

AGNES SCOTT COLLEGE SEXUAL MISCONDUCT (Non- Title IX) AND OTHER DISCRIMINATION, HARASSMENT POLICY with PROCEDURES

Agnes Scott College is committed to providing a healthy learning and work environment that is safe and characterized by mutual trust and respect for all members of our community. This commitment, as well as the college's obligations under federal law, means that the college will not tolerate discrimination against or harassment of any individual or group based upon race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability or veteran status or any other prohibited factor under law.

Pursuant to this Sexual Misconduct and Other Discrimination, Harassment Policy ("Nondiscrimination Policy"), Agnes Scott College prohibits and will act to prevent, address, and eliminate all forms of discrimination, harassment, violence, and bullying. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The college will provide resources to promote awareness, literacy and prevention of discrimination and harassment; as well as support to members of our community who experience, encounter, and/or witness behavior that violates this Nondiscrimination Policy and the ethics of our institution. To foster this discrimination-free environment, the institution has appointed a Vice President for Equity and Inclusion, as well as the Title IX Coordinator and Deputy Title IX Coordinators, who will work with campus administrators to ensure that all students, faculty, staff, and guests do not experience discrimination, harassment or violence. ("Discrimination Misconduct")¹

Sexual Misconduct or Discrimination Misconduct by any faculty member, staff member, student, student organization or a third-party who is a participant in a college-sponsored program, event, or activity, can be a violation of both state and federal law as well as college policy and will not be tolerated by Agnes Scott College. Sexual Misconduct and Discrimination Misconduct can be committed by men or by women and it can occur between people of the same or different sex, race, color, national origin, religion, gender identity, gender expression, age and disability. Sexual Misconduct can occur between strangers or acquaintances, including people who have been involved in an intimate or sexual relationship.

This Nondiscrimination Policy evidences the college's commitment to the rights and responsibilities of its community members. This Policy further implements the college's objective to provide informal and mutual resolution opportunities in concert with formal adjudication procedures.

Agnes Scott College has jurisdiction over all Discrimination Misconduct complaints pursuant to this policy. *This Nondiscrimination Policy also expressly covers Sexual Misconduct that might not be held to violate Title IX (or Title VII of the Civil Rights Act of 1964) but nonetheless may be a violation of this policy.*

¹ "Discrimination Misconduct" is intended to include all forms of discrimination, harassment or violence. Additionally, it specifically may include "Sexual Misconduct" as defined in the companion policy AGNES SCOTT COLLEGE SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURES ("Title IX Policy") and herein. For clarity reasons however, the policy will continue to refer to Discrimination and Sexual Misconduct separately as needed. Gender-based violations under the Title IX Policy will be referred to a *Sexual Harassment*. Gender-based violations that do not fall under the Title IX Policy will be adjudicated pursuant to this Nondiscrimination Policy and will be referred to as *Sexual Misconduct*.

Members of the community who believe they have been subjected to Sexual Misconduct or Discrimination Misconduct are strongly encouraged to report these incidents. Third-party and anonymous reports are also welcome. The report may be verbal (to be subsequently written) or in writing. Once a report is received, the Vice President for Equity & Inclusion, Title IX Coordinator or Deputy Title IX Coordinator(s) will act promptly and equitably to ensure the safety and wellness of the person who experienced the misconduct as well as the Agnes Scott community. **A list of on-campus and local resources available to victims of sexual misconduct can be found in [Appendix A](#).**

Academic freedom respected: The college is committed to academic freedom as stated in Section III of the Faculty Handbook, Statement on Academic Freedom and Responsibility. This Nondiscrimination Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern. Material germane to a course may sometimes offend or disturb; however, intimidation and harassment are inconsistent with the maintenance of academic freedom on campus and violate the ethical and professional responsibilities of faculty members.

Retaliation: The college strictly prohibits retaliation of any kind against any member of the Agnes Scott College community. The college will take action to protect anyone who submits a report (“Reporter”) or complaint (“Complainant”), as well as the person against whom a complaint has been alleged (“Respondent”) or any process participant from retaliation in any form. Harassment, intimidation, shunning, threats, or coercion or in the form of any materially adverse harm that would dissuade a reasonable student, faculty, or employee from filing a complaint or participating in an investigation is strictly prohibited. Any person who feels they have been subjected to retaliation should make a report to the Vice President for Equity and Inclusion or Title IX Coordinator.

Applicability. This policy covers all discrimination and harassment claims, including Non-Title IX sex-based discrimination, harassment, and sexual violence claims. It applies to all forms of prohibited harassment, discrimination and violence committed or experienced by students or employees that occurs in academic, educational, extracurricular, athletic, and other programs where the college has substantial control over both the Respondent and the context in which the misconduct occurs. It is not intended to apply to typical interpersonal conflict between individuals that does not rise to severe, pervasive or persistent conduct that a reasonable person would consider intimidating, hostile or abusive. The college provides other conflict management opportunities to resolve such typical interpersonal conflicts. **Pre-hearing common procedures for students, faculty, and employees are provided.**

Claims against students: If the Initial Assessment determines that the allegations implicate this policy and that the Respondent is a student, the matter will be adjudicated through the Dean of Students Office / Student Integrity and Community Standards pursuant to relevant pre-investigation provisions in this policy and the college conduct process outlined in the **Student Handbook Code of Conduct** found [here](#). **See Appendix B for flowcharts of graduate student and undergraduate student conduct processes.**

Claims against faculty or employees: All Discrimination and Sexual Misconduct adjudication procedures for faculty and employees are governed by this Nondiscrimination Policy.

Administrative Contacts

Questions, reports or concerns may be communicated to BiasConcerns@agnesscott.edu or T9Coordinator@agnesscott.edu. They also may be communicated to:

Related to Discrimination Misconduct:

Yves-Rose Porcena
Vice President for Equity and Inclusion
Gay Johnson McDougall Center for Global Diversity and Inclusion
Alston Campus Center 314, 141 E. College Ave, Decatur, Georgia 30030
(404)471-6540
YPorcena@agnesscott.edu

Related to Sexual Misconduct:

Marti Fessenden
General Counsel
Title IX Coordinator
President's Office
Hopkins Hall 207, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6547
MFessenden@agnesscott.edu

Audraya Scales
Deputy Title IX Coordinator
Employee Services Specialist
Hopkins Hall 217
(404) 471-6307
AScales@agnesscott.edu

Through notice to these individuals, the college will respond promptly, thoroughly, and equitably to reports of potential Discrimination or Sexual Misconduct.

