the report
  - Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation)
  - Date(s) of alleged policy violation(s)
  - Approximate time(s) of alleged policy violation(s)
  - Location(s) of alleged policy violation(s)
  - Brief description of allegation(s)



### **XIII. Informal Resolution**

If the Title IX Coordinator determines that the complaint may appropriately be resolved through Informal Resolution, the Coordinator will ask the Complainant and Respondent, separately, whether they would agree in writing to pursue resolution of the complaint through Informal Resolution. An Informal Resolution process cannot begin unless a Formal Complaint is filed. Both Parties must agree in writing to proceed with Informal Resolution for the process to proceed.

If either Party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent, in writing, that the complaint will proceed through Formal Resolution.

The Title IX Coordinator will determine the appropriate steps for Informal Resolution, which may encompass a broad range of conflict resolution strategies including, but not limited to administrative disposition, voluntary resolution, arbitration, mediation, or restorative justice. The main purpose of Informal Resolution is to stop the inappropriate behavior.

To proceed with Informal Resolution, the University must provide the Parties with written notice disclosing the allegations, the requirements of the Informal Resolution process including the circumstances under which the Parties could be precluded from resuming a Formal Resolution process arising from the same allegations. No Party can be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive their right to an investigation and adjudication of a Formal Complaint.

Any resolution reached through an informal process will be confirmed in writing and provided to the Parties. The Complainant and Respondent have the right to disagree with the Informal Resolution decision and request a Formal Resolution process

### **XIV. Formal Resolution.**

If the Title IX Coordinator determines that the Complainant's report must proceed through Formal Resolution, or if either Party requests Formal Resolution, the Coordinator will notify both Parties, in writing, of the decision within a timely manner following the initial meeting with the Complainant and Respondent.

If the Respondent has not yet been provided an opportunity to object to the designated Title IX Coordinator based on bias or conflict of interest, the Coordinator will also notify the Respondent of the right to do so. The Investigators will commence the investigation once the time for the Parties to object to perceived bias has passed (or, if an objection is made, and the Coordinator determines the objection is not substantiated). The Investigator, in consultation with the Coordinator, will establish a preliminary timeline and process for conducting the Investigation and report the timeline to the Parties. The Parties will also be notified in writing of any delays and the new timeline.

**Consolidation.** The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or

more Respondents, or by one Party against another Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

**Investigator/Investigation Team.** The Title IX Coordinator will select a trained investigator or a two-person investigative team, (the “Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Title IX Coordinator will select an Investigator (or investigators) based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved. The Title IX Coordinator will notify the Parties, in writing, of the name of the designated Investigator(s)

**Preliminary Investigation.** The Investigator(s) will begin with a Preliminary Investigation. The purpose of a Preliminary Investigation is two-fold: first, to identify and gather all relevant facts; and second, to provide the Parties with an opportunity to develop, and respond to, the allegations and evidence presented. Generally, the Investigator(s) will conduct the Preliminary Investigation in the following order:

Step One: Initial Fact-Gathering. The Investigators will interview both Parties and relevant witnesses, including fact and expert witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. The Investigators will prepare a summary of each interview (“Interview Summary”). The Investigators will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response directly to the Investigators reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee, their Interview Summary may be included in the final Title IX report and will be presumed to be accurate. In all instances where the Investigator(s) includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

The Investigators may use if available all of the following, but, are not limited to the following:

- Police Reports
- Video or Audio recordings
- Witness statements
- Campus Reports (scan logs, campus business, required programs completed)
- All other appropriate reports, recordings, etc.

The University cannot access, consider, disclose, or otherwise use a Party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that

capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent.

- **Step Two: Rebuttal Fact-Gathering.** The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during Initial Fact-Gathering. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigator will conduct additional interviews and gather additional evidence. Rebuttal Fact Gathering may be repeated as necessary to ensure a complete gathering of evidence.
- **Step Three: Preliminary Report.** The Investigators will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigators will state specific factual findings in the Preliminary Report (e.g., "Complainant was incapacitated" or "Respondent believed that Complainant was not incapacitated"). The standard for determining each factual finding is "Preponderance of Evidence". This standard of proof is that the evidence presented during the investigation is considered to be more likely than not to be factual. The Investigators will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the University's policies.
- The Investigators will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered as part of the investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence whether obtained from a Party or other source. When the Investigators determine that the Preliminary Investigation is complete, the Investigators will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation; if so, the Investigators will conduct additional investigation consistent with the procedures outlined above.

**Notice of Findings and Response** Once the Coordinator has agreed that the Preliminary Investigation is complete, the Coordinator will provide a copy of the Preliminary Report to the Parties and Advisors for review. Both Parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. Neither the Complainant nor the Respondent (or their Advisors) may copy, photograph, print, image, videotape, record, or in any manner otherwise duplicate the information provided. A Non-Disclosure Agreement may be imposed on the Parties on the contents of the Preliminary Report.

**Response.** The Parties may respond to the Preliminary Report; the Parties will have ten (10) days of being notified of their opportunity to review the report to submit any response. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Report.

- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following:
  - (1) Request for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses;
  - (2) Request for interviews with new witnesses; or
  - (3) Request to consider new evidence. Any request for additional investigation shall explain the reason for the request.

If neither of the Parties requests additional investigation, the Investigators will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigators will review the request(s) in consultation with the Coordinator. The Investigators will conduct the requested additional investigation if the Investigators, in consultation with the Coordinator, determine that the request(s) will assist the Investigators in completing the investigation. The Investigators and Coordinator will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the Coordinator will notify the Parties in writing with an anticipated revised timeframe.

D. **Addendum.** If the Investigators conduct additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”). The Investigators will submit the Addendum to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation before the Addendum is complete.

## **XV. Final Report.**

Once the investigation is complete, the Investigators will prepare a Final Report. The Final Report will have attached as exhibits the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding. Once the Investigators are satisfied that the Final Report is complete, the Investigator will submit the Final Report to the Coordinator. The Coordinator will send to each Party and Advisor a copy of the Final Report in an electronic format or hard copy, for their review.

1. No sooner than 10 (ten) Business Days after sending the Final Investigative Report, the Coordinator will meet individually with the Complainant and the Respondent.

If both Parties wish to resolve the case without an adjudication, the Coordinator can facilitate an Informal Resolution of the Formal Complaint that does not necessitate a full adjudication. The Parties must agree to this Informal Resolution in writing. [106.45(b)(9)] At the conclusion of an Informal Resolution, and upon receipt of official notification via College email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party’s request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the informal resolution will be considered final and binding.

2. If either of the Parties do not wish to participate in the Informal Resolution prior to an adjudication by the hearing panel, the Coordinator will schedule a hearing on the case not less than 10 (ten) Business Days from the meeting to schedule the Live Hearing.

## **XVI. Live Hearing.**

The Coordinator will set the date and time of the hearing, appoint a hearing panel consisting of three (3) trained hearing panelists ("Decision Makers) and notify the Parties of the hearing date and option to call witnesses to the proceeding. One of the panelists will be designated the Panel Chair by the Title IX Coordinator. Neither the investigator(s) nor the Title IX Coordinator will serve as decision makers. The three (3) panelists will serve on the panel and will ultimately make the determination by majority decision as to whether or not, by the Preponderance of Evidence standard, the Respondent is responsible or not responsible for the alleged Sexual Misconduct Policy violation.

Either Party has the right to object to the participation of any of the decision makers on the basis of perceived bias. The Title IX Coordinator will make a determination on the validity of any claim and replace any of the panelists if the claim is warranted.