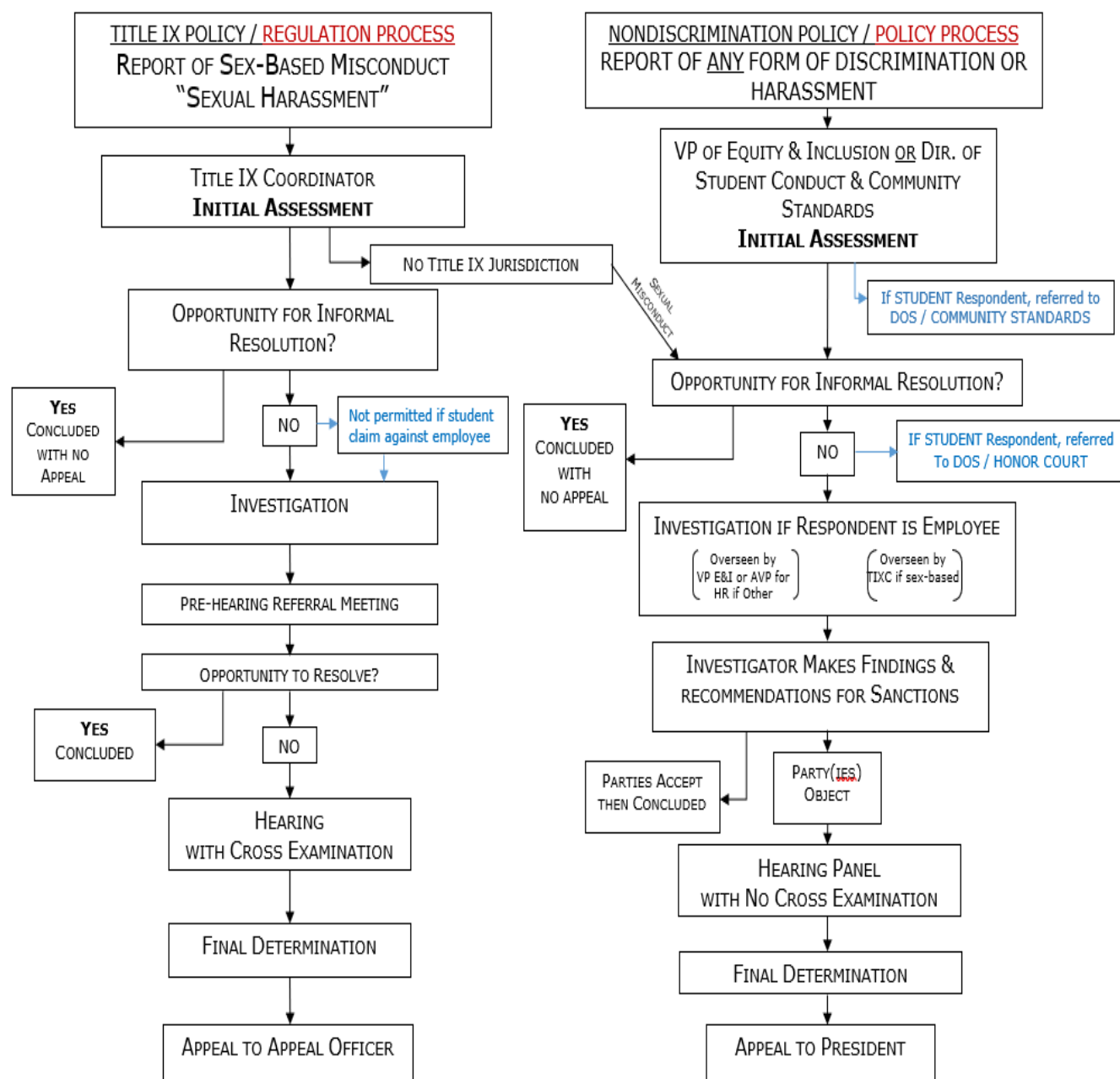
Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
TDD#: (877) 521-2172
Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](http://www.eeoc.gov)
[<https://www.eeoc.gov/how-file-charge-employment-discrimination>] (EEOC)

In general, the right column portion of the flowchart below, is intended to illustrate the process included in this Nondiscrimination Policy and “[Policy Process.](#)”



Statement of Privacy and Confidentiality

Agnes Scott College strives to respect an individual’s request for confidentiality when reporting Discrimination or Sexual misconduct. The college will take all reasonable steps to investigate and respond to a complaint in a manner that is consistent with the Complainant’s request for confidentiality

or request not to pursue an investigation. Individuals should be aware however, that requests for confidentiality may limit the college's ability to investigate the report.

In some cases, confidentiality is not possible or appropriate. The college has the responsibility to balance the request for confidentiality with our institutional responsibility of ensuring a safe educational environment and workplace. When appropriate, a Complainant's request for confidentiality of a report of Discrimination or Sexual Misconduct will be considered in determining an appropriate response. Some examples of factors the college will consider when making this assessment include: the seriousness and/or frequency of the alleged Discrimination or Sexual Misconduct, whether the Complainant is a minor (if Sexual Misconduct is alleged), and whether there have been other Discrimination or Sexual Misconduct complaints about the same individual.

If the college determines that it cannot maintain the Complainant's confidentiality, the college will inform the Complainant and will, to the extent possible, only share information with people responsible for handling the college's response. At all times, the college will endeavor to protect the Complainant's **privacy** by sharing the information only with college personnel who need to know. If a report of Discrimination or Sexual Misconduct triggers the college's obligation to issue a timely safety warning to the Agnes Scott community, the privacy of the Complainant will be respected and the Complainant's identity will not be disclosed in conjunction with the safety warning.

Confidential Resources

Agnes Scott College staff within offices that hold legally-designated confidentiality, such as Counseling and Psychological Services, the College Chaplain, or Health Services ("Confidential Resources") will not have an obligation to disclose facts about a complaint when a Complaint requests confidentiality, except as otherwise required by law. *The college strongly urges members of the Agnes Scott community to utilize these Confidential Resources rather than seeking no support out of confidentiality concerns.* Unless the Complainant gives consent for disclosure of their identity or any information provided to professionals within the Confidential Resources, no disclosure will be made except in instances potentially required by law such as an ongoing threat or court order.

Required Reporters

Faculty and employees of the college ("Required Reporters") are obligated to report instances of Discrimination Misconduct to the Vice President for Equity and Inclusion or Director of People and Culture, and instances of Sexual Misconduct to the Title IX Coordinator or Deputy Title IX Coordinator(s) that they witness or that are reported to them. This reporting obligation does not apply to Confidential Resources or unionized staff.

Educational Programs

Agnes Scott College provides education and training to students, faculty, and employees to help prevent and remedy Discrimination Misconduct and Sexual Misconduct. Discrimination or Sexual Misconduct reduction is central to the college's education efforts.

Policy Definitions

- *Adjudication* means the “*Policy Process*,” a method of formal resolution designated by Agnes Scott to address conduct that does not fall within the Title IX regulations (34 CFR §106.45) but which is prohibited by this Nondiscrimination Policy.
- *Adjudication Panel* means the hearing panel that will adjudicate claims after an objection to the Investigative Report. The Agnes Scott College Faculty Manual identifies this Adjudication Panel as the “Investigation Board” and the hearing panels are one in the same for purposes of Adjudication pursuant to this policy.
- *Adjudication Process Pool* includes any investigators, hearing officers/panel and appeal officers who may perform any or all these roles (though not at the same time or with respect to the same case). The college, at its sole discretion, may utilize external pool members (and if permissible by shared governance processes when faculty are involved.)
- *Advisor* means a person chosen by a party to support and accompany the party to meetings under this policy, to advise the party on processes, and to assist in any hearing or proceedings.
- *Bullying* means unwanted aggressive behavior that involves a real or perceived power imbalance that is repeated, or has the potential to be repeated, over time.
- *Coercion* means unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or that they do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.
- *Complainant* means an individual who is alleged to be the victim of conduct that could be Discrimination or Sexual Misconduct; or retaliation for engaging in a protected activity.
- *Complaint* means a report submitted by a Complainant or Reporter alleging Discrimination or Sexual Misconduct or retaliation for engaging in a protected activity against a Respondent.
- *Confidential Resource* means an employee who is not a Required Reporter of notice of Discrimination or Sexual Misconduct. These employees include licensed professionals in the Wellness Center, Counseling and Psychological Services (CAPS) and the College Chaplain who learn of information within their scope of their licensure.
- *Cyberstalking* means a particular form of stalking and/or bullying in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcomed contact with another person in an unsolicited fashion. Some examples of cyber-stalking include, but are not limited to, unwelcomed/unsolicited emails, instant messages, and messages or posts on on-line bulletin boards or social media sites. It also includes, but is not limited to, unsolicited communications about a person, their family, friends, or co-workers, or sending/posting unwelcomed and unsolicited messages with another username. Agnes Scott College considers cyber-stalking to be a form of prohibited stalking as defined below.

- *Day* means a business day when Agnes Scott is in normal operation.
- *Discrimination* means any actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.
- *Final Determination*: A conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- *Finding*: A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- *Force* means the use of physical violence and/or imposing on someone physically to gain sexual access. Force can also include threats, intimidation (implied threats), and coercion that are used to overcome resistance
- *Harassment based on sex or of a sexual nature (“Harassment”)* means unwelcome sexual advances, requests for sexual favors, other verbal or physical harassment of a sexual nature, or offensive remarks about a person's sex. Sexual harassment may occur in a single egregious instance or may be the cumulative result of a series of incidents and may include, but is not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, sexual orientation, or gender presentation, even if those acts do not involve conduct of a sexual nature.
- *Hearing Decision-Maker or Panel* refers to those who have decision-making and sanctioning authority within Agnes Scott’s Adjudication Process. Panel members may be part of an Adjudication Process pool, internal or external, and may serve as an investigator, Panel member, advisor or decision-maker (consistent with faculty policy if faculty involved).
- *Hostile Environment* means an environment that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive or objectively offensive based upon sex, race, color, religion or creed, national origin or ancestry, age, physical or mental disability, veteran status, genetic information or citizenship.
- *Investigator* means the person(s), internal or external, charged by Agnes Scott with gathering facts about an alleged violation of this Policy, assessing relevance and facts that may relate to credibility, synthesizing the evidence, and compiling this information into an investigation report which will include policy analysis and recommendations.
- *Intimate Partner Violence (IPV)* means physical, sexual, or psychological harm by a current or former partner (or spouse). This type of violence can occur between heterosexual or same-sex couples whether cohabitating or not and does not require sexual intimacy. IPV can vary in frequency and severity and can include acts of physical violence, sexual violence, threats of violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment. In some

cases, the term IPV can be used interchangeably or to include Dating Violence and Domestic Violence.

- *Non-Consensual Sexual Contact* means having or attempting to have contact of a sexual nature with another person without consent and/or by force. Sexual contact can include, but is not limited to, nonconsensual touching, fondling, or kissing another individual.
- *Notice* means that an employee, student, or third-party informs the Vice President for Equity and Inclusion, Title IX Coordinator or Required Reporter of the alleged occurrence of Discrimination or Sexual Misconduct, and/or retaliatory conduct.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Agnes Scott's educational program.
- *Report* means notice or communication to the college of potential Discrimination or Sexual Misconduct and/or retaliation that seeks information and/or support and will not be considered a *Complaint (formal)* or request for an *Adjudication Process*.
- *Reporter* is an individual who is not a Complainant, and who voluntarily reports incidents of Discrimination or Sexual Misconduct and/or retaliation experienced by another person.
- *Required Reporters* are Agnes Scott employees (excluding Union employees and Confidential Resources). Required Reporters are obligated by policy to share knowledge, notice, and/or reports of Discrimination or Sexual Misconduct and/or retaliation with the Vice President for Equity and Inclusion, a Title IX Coordinator, Deputy Title IX Coordinator, and/or their supervisor.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute potential Discrimination or Sexual Misconduct or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal process or Adjudication Process.
- *Sanction* means a consequence imposed by Agnes Scott on a Respondent who is found to have violated this policy.
- *Sexual Assault* means any involuntary sexual act in which a person is coerced or physically forced to engage in sex against their will, any non-consensual sexual contact of a person, or non-consensual sexual intercourse.
- *Sexual Exploitation* is an act or acts attempted or committed by a person for sexual gratification, financial gain, or advancement through the abuse or exploitation of another person's sexuality. Examples include observing individuals without consent, non-consensual audio or videotaping of sexual activity, unauthorized presentation of recordings of a sexual nature, prostituting another person, allowing others to observe a personal consensual sexual act

without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmittable infection or virus without their knowledge. In some cases, demonstrated sexual exploitation may satisfy the definition of Sexual Harassment in the college's Title IX Policy.

- *Sexual Misconduct* is the umbrella category of gender-based discrimination, harassment or violence that is prohibited by Agnes Scott policy but not covered by Title IX regulations.
- *Stalking*. Under Georgia law, “[a] person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.” O.C.G.A. § 16-5-90. Agnes Scott College further defines stalking as a course (more than once) of non-consensual conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, or cause reasonable fear of harm or injury in that person, or in a third-party, such as a roommate or friend. The feared harm or injury may be to physical, emotional, or mental health, to personal safety, to property, to education, or to employment. Stalking may include, but is not limited to, unwelcomed and repeated visual or physical proximity to a person, repeatedly conveying oral or written threats, extorting money or valuables, implicitly threatening physical conduct, or any combination of these behaviors directed at or toward a person. Stalking includes cyber-stalking as defined herein.
- *Student* means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Agnes Scott.
- *Title IX Coordinator* is at least one official designated by Agnes Scott to ensure compliance with Title IX and Agnes Scott's Title IX program. References to the Coordinator throughout this policy may also encompass a Deputy Title IX Coordinator or designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Adjudication Process Pool.

Definitions of violations/offenses are included to indicate types of misconduct covered by this policy.

If an individual wishes to pursue criminal charges for rape, stalking or other sexual offenses in the State of Georgia, some of the above definitions may be useful for both the individual and the professionals involved in the Sexual Misconduct investigation or adjudication. However, Agnes Scott College defines Sexual Misconduct in some cases more broadly than Georgia law. This Nondiscrimination Policy operates independently (but cooperatively as required) of the criminal justice system. **If you have experienced Sexual Misconduct, you may report it to officials of the college, to law enforcement, or to both.**

The Role of Alcohol and Other Drugs in Discrimination or Sexual Misconduct

The use of alcohol and other drugs can have unintended consequences. Alcohol and other drugs can lower inhibitions and can create an atmosphere of confusion about what is appropriate to say or do, and whether sexual consent is freely and affirmatively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of alcohol and other drugs on another person's ability to give consent. The use of alcohol and other drugs never makes someone at fault for being sexually assaulted or harmed. See Agnes Scott College's [Drug and Alcohol Use Policy](#).