The Coordinator will provide the Hearing Panel all information related to the situation. The hearing will be recorded, and the recording will be available to the Parties for inspection or review. The hearing will be live and will be conducted with all Parties physically in the same geographical location or, at the University's discretion, any or all of the Parties may appear at the live hearing virtually, with sufficient technology to enable participants to simultaneously see and hear each other.

The hearing will not be conducted as a court proceeding. It will be an opportunity for the Parties to present their opening and closing statements as well as to present their factual position and for the Panel to question the Parties and witnesses presented. The Advisor for both Parties (not the Parties themselves) have the right to cross-examine the other Party and all witness and ask all relevant questions and follow-up questions, including those challenging credibility. Determination of whether or not each question is relevant will be made by the Panel Chair before a response is offered. The Panel Chair will explain any decision to exclude a question as not relevant.

If a Party does not have an Advisor present at the live hearing, the University must provide an Advisor of the University choice to conduct the cross-examination without a fee or charge to the Party. Parties who are aware that they will not have an Advisor present at the live hearing should notify the Coordinator as far in advance as possible so as not to delay or postpone the hearing.

### **Relevance of Cross-Examination Questions.**

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

### **Refusal to Submit to Cross-Examination**

If a party or witness does not submit to cross-examination at the live hearing, the decision makers must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-maker, however, cannot draw any inference regarding responsibility for the allegations solely based on any party's absence or refusal to submit to cross-examination.

The hearing panel will determine whether the alleged policy violation occurred and, if applicable, will impose the appropriate sanction(s).

The Hearing Panel will furnish the Complainant and Respondent with a written determination of their findings, including the finding of fact supporting their determination. A description of the procedural steps taken leading to this determination will be included, including notifications, interviews, site visits, and other methods used to gather evidence. The written determination will detail each allegation, responsibility for any prohibited conduct, and disciplinary sanctions to be imposed. This communication will be conveyed simultaneously to both the Complainant and Respondent and include procedure and permissible basis to appeal the decision.

## **XVII Possible Sanctions and Remedies**

The following are possible sanctions which may be assigned after a finding of responsibility. This list is not exhaustive and may be modified to meet the particular circumstances of any given case.

- Expulsion/Dismissal- Permanent severance of the Respondent's relationship with the University. This severance includes being barred from campus.
- Disciplinary Suspension- Temporary severance of the Respondent's relationship with the University for a specified period of time. This may include the Respondent being barred from campus.
- Limited Suspension- A Respondent may be denied certain privileges for a specified period of time. If the Respondent is a student, these privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.
- Termination or unpaid temporary suspension from employment
- Disciplinary Probation- Notice to the Respondent that any further, major disciplinary violation may result in suspension or a reprimand (either oral or written.)
- Counseling- The University may require that a Respondent participate in counseling with including, but not limited to, anger management, substance abuse, and extenuating personal circumstances.
- A wide range of remedies may be individually designed to ensure that the Complainant's equal access to the University's educational program or activity.

The University will provide to the Complainant any remedies designed to restore or preserve equal access to the University educational program or activity.

## **XVIII. Appeals**

A Respondent or Complainant may appeal the hearing panel's decision by submitting a written appeal statement to the Coordinator within 3 business days of the date the hearing report is sent to the Parties. All Parties will be notified in writing that an appeal has been filed. The Title IX Coordinator will identify a University official to serve as the Appeal Officer. This Appeal Officer shall not have been involved in a formal role (decision maker, investigator, or coordinator) in this proceeding.

Any appeal must identify one or more of the following three grounds for the appeal:

- (A) Procedural irregularity that affected the outcome of the matter
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If the Appeal Officer determines that a ground for appeal is substantiated, the case will be returned to the Coordinator. Otherwise, the decision of the hearing panel stands and is final. A written decision will be provided simultaneously to both Parties describing the result of the appeal and the rationale for the result.

When a case is returned to the Coordinator, the Coordinator may decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), send the case to the original hearing panel for reconsideration, or send the case to a new hearing panel with the same or different charges. When a case is sent back for a new hearing, it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.