How to File a Discrimination Misconduct or Sexual Misconduct Report

You may file a non-Title IX complaint of discrimination or harassment based upon race, color, national origin, religion, age, disability, or veteran status in-person, or by email or phone call to:

Yves-Rose Porcena
Vice President for Equity and Inclusion
Gay Johnson McDougall Center for Global Diversity and Inclusion
Alston Campus Center 314, 141 E. College Ave, Decatur, Georgia 30030
(404)471-6540
YPorcena@agnesscott.edu or BiasConcerns@agnesscott.edu

Lauren Harris (for complaints against students)
Director of Student Integrity and Community Standards
Dean of Students Office
Alston Student Center, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-5409

If you are an employee who wishes to file a Discrimination Report, you also may do so in-person with, or by phone call or email to:

Belinda Reese
Director of People and Culture
Hopkins Hall 214, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6221
B Reese@agnesscott.edu

You may also file a Discrimination Misconduct report online here, which will be routed to the administrators above: <https://report.myredflag.com/reporter/add/report/310>

You may file a complaint of discrimination or harassment based upon sex, gender, sexual orientation, gender identity, gender expression (including sexual violence) in-person with, or by email or phone call to:

Marti Fessenden
General Counsel
Title IX Coordinator
President's Office

Sexual Misconduct and Other Discrimination, Harassment Policy with Procedures (Nondiscrimination Policy)

Hopkins Hall 207, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6547
MFessenden@agnesscott.edu or T9Coordinator@agnesscott.edu

Audraya Scales
Deputy Title IX Coordinator
Employee Services Specialist
Hopkins Hall 217, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6307
AScales@agnesscott.edu

You may also file Sexual Misconduct report online here, which will be routed to the administrators above: <https://report.myredflag.com/reporter/login/client/asc-titleix>

Agnes Scott College encourages all individuals to report any incidents of misconduct. The college cannot take appropriate action unless a Required Reporter or other official of the college is informed of the allegation. Any individual may report incidents of Discrimination or Sexual Misconduct on a confidential/anonymous or non-confidential basis. However, the college's ability to respond effectively may be limited by an anonymous report or a Reporter's request for confidentiality.

All reports of Discrimination or Sexual Misconduct of any kind will be taken seriously, and each Complainant will be treated with dignity, respect, and in a non-judgmental manner. Similarly, an individual accused of Discrimination Misconduct or Sexual Misconduct, referred to as a Respondent for the purposes of this policy, can expect to be treated fairly and respectfully. *Anyone who knowingly makes false accusations will be subject to appropriate disciplinary action consistent with college policies and procedures.*

All reports of misconduct will be handled as privately as possible (not necessarily confidentially) consistent with the college's responsibility to investigate reports and provide an environment free from misconduct.

Emergency Reporting Options for Sexual Violence

The priority for anyone suffering sexual violence should be personal safety and well-being. Agnes Scott College encourages all individuals to seek assistance from 911, campus or local law enforcement, and/or a medical facility immediately after an incident of sexual violence. This is the best option to preserve evidence and preserves the subsequent options available to a victim.

The college will help any Agnes Scott community member get to a safe place and coordinate with law enforcement about on-and off-campus resources as well as options available for investigation and resolution. Agnes Scott Title IX coordinators, Public Safety and other college officials are trained in issues related to sexual misconduct and work cooperatively to prevent, address and remedy sexual misconduct. If physically and emotionally able, the college also urges those who have experienced sexual violence to preserve any evidence that might be helpful to explain the misconduct such as waiting to wash, bathe, brush your teeth/hair or change clothes until speaking with officials.

Where to Make a Report in the Event of an Emergency

Any of the Following:

Decatur/ Georgia Police Department:

Dial 911

Agnes Scott Department of Public Safety:

404-471-6400

Agnes Scott Wellness Center:

404-471-7100

Other 24-Hour Resources

Day League (DeKalb Rape Crisis Center):

404-377-1428

Grady Rape Crisis Center:

404-616-4861

Report of Discrimination or Sexual Misconduct for Action by Agnes Scott College

All members of the Agnes Scott community are encouraged to promptly report incidents of Discrimination or Sexual Misconduct. No one should assume that a representative of the college is already aware of any given instance of alleged Discrimination or Sexual Misconduct. Every faculty and non-union staff member is a Required Reporter who, when informed about an allegation of Discrimination or Sexual Misconduct, is required to promptly notify the Vice President for Equity and Inclusion or Title IX Coordinator either directly or through their relevant reporting structure. However, college employees who serve in a professional role in which communications are afforded confidentiality under the law (Confidential Resources - e.g., medical providers, therapists, and professional and pastoral counselors) are not bound by this requirement but may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved, to the Title IX Coordinator consistent with aggregate crime reporting obligations under the Clery Act.

You are encouraged to report Discrimination or Sexual Misconduct promptly as any substantial delay in reporting may limit the college's ability to respond effectively.

Individuals can contact the:

Vice President for Equity and Inclusion

Director of People and Culture

Director of Student Integrity and Community Standards (for claims against students)

Title IX Coordinator

Deputy Title IX Coordinator(s)

The following departments and offices also may be contacted concerning any incidents of Discrimination or Sexual Misconduct:

Students	Faculty and Staff	Third-Party Visitors
<ul style="list-style-type: none"> • Public Safety • Residence Life • Community Standards • Counseling and Psychological Services (CAPS) • Dean of Students • Center for Global Diversity & Inclusion • Academic Advising 	<ul style="list-style-type: none"> • People and Culture • Public Safety • Dean of Students • Dean of the College 	<ul style="list-style-type: none"> • Public Safety • Dean of Students • Dean of the College

Once the appropriate college official is notified of a Discrimination or Sexual Misconduct report, they will begin an Initial Assessment. All reports and complaints will be promptly, thoroughly, and impartially evaluated and appropriate action will be taken to remedy the problem as expeditiously as possible.

The college will make every reasonable effort to protect the rights of both Complainants and Respondents. Investigations and procedures undertaken pursuant to this policy are not criminal proceedings but rather institutional disciplinary in nature.

Initial Assessment

Following a report of Discrimination or Sexual Misconduct, the responsible college officials will, as soon as practicable, initiate an Initial Assessment. Depending upon the allegations, the college officials responsible for conducting the Initial Assessment are:

- For Discrimination Misconduct reports with student Respondents, the Director of Student Integrity and Community Standards in consultation with the Vice President for Equity and Inclusion
- For Discrimination Misconduct reports with employee Respondents, the Director of People and Culture Director of People and Culture in consultation with the Vice President for Equity and Inclusion
- For Sexual Misconduct reports with student Respondents, the Director of Student Integrity and Community Standards in consultation with the Title IX Coordinator and Deputy Title IX Coordinator
- For Sexual Misconduct reports with employee Respondents, the Title IX Coordinator in consultation with the Director of People and Culture Director of People and Culture

The Initial Assessment can include a clarification of the parties, an explanation of resources to the Complainant or Reporter, a discussion of reporting options and processes available to the Complainant,

as well as an effort to determine whether the allegations implicate this policy. The Initial Assessment will gather information about the incident to promptly ensure the well-being of the individuals involved.

The Initial Assessment allows the college and parties an early opportunity to explore who was involved, what happened, what policy applies, what remedy is being sought, and how the matter may be best and fairly resolved, including the possibility of an administrative or informal resolution

Following the Initial Assessment, the Vice President for Equity and Inclusion or Director of Student Integrity and Community Standards, or the Title IX Coordinator (for Sexual Misconduct matters) will determine if there is reasonable cause to believe this policy may have been violated, thereby potentially triggering further proceedings or an investigation.

Among other assessment conclusions, it may be determined during the Initial Assessment that no further investigation is necessary. By way of example, no further investigation may be necessary when the Complainant or Respondent misunderstood this policy, where no other facts are needed to resolve the issue and/or it is evident that the issue is based upon a lack of communication between parties or other conduct that may not constitute Discrimination or Sexual Misconduct. This determination, with consent from those involved, may allow the individuals to resolve the matter informally.