## **XIX. Records**

All records of these proceedings including determination, audio video recordings, transcripts, witness interviews, remedies and supportive measures provided to the complainant or the respondent and any sanctions imposed will be maintained for seven years. Exceptions will be made in the case of expulsion (indefinite retention) or any requirements from Clery Act or other applicable laws, statutes or rights.

Current training materials used for investigators, decision-makers, Title IX Coordinators, and others who facilitated this process will be publicly available on the University's web site, and completion of training be recorded in employee's personnel file.

## APPENDIX – ASSISTANCE AND RESOURCES

### *Sexual Assault/Harassment Survivor Advocacy Policy*

Reinhardt University is equipped to assist survivors of sexual assault/harassment issues. An on campus sexual assault advocate can assist survivors to get the help they need such as emotional support, medical examinations, and serve as a referral source for legal options. Another role of the advocate is to help educate all members of the campus community about what can constitute sexual assault/harassment and the harm caused by such activity. Persons with questions relating to sexual assault/harassment are encouraged to consult with the University Counselor for assistance. The campus advocate works closely with the Cobb County YWCA of Northwest Georgia. To contact the campus advocate please call 770-720-5549. The hotline contact for the YWCA of Northwest Georgia Sexual Assault Center is 770-427-3390 or visit The Rape, Abuse & Incest National Network (RAINN) which is the nation's largest anti-sexual assault organization at their website [www.rainn.org](http://www.rainn.org) for more resources.

### *Plan of Action for Responders to Sexual Assault*

#### **Following a Sexual Assault:**

- Make sure the victim is safe from further harm.
- Call Campus Public Safety, the Resident Assistant, Rape Crisis Center, or the campus counselor. (You can find the contact information for the aforementioned listed under Resources.)
- Direct the victim on preservation of any evidence that may be necessary to prove that the sexual assault occurred.

### *Additional Information for Responders*

Most victims blame themselves. Do not let misplaced feelings of guilt stop a victim from getting help. Keep in mind that alcohol and other pharmaceuticals are a factor in many sexual assaults involving university students. As a result, sometimes victims are reluctant to seek medical attention. Do not let alcohol or other pharmaceutical (legal or illegal) consumption deter victims from getting medical attention. Their health and safety are top priority.

### *Plan of Action for Victims of Sexual Assault*

#### Following a Sexual Assault:

- Get to a safe place.
- Call the campus Department of Public Safety (770-720-5789 or 5911).
- Call a friend or family member to offer support.
- Remember that what has happened is NOT your fault.
- Get medical care or attention (this can be done without police intervention).\*
- Write down as much as you can remember about the circumstance of the assault and the identity of the assailant.
- Seek the counseling assistance from your campus counselor or a local rape treatment center. The counselor can help you cope with the consequences of an assault.

### *In preparation for medical services, here is some advice for the victim:*

- Do not bathe or douche– no matter how much you may want to. Try not to urinate if possible.



- If oral contact took place, do not smoke, eat, drink, or brush your teeth.
  - Do not brush your hair.
  - If you have already changed clothes, place the garments worn during the assault in paper bag (Plastic bags can destroy evidence.) If you haven't changed, keep the original clothes on, and bring an extra set to wear home. The police may need to keep your clothing as evidence.
- Note: Your body and clothing can hold clues called “transfer evidence”; it’s what’s left behind by the assailant and the environment. Dirt, hair, body fluids, and traces of skin under your fingernails can be collected and used as evidence. If you have already compromised potential evidence by showering, bathing, changing, or laundering the clothing worn during an assault do not let this dissuade you from reporting the assault, as such actions may not prevent further action from moving forward.

### *Options for Students who have been Sexually Assaulted*

Any student who is sexually assaulted is strongly encouraged to seek help either from resources available through the University or from outside sources. The following is a short list of options available to students seeking help at Reinhardt University. More detailed information about each option is provided below.