Student Acceptance of Responsibility. At any time after the filing of a Complaint, a student Respondent has an opportunity to accept or not accept responsibility. The Respondent must inform the Director of Student Integrity and Community Standards or the Title IX Coordinator (for Sexual Misconduct) of their decision in writing. If not already communicated, the Respondent's acceptance of responsibility will be communicated to the Director of Student Integrity and Community Standards for sanction determination through processes outlined in the Student Handbook Code of Conduct.

Employee Acceptance of Responsibility is addressed in the Formal Investigation of Complaint section below.

Informal Resolution

When no investigation is required, or for other reasons, the parties jointly may wish to have the opportunity to resolve the matter informally. An informal resolution can also take place even when there is enough information to move forward with an investigation, but the parties agree to enter the informal resolution process in advance of any formal investigation.

Willingness and consent of all parties is central to informal resolution. Absent consent from the Complainant and Respondent, the college will not require direct interaction between the parties nor submission to an informal process. An acceptance of responsibility by the Respondent may occur at any time following a report of Discrimination or Sexual Misconduct and the Respondent should follow the Acceptance of Responsibility procedures defined herein to record such acceptance.

Through the processes offered through the Dean of Students/Student Integrity and Community Standards, the Office of the Vice President for Equity and Inclusion, the Office of Human Resources

or the Title IX Office as implicated by the allegations, the college will offer flexibility in the method and process for informal resolution. The college will strive to facilitate informal resolutions that are completed within thirty (30) days. The parties may be offered:

- general facilitated discussions among the parties, involved individuals and/or advisors;
- mediation;
- restorative justice options;
- bias protocol resolution options (policy and reporting form found at <https://www.agnesscott.edu/dos/student-conduct/student-bias-protocol.html>); and/or
- other alternative conflict resolution options

Initiation of Formal Proceedings. At any point during the process of informal resolution, any party to the proceeding may request the formal process of investigation and resolution by clearly requesting, in writing, an end to the informal process and the start of formal proceedings. Such a request by the Complainant will be deemed as consent to proceed with institutional proceedings if the initial assessment determined a potential violation or circumstances warranting investigation, to include disclosure of the Complainant's identity to the Respondent. Only in rare instances, are cases of sexual violence able to be resolved by informal resolution or mediation.

*Student requests for formal proceedings will result in the matter being referred to the college conduct process outlined in the *Student Handbook Code of Conduct* found [here](#). See Appendix B for flowcharts of graduate student and undergraduate student conduct processes.*

Employee requests for formal proceedings will initiate the investigation and resolution process outlined in this policy below if the initial assessment determined a potential violation or circumstances warranting investigation.

Interim Measures for Students. Upon receipt of a report of Discrimination or Sexual Misconduct, Director of Student Integrity and Community Standards or Title IX Coordinator (for Sexual Misconduct), may impose reasonable and appropriate interim measures to protect the parties involved. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the college. A Complainant or Respondent may request a “no contact” measure or other protection, or the Director of Student Integrity and Community Standards may choose to impose interim measures at their discretion. By way of example, discretionary interim measures may include any identified in the Student Handbook Code of Conduct, and/or an escort when needed, assistance with setting up initial counseling appointment, referral to and assistance with police and community resources, rescheduling of assignments or exams in conjunction with faculty, change in classes or class times, an approved “incomplete” or drop without penalty, refunds, transcript adjustments, change in job assignment or schedule, change in on-campus housing; issuance of a “no contact” directive/letter, voluntary leave of absence, provision of academic (such as tutoring) and other support services, and interim suspension or imposed leave of absence.

If a student interim suspension is imposed, the Respondent will be given the opportunity to meet with the Dean of Students or designee prior to such suspension, or as soon thereafter as is practicable, to show cause why such suspension should not be imposed. **Failure to comply with interim measures may constitute a separate violation of this policy.**

Interim measures for faculty members and employees are addressed later in this policy.

Alcohol or Drug Use. The college's focus during the Adjudication Process will be to address the reported Discrimination or Sexual Misconduct promptly and effectively, not other issues such as violations of the alcohol or drug policy. Agnes Scott College encourages reporting of known or potential Discrimination or Sexual Misconduct and seeks to remove any barriers to reporting. A person who reports Discrimination or Sexual Misconduct, either as a Complainant or a third-party, will not be subject to disciplinary action for consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not put others at risk.

Claims Against Students: If at any time following the receipt of a Report or Complaint, the college determines that an investigation, adjudication, proceedings and/or sanctions are required, the matter will be referred to the college conduct process outlined in the *Student Handbook - Code of Conduct* found [here](#). See Appendix B for flowcharts of graduate student and undergraduate student conduct processes.

The remainder of this policy and following Investigation and Adjudication Procedures apply solely to employee Respondents and do not apply to claims where the Respondent is a student.

Investigation and Adjudication Procedures

The Vice President for Equity and Inclusion/Director of People and Culture or the Title IX Coordinator will ensure prompt, fair, and impartial investigations, and resolutions of complaints, as warranted, following the Initial Assessment. The investigation and adjudication procedures will be conducted by college officials or designees who are trained in investigations including issues related to discrimination, harassment and sexual misconduct. No college official with a conflict of interest may take part in any part of the resolution process. The investigation and adjudication proceeding will be conducted in a manner that seeks to protect the wellness of victim and promote accountability. Any member of the college community who is found to have engaged in Discrimination or Sexual Misconduct is subject to disciplinary action up to and including termination of employment in accordance with this policy and any other applicable college protocol.

Advisors. The Complainant and Respondent may each be assisted by an advisor of choice during any investigation meeting, pre-hearing conference and/or at any time following the filing of a complaint. The advisor may be a mentor, family member, friend, attorney, or any other supporter so long as they are not in any way involved in the resolution process, such as serving as a witness. The role of the advisor is to serve as a support for the Complainant or Respondent and not to serve as a representative or advocate in interactions with college officials. The college cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the college is not obligated to provide one under this Nondiscrimination Policy.

All advisors are subject to the same campus rules, whether they are attorneys or not. An advisor may not make a presentation or represent the Complainant or the Respondent during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process.

Formal Investigation of a Complaint

For all complaints by or against a faculty member or employee from which it is determined that a formal investigation is requested and/or required, depending upon the allegations, the Vice-President of Equity and Inclusion/Director of People and Culture, or the Title IX Coordinator (if Sexual Misconduct) will send the Respondent(s) a Notice of Investigation within two (2) days of the determination. The Notice of Investigation will include the date of the complaint, the identity of the Complainant or Reporter, the basic allegations of the complaint, the policy which is alleged to have been violated, a statement that an investigation is being undertaken, a statement that the Respondent may have an advisor of choice, and a copy of, or reference to, this policy. If interim measures applicable to the Respondent are warranted, the Notice of Investigation will also identify the interim measures.

Investigation Options for the College. There may be employee Respondent cases where the Vice President for Equity and Inclusion/Director of People and Culture or The Title IX Coordinator, in consultation with a college officer(s), may also initiate formal procedures to investigate and resolve conduct suspected of constituting Discrimination or Sexual Misconduct on the basis of sufficient credible evidence. Concerns of discriminatory patterns can be a basis to assess or investigate a Complaint, even in cases where the Complainant does not wish to proceed or participate. The Vice President for Equity and Inclusion, Director of People and Culture or The Title IX Coordinator must have evidence about current conduct to file a complaint. If the Vice President for Equity and Inclusion/Director of People and Culture or The Title IX Coordinator initiates the process of investigation and resolution, they must also put in writing the complaint and explanation of the sufficient credible evidence that warrants the initiation of the investigation and resolution process. While past reports of Discrimination or Sexual Misconduct alone do not constitute sufficient credible evidence to commence a formal investigation, if it is determined that past reports were made in good faith, the college may consider such good faith reports to satisfy its obligation to identify potential misconduct patterns.

Employee Acceptance of Responsibility. At any time after learning of a Discrimination or Sexual Misconduct claim against them, and if to avoid an investigation no later than five (5) days after receipt of the Notice of Investigation from the Vice President for Equity and Inclusion, Director of People and Culture, or Title IX Coordinator, the Respondent has an opportunity to accept or not accept responsibility for the violations alleged in the complaint. The Respondent must inform the sender of the Notice of Investigation of their decision in writing within those five (5) days.

If the Respondent accepts responsibility for the policy violation, the Vice President for Equity and Inclusion/Director of People and Culture, or Title IX Coordinator, in consultation with college officers

designated to serve on the Adjudication Panel¹, will determine the appropriate sanction within five (5) days of receipt of the acceptance, and send written notification of the sanction imposed to the Complainant and Respondent.

Except in cases of a tenured or tenure-track faculty dismissal recommendation, the Vice President for Equity and Inclusion/Director of People and Culture, or Title IX Coordinator's sanction determination following acceptance shall be final and not appealable. Any faculty dismissal sanction is a recommendation only and triggers the procedures for dismissal for cause under Dismissal of Teaching Faculty Policies and Procedures (Faculty Handbook).

If the Respondent has not already accepted responsibility or a resolution, within two (2) days after receipt of the Final Investigation Report, the Respondent has an additional opportunity to accept or not accept responsibility, as well as the findings and sanctions. The Respondent must inform the Vice President for Equity and Inclusion/Director of People and Culture, or Title IX Coordinator, of their decision in writing within those two (2) days. This is the same time period within which the parties may object to the Final Investigation Report.

If a Respondent accepts responsibility and the Final Investigation Report, the complaint(s) will be resolved pursuant to that document and the investigation will be closed. If the Respondent accepts responsibility for the violations but objects to the sanctions, the sanction determination alone, other than dismissal, is appealable to the president of the college within two (2) days from receipt of the report. The President will decide upon the sanctions and notify the Respondent within five (5) days of the sanction appeal. The sanction determination of the President shall be final and not appealable.

Investigation Process

The Vice President for Equity and Inclusion and Director of People and Culture, or the Title IX Coordinator, will assign a trained investigator or team of two (2) trained investigators to conduct the investigation. The investigator(s) will conduct a prompt, thorough, fair, and impartial investigation. The investigation will include, where feasible, interviews of the Complainant, Reporter (if other than the Complainant), Respondent and material third parties, collection and review of documents or other physical or electronic evidence, and, any other reasonable steps to an investigation. All individuals contacted during the investigation will be advised that the matter is confidential and should not be discussed with anyone. The parties may receive periodic information about the status of the investigation.

While the Complainant and Respondent are encouraged to provide information and suggestions regarding corroborating evidence to the investigator(s), the investigator(s) have complete and full authority as to how the investigation will be conducted.

No investigation participant, including the Complainant and Respondent, may engage in any investigation conduct that:

¹The Agnes Scott College Faculty Handbook historically identifies this Adjudication Panel as the "Investigation Board." This policy's use of Adjudication Panel is intended to update the designation and provide clarity distinct from the investigation prior to any hearing, but is the same Investigation Board in policy, protocol, and practice. The hearing panel is the same body whether identified as the Adjudication Panel or Investigation Board.

- (i) involves having contact with participants regarding the investigation, or
- (ii) duplicating, influencing, or thwarting the college's investigation. Such independent investigation is a violation of this policy and may result in sanctions.

Investigations are confidential and parties are advised to treat them as such. No party however is prevented from sharing information with others necessary to receive support or to assist them in presenting their case.

At any time during the investigation, the investigator(s) may recommend that interim measures for the parties or third parties be provided by appropriate college officials.

At the conclusion of the investigation:

- 1) The college will provide an Initial Report of Factual Findings ("Initial Report") to the Complainant(s) and Respondent. This is a confidential document. Except to their advisors, the parties should not discuss or disclose the contents of this Initial Report with others, on or off campus.
- 2) Each party will have two (2) days to conduct a review of the Initial Report, and to provide a written response to the sender. The Complainant(s) and the Respondent shall have an opportunity through a written response to address the facts set forth in the Initial Report to point out anything they contend to be inaccurate. A written response is not mandatory.
 - a. The first day of this two-day review period will be the business day following the day the Initial Report is electronically provided to the parties.
- 3) Should either party submit a written response to the Initial Report, the investigators will review and consider the written response within two (2) days.
- 4) After considering any written response from the parties, the college will have five (5) days to provide a written Final Investigation Report to the Complainant and the Respondent. This is a confidential document. The parties should not discuss or disclose the contents of this Final Investigation Report with others on campus, with the exception of their advisors.
 - a. The preponderance of the evidence standard will be used by the college and/or investigators for making findings and conclusions in the Final Investigation Report. The Final Investigation Report will set forth (a) the investigator's findings and conclusions, (b) recommended sanctions, if any, to be taken against the Respondent as a result of the complaint(s), and (c) other measures, if any, to prevent recurrence of any misconduct against the Complainant or others.
- 5) The parties shall have two (2) days after receiving the Final Investigation Report to submit a written objection to its conclusions and recommended action, if any, against the Respondent.
- 6) If neither party objects to the conclusions and recommended action as set forth in the Final Investigation Report, the complaint(s) will be resolved pursuant to that document and the investigation will be closed. There will be no appeal rights if the matter is resolved at this stage.
- 7) If an objection is submitted by either party, the matter will be sent to the Agnes Scott College Adjudication Panel (hereafter "Hearing Panel")

- a. Each party will receive a timely notice of the objection informing them that the Hearing Panel will be convened as soon as practicable.

Composition of the Agnes Scott College Hearing Panel. The Hearing Panel shall be comprised of the officer who supervises the person named as the Respondent, the Director of People and Culture, the chair of the Faculty Executive Committee and one additional member chosen from the Respondent's constituency (if a faculty Respondent, a second faculty member to be named by the Faculty Executive Committee; if a staff Respondent, a second staff member to be named by the Staff Council) In cases where the Respondent reports to the President, the Vice President for Academic Affairs will serve as the necessary officer. The chair of the Hearing Panel shall be the Director of People and Culture if the Respondent is a staff member, and the chair of the FEC if a faculty member.

Conflict of interest. If any member of the Hearing Panel is a party to the complaint, has participated in the Adjudication Process leading to a hearing (not merely knowledge of facts or process), or, has any other conflict of interest that would prevent them from adjudicating the complaint in a fair and impartial manner, the president of the college will decide the existence of such a conflict and designate a substitute of similar status to serve on the Hearing Panel. If for any reason it is not appropriate or possible for the president to do so, the chair of the board of trustees will designate a substitute.

Interim measures during the course of investigation or hearing process. At any point after the filing of a written complaint, the vice president who supervises the Respondent, in consultation with college officers, may place the Respondent on administrative leave with pay or suspend the Respondent without pay. Summary suspension shall be imposed only when, in the judgment of the Vice President, the Respondent's presence on campus would constitute a threat to the safety and well-being of members of the campus community.