- You may contact the Reinhardt University Health Center (x5542) to receive medical care, to speak to a nurse, and/or to discuss other options confidentially.
- You may go to a local hospital to receive a medical examination, which is admissible in court as evidence of an assault.
- You may call Reinhardt University Department of Public Safety (x5789, 5911 in emergencies) to report that a sexual assault has taken place.
- You may call 911, to report a sexual assault or to request emergency medical assistance.

### *Medical Care*

You are strongly encouraged to receive some type of medical care after an assault. Because sexual assault can be physically and emotionally traumatic, you may not know whether or not you have been injured. The Campus Nurse at the Student Health Center or the hospital can answer questions you may have about health concerns. A follow-up exam is recommended to retest for pregnancy and sexually transmitted diseases (STDs), and to be sure that no other injuries were sustained during the assault.

The Student Health Center is able to counsel you on your options for medical care after an assault. An examination done at the Student Health Center is NOT admissible in court as evidence that an assault has taken place. If you think you may wish to press charges at any time, the Student Health Center personnel will recommend that you go to a local hospital, where medical evidence (Rape Kit) can be preserved for the police.

The Student Health Center will keep all information confidential; the assault will not be reported to the police, Reinhardt University Public Safety, parents or other University personnel without your permission. If it is determined that you or another member of the University community is in danger, necessary information will be released to the appropriate administrators without revealing your identity. The Student Health Center can assist you in finding any medical or emotional support that you need, including counseling on- or off-campus.

A local hospital is able to provide medical services that fulfill legal standards of evidence — a “rape-kit” examination. The rape-kit examination preserves medical evidence that can be used in court. Having a rape kit done does not require you to press charges. It merely gathers evidence should you wish to prosecute at some time. It is recommended that you do not shower, bathe, douche or change clothes if you want to preserve evidence. You may want to bring a change of clothes to the hospital in case you are needed by the police.

A local hospital will test for pregnancy and STDs, offer medication to prevent STDs, and prescribe emergency contraception. The hospital is required to notify the police that a sexual assault may have occurred.

Reinhardt refers survivors to external victim service provider liveSAFE Resources in Marietta, Georgia (31 miles from Reinhardt). liveSAFE Resources serves individuals affected by domestic violence, sexual assault, stalking, and elder abuse. liveSAFE Resources provides SANE nurses 24 hours a day, seven days a week for victims of sexual assault. Other services include a 24-hour crisis line, counseling, case management, safety planning, domestic violence emergency shelter, temporary protective orders, and more.

### *Resources*

If you are a victim of a crime, it is important to know your options. You are encouraged to utilize the following resources as they relate to your circumstance.

#### On-Campus Contacts

- Department of Public Safety 770-720-5798
  - Emergency 770-720-5911
- Student Health Center
  - Campus Counselor 770-720-5549
  - Campus Nurse 770-720-5542
- Office of Student Affairs 770-720-5538
- Office of Residence Life 770-720-5539

#### Local/Regional/National Contacts

- Cherokee County Sheriff’s Office Emergency–911/ Non-Emergency 678-493-4080
- Northside Hospital – Cherokee (Canton) 770-720-5100
- Piedmont Mountainside Hospital (Jasper) 706-692-2441
- LiveSafe Resources <https://www.livesaferesources.org/>
- Local Sexual Assault Services Program (YMCA of NW GA) 770-427-3390
- Local Victim Witness Program (housed in Prosecutor’s Office) 770-479-1488
- Georgia Network to End Sexual Assault [www.gnesa.org](http://www.gnesa.org)
- Georgia Office of Victim Assistance <http://dps.georgia.gov/victim-assistance>
- Criminal Justice Coordinating Council - Victim Services <http://cjcc.ga.gov>
- Rape, Abuse, & Incest National Network (RAINN) <http://www.rainn.org/>
- HODAC, Georgia Victim’s Assistance <http://www.hodac.org/>