Before implementing the suspension, the Respondent shall be given written notice of the intention to impose the suspension and shall be given an opportunity to present oral and written arguments against the imposition of the suspension. The arguments must be provided to the vice president who supervises the Respondent. If the Respondent is suspended, the formal process should be completed within the shortest reasonable time possible, not to exceed ten (10) working days. During the suspension, the Respondent may not enter campus without obtaining prior permission from an officer of the college.

Other interim measures may include supervisor notification, adjustment of reporting structure and any reasonable steps to end, prevent recurrence and remedy the impact of any misconduct. All sanctions and remedial actions identified below are available to the college as an interim measure. Interim measures may also become permanent accommodations following the conclusion of the formal proceedings.

Hearing Procedures

The Hearing Panel shall conduct a thorough, fair, and expeditious hearing based on all the evidence collected throughout the investigation process resulting in the Final Investigation Report. The hearing generally is closed and typically includes only the Complainant (if they elect to attend), and Respondent. Key material third parties may be asked to attend in atypical cases where Adjudication

Panel deems it necessary beyond the information contained in the Final Investigation Report. Both parties will be given the opportunity to address the Final Investigation Report with the Panel.

Beyond this opportunity, the manner in which the hearing is conducted, and the information considered is solely within the discretion of the Adjudication Panel. The participants may appear sequentially, and the Complainant may not be required to appear at the same time as the Respondent, or at all. Neither party may directly question the other, but each may submit questions to the Panel for consideration.

At its discretion, the Hearing Panel may seek further written evidence and interview witnesses who, in the opinion of the Panel, can shed light on the merits of the complaint(s) and the conduct of the Respondent. The parties shall have the right to suggest any additional witnesses/interviews and additional information to the Panel that in their opinion can provide valid and relevant evidence not previously presented. The parties may also suggest questions to any witnesses, but questioning shall be done solely by the chair of the Panel, whose judgment about the appropriateness and wording of questions, after consultation with other Panel members they deem necessary, shall be final.

The Hearing Panel shall retain the authority to consider any and all information in the determination of responsibility and in the imposition of sanctions. If there is a determination of responsibility, the Complainant(s) may provide to the Panel a written impact statement prior to the issuance of sanctions. The impact statement will only be permitted during the sanctioning phase following the determination of responsibility. An impact statement is not required but encouraged by the college.

Standard of Evidence. For all cases, the standard that shall be used to determine whether a violation was committed is preponderance of the evidence, i.e., it is more likely than not that Discrimination or Sexual Misconduct occurred.

Notice of Outcome

Within five (5) days of the conclusion of the hearing, the college will inform the parties of the Hearing Panel's decision by electronic transmission of a Notice of Outcome.

The Notice of Outcome to the Respondent will identify (a) the Panel's findings and conclusions, (b) the recommended sanctions, if any, to be taken against the Respondent as a result of the complaint, (c) other measures, if any, to prevent recurrence of any misconduct against the Complainant or others, (d) the opportunity to accept responsibility within two (2) days, and (e) appeal procedures. The Notice of Outcome to the Respondent will not identify remedial measures or accommodation solely relevant to the Complainant(s).

The Notice of Outcome to the Complainant will identify (a) sanctions or measures, if any, relevant to the Complainant, and (b) appeal procedures. If the Respondent is found responsible for sexual violence, the Notice of Outcome to the Complainant will additionally include all sanctions.

College administrators, faculty or staff who require the information to carry out the disciplinary action and sanction(s) will receive the appropriate information. Compliance with Title IX and the Clery Act

Section 304 (Violence Against Women Act Amendments - VAWA) pursuant to this policy does not violate FERPA.

Sanctions and Protective Measures

Agnes Scott College may impose a broad range of protective measures and/or sanctions following a final determination of a violation of this Nondiscrimination Policy. At any time during the response and resolution process, the factors considered by the college in addition to the facts include any prior complaints against the Respondent as well as the egregiousness of the behavior in question, whether it was repeated, and whether the Respondent accepts responsibility and expresses remorse.

The variety of factors the college will consider in determining which sanction applies include but may not necessarily be limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent, Respondent's willingness to accept responsibility for their conduct, the college's response to previous similar findings and the interests of the college. While disciplinary history alone does not dictate findings and sanctions, such history and prior good faith reports of Discrimination or Sexual Misconduct, may be considered by the college to satisfy its obligation to identify potential misconduct patterns.

Imposition of remedial actions, protective measures, or sanctions. The college may impose the following actions, measures or sanctions on an interim or permanent basis:

- Verbal or written warning. In the discretion of the college, the warning will be noted in the employment record of the Respondent.
- No contact letter/directive
- Adjustment of work schedule
- Supervisor notification
- Adjustment of supervisory or reporting structure
- Referral to or provision of counseling (EAP, etc.)
- Referral to police and/or community services
- Sensitivity training and educational programming
- Paid or Unpaid leave
- Suspension or denial of use of the college services and facilities
- Dismissal from employment (for dismissal of faculty, see below)
- Any action the college deems responsive and appropriate

Failure to timely and fully comply with sanctions or remedial actions may constitute a separate violation of this Nondiscrimination Policy.

Suspension or dismissal of faculty. The college's decision to suspend or terminate a fulltime faculty member holding a continuous appointment or a probationary or term contract before its expiration is a recommendation only and triggers the procedures for dismissal for cause under Dismissal of Teaching Faculty Policies and Procedures (Faculty Handbook).

Faculty or Employee Resignation While Charges Pending. Should a faculty member or employee resign prior to a finding or acceptance of responsibility, the college will consider whether the process may nonetheless proceed in their absence to a reasonable resolution. The faculty member or employee will not be permitted to return to employment with the college unless the adjudication process is completed, and any sanctions have been satisfied.

Appeal Process

The parties may appeal the Notice of Outcome by submitting a written notice within two (2) days of its receipt. The first countable day of this two-day review period will be the business day following the day the Initial Report is electronically provided to the parties.

All protective measures or accommodations imposed or maintained by the Hearing Panel will be in effect during the appeal process. An appeal may be based on one of the following grounds:

- a) The existence of new facts that (i) were not available throughout the investigation process, and (ii) may have materially affected the Hearing Panel's decision if they had been available at the time of the investigation;
- b) Evidence that procedures set forth here (i) were not followed, and (ii) that the failure to follow these procedures may have materially affected the Hearing Panel's decision; and/or

No other issues may be included within an appeal.

The appeal must be timely received in-person or electronically by the Vice President for Equity and Inclusion or Title IX Coordinator.

- The Vice President for Equity and Inclusion or Title IX Coordinator will then review the written appeal to determine its timeliness and whether it raises one of the permissible grounds for appeal as set forth above.
- If the Vice President for Equity and Inclusion or Title IX Coordinator determines that the appeal is untimely or that it has not raised a permissible grounds for appeal as set forth above, the appeal will be rejected and the Notice of Outcome from the proceeding will be rendered final.
- If the appeal is timely and it has raised a permissible grounds for appeal, the president of the college shall review the appeal (to include the Final Investigative Report, Notice of Outcome and sanctions to be imposed), and, may review any documents or statements presented throughout the investigation and adjudication process.
- The President may accept, reject, or modify the finding and/or sanctions based upon one or more of the permissible grounds for appeal.
- The President or her designee will communicate her decision, in writing, to the Vice President for Equity and Inclusion or Title IX Coordinator, who will forward the decision to the Respondent and the Complainant.
- The appeal decision shall be final.