### **Education**

Reinhardt University is furthermore committed to promoting healthy gender relations through dialogue and education toward the elimination of sexual violence. These educational activities

include the dissemination of information, interactive educational programming, referrals for survivors as well as for their friends and family, and structural intervention within Reinhardt University. Reinhardt University strictly prohibits acts of sexual assault, domestic violence, dating violence, stalking, and sexual violence hate acts. Reinhardt University's Sexual Harassment and Sexual Violence Policies and procedures are currently available online ([www.reinhardt.edu/titleix](http://www.reinhardt.edu/titleix)) as well as an abbreviated version in the Student Handbook ([www.reinhardt.edu/studenthandbook](http://www.reinhardt.edu/studenthandbook)).

### **Training for Students, Faculty and Staff**

Reinhardt University has partnered with Everfi to provide several online awareness and prevention courses (AlcoholEdu, Haven, Haven Plus and Haven for Faculty and Staff) focusing on alcohol and drug abuse and sexual assault for all new traditional and nontraditional students (graduate, professional, online, and adult learners) and all current and new faculty and staff members.

- ***AlcoholEdu***

AlcoholEdu interactive online program designed to reduce the negative consequences of alcohol amongst students. It is the most widely used alcohol prevention program in higher education, and helps schools comply with Education Department General Administrative Regulations (EDGAR part 86). The online programs deliver a personalized experience to all types of students dependent on their current drinking choices, and is proven effective – eight independent studies have verified the efficacy of AlcoholEdu. This three-hour online program also provides information on the social, physical, and biological effects of alcohol use. AlcoholEdu is part of Reinhardt University's comprehensive approach to alcohol and substance abuse. The course helps empower students to create a safe and positive campus environment for everyone.

- ***Sexual Assault Prevention for Undergraduate Students***

SAPU is an interactive online sexual violence awareness and prevention course tailor to traditional student groups, including undergraduate and dual-enrollment students. The course addresses the critical issues of sexual assault, relationship violence and stalking. Haven is part of a federal mandate under the Campus SaVE Act for all students to learn about sexual violence. These regulations are enforced by the U.S. Department of Education.

- ***Sexual Assault Prevention for Graduate and Online Student***

SAPG is an interactive online sexual violence awareness and prevention course that provides tailored sexual assault prevention training to non-traditional student groups, including graduate, professional, online, and adult learners. Haven Plus addresses the critical issues of sexual assault, relationship violence and stalking. The course contains content that is specifically required by the amendments to the Clery Act included in the 2013 VAWA Reauthorization, Campus Sexual Violence Elimination Act (Campus SaVE Act), and Title IX as well as other pertinent federal regulations. These regulations are enforced by the U.S. Department of Education.

- ***Haven for Faculty/Staff***

Haven for Faculty/Staff is an interactive online sexual violence awareness and prevention course tailored to faculty and staff members. Haven for Faculty/Staff addresses the critical issues of sexual assault relationship violence and stalking. The course contains content that is specifically required by the amendments to the Clery Act included in the 2013 VAWA Reauthorization, Campus Sexual Violence elimination Act (Campus SaVE Act) and Title IX as well as other pertinent federal regulations. These regulations are enforced by the U.S. Department of Education.

- ***Sexual Harassment and Discrimination - Employees***

This training will assist employees in understanding the federal definitions and classifications of discrimination and harassment in the workplace under the Civil Rights Act of 1964, Title VII Including protected classes and employee or prospective employee rights under federal law. Topics are inclusive of: Discrimination, harassment, sexual harassment, unwelcome conduct, hostile environment, LGBTQ, genetic information (GINA), pregnancy (PDA), age (ADEA), religion, race/color, national origin, disability (ADA), associational discrimination, and human trafficking.

### **Investigator Training**

Reinhardt University will train identified faculty and staff to conduct investigations in cases involving potential violations of Title IX. Training will be conducted on an as needed basis to allow for a strong pool of investigators.