Resolution Time Frame. The college will strive to complete the Adjudication Process and issue a well-founded Notice of Outcome within 60 days of notice to the college of potential Discrimination or Sexual Misconduct, unless the Respondent has been suspended (see preceding paragraph) or the time period is extended by the consent of the Complainant and the Respondent or extenuating circumstances.

Documentation. The Director of People and Culture or designee is responsible for keeping a record of the entire formal complaint process, including all complaints, answers, written evidence, notes from hearings, other documentary evidence from the investigation and appeals processes, and documentation of remedial actions taken and any evidence concerning their effectiveness. This record shall be maintained in a confidential file in the Office of Human Resources and shall be available to managers and RPT committees for use as appropriate in making personnel decisions.

As required by law, Agnes Scott College Public Safety Department collects and annually reports statistical information concerning sexual misconduct that occurs within its Clery Act geography and jurisdiction.

Policy Revision

These policies and procedures will be reviewed and updated periodically by the appropriate college officials. The college reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The college may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, school closures, etc. The Vice President for Equity and Inclusion or Title IX Coordinator may also vary procedures materially with notice (on the college web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Policy Date

March 2023.

Appendix A: Resources Directory

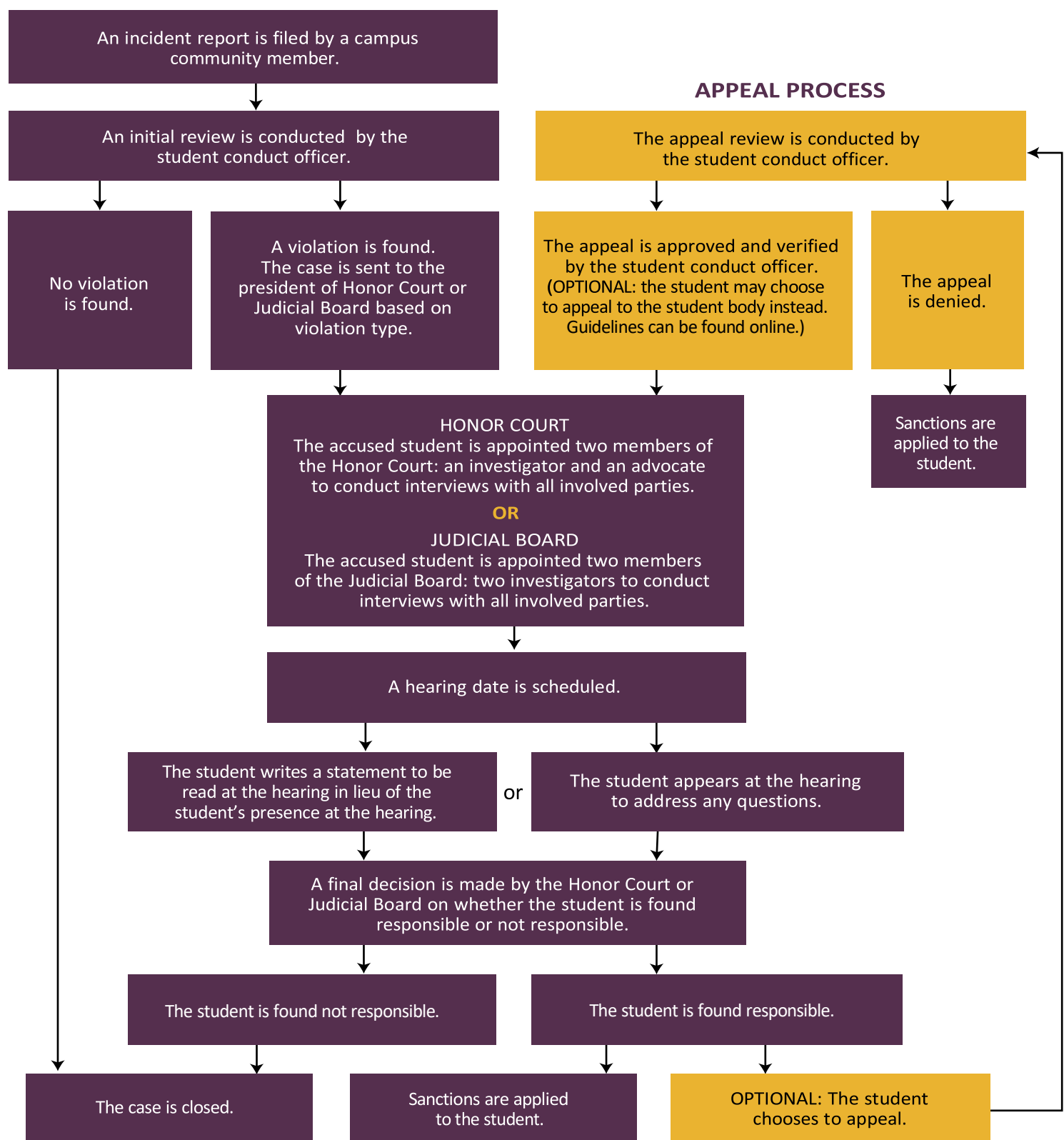
Agnes Scott College is committed to providing a safe and inclusive space for its community members. If you or someone you know may have experienced any sexual harassment or misconduct, please search

for immediate assistance. Remember you can always **dial 911** for the Agnes Scott Public Safety and/or the Decatur Police Department.

Campus Resources	Off-Campus Resources
<p>Agnes Scott Public Safety Open 24/7 for emergency Emergency: 404-471-6400 Monday – Friday, 8:30 am – 4:30 pm (non-emergency) Non-emergency: 404-471-6355 ascpolice@agnesscott.edu</p> <p><u>Confidential Resources</u></p> <p>Licensed psychologists, health care providers and the Agnes Scott College Chaplain are available for community members to report or discuss sexual misconduct with complete confidentiality. These licensed professionals will not discuss or report their discussions to the college without written consent.</p> <p>Wellness Center (licensed counselors and nurses) Non-emergency: 404-471-7100 Monday – Friday, 9:00 am – 4:30 pm (August 1st – May 31st)</p> <p>Chaplain Rev. Sarah Hooker (404)471-6437</p>	<p>Emory Decatur Hospital Open 24/7 404-501-1000 2701 North Decatur Road Decatur, GA 30030</p> <p>Day League/DeKalb Rape Crisis Center 24/7 Crisis Hotline: 404-377-1428 Office Line: 404-377-1429</p> <p>Emory University Hospital Open 24/7 404-712-7100 1364 Clifton Rd NE Atlanta, GA 30329</p> <p>Piedmont Urgent Care 404-327-8744 2700 Clairmont Road Atlanta, GA 30329 Monday – Thursday, 9:00 am – 8:00 pm Friday, 9:00 am – 7:00 pm Saturday – Sunday, 10:00 am – 6:00 pm</p> <p>Rape, Abuse & Incest National Network www.rainn.org (online anonymous support chat available) 800.656.HOPE (4673)</p>

Appendix B: Undergraduate and Graduate Conduct Process Flowcharts

UNDERGRADUATE HONOR COURT & JUDICIAL BOARD PROCESS



GRADUATE COUNCIL PROCESS