### **Adjudicator Training**

Faculty and staff will be identified by the Provost to serve as part of the Judicial Hearing Council. These members are trained in the Reinhardt University judicial process and hearing procedure. Additional training in Title IX is also provided to these faculty and staff members on an annual basis.

### **Bystander Intervention Policy**

A bystander, or witness, is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence. Furthermore, a bystander is any person who is present at an event or incident but does NOT take part.

#### ***Five Steps Toward Taking Action***

1. Notice the event along a continuum of actions.
2. Consider whether the situation demands your action.
3. Decide if you have a responsibility to act.
4. Choose what form of assistance to use.
5. Understand how to implement the choice safely.

#### ***Rules for Bystander Intervention***

- Do NOT put yourself at risk.

- Do NOT make the situation worse.
- Intervene at the earliest point possible.
- Look for early warning signs of trouble!
- Intervening does not necessarily mean confronting
- Ask for help!

***Three “D” of Bystander Intervention***

- **Direct:** Directly intervening, in the moment, to prevent a problem situation from happening
- **Delegate:** Seeking help from another individual, often someone who is authorized to represent others, such as a police officer or campus official.
- **Distract:** Interrupting the situation without directly confronting the offender.

**Good Samaritan Policy**

Reinhardt University holds a fundamental commitment to the safety of its community. It is vital for students to call Emergency Medical Services by dialing 911 when a student needs medical help. The “Good Samaritan Policy” offers a clear message to students that they should report any potentially dangerous cases of intoxication, drug overdose or medical emergencies; they should not be concerned about disciplinary consequences at such a time. The Good Samaritan Policy is as follows:

Students or student organizations that seek emergency attention for dangerously intoxicated/overdosed or ill individuals will not be subject to punitive university disciplinary sanctions. This policy applies both to the person requiring help and the person or organization reporting their concern. When students encounter another person who may be dangerously intoxicated, overdosed or ill, they have a responsibility to call EMS by dialing 8-911 from a University phone or 911 from a cell phone. After calling EMS, the student or organization should immediately notify a person in a position of authority at Reinhardt University such as a Residence Life Assistance (RA), Residence Life Coordinator (RLC), Dean of Students, or a University Public Safety Officer to report the emergency.

This policy reflects Reinhardt University’s priority on “safety first.” The policy does not rule out educational experiences for those involved with the incident however, an educational experience is NOT a punitive sanction like being removed from the residence halls or expelled from Reinhardt University. In addition, the student’s permanent educational record will reflect no formal University disciplinary action.

In situations where a student’s life may be in jeopardy, the Dean of Students may contact the student’s parents as a health precaution and may require a professional alcohol/drug evaluation to return to the residential community.

This policy refers to isolated incidents only and does not protect those students from punitive judicial sanctions who choose to flagrantly and repeatedly violate the Reinhardt University’s alcohol/drug policies.

If you fail to immediately report such incidents that seriously endanger the life of another person(s) and if that student is incapacitated or dies as a result of you taking no action you may face Reinhardt University sanctions along with criminal and civil legal action. Reinhardt University cannot stress enough the value we place on human life and the importance of you getting help for persons who are in need of medical attention. Please don't run away from or turn your back on a sick or injured person. Do the right thing and call for help.

## **Disclosures Required By The Clery Act**

### **1. *Timely Warnings***

- “Timely Warning” is a campus-wide notification of a serious or continuing threat to the Reinhardt community. The Timely Warning does not include identifying information about the Complainant. If a report of misconduct discloses a serious or continuing threat to the Reinhardt community, the University may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community.

### **2. *Annual Reporting Responsibilities***

- All higher education institutions that receive federal funding, including the University, are obligated to issue publicly an Annual Security Report (“ASR”) which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the Complainant or Respondent.

### **3. *Crime Log***

- All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus police force's regular patrol route. The crime log does not include identifying information about the Complainant or Respondent.