

AGNES SCOTT COLLEGE SEXUAL MISCONDUCT (Non

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

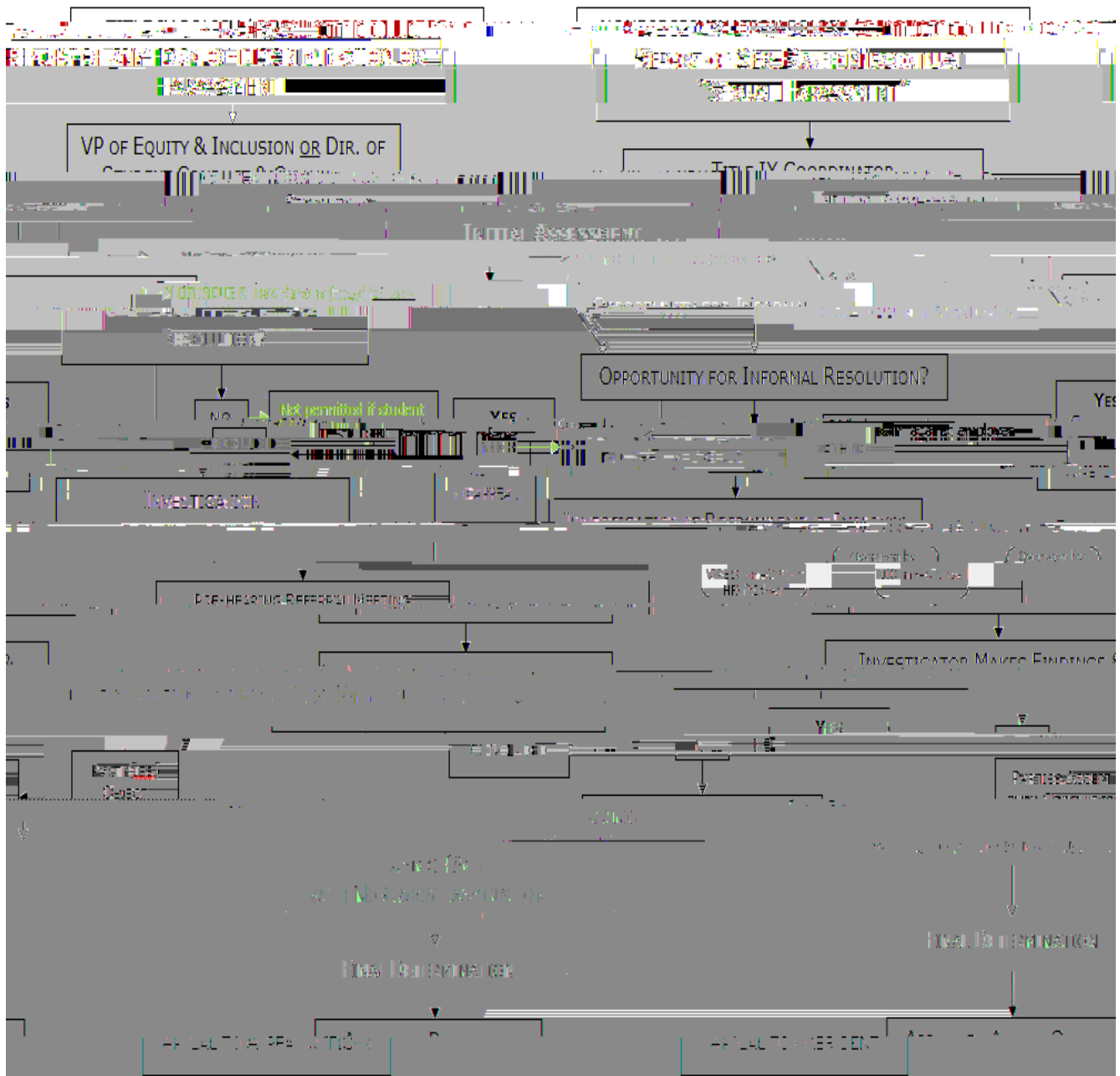
Claims against faculty or employees: All Discrimination and Sexual Misconduct adjudication procedures for faculty and employees are governed by this Nondiscrimination Policy.

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:

In general, the right column portion of the flowchart below, is intended to illustrate the process included in this Nondiscrimination Policy and



Statement of Privacy and Confidentiality

Agnes Scott College
 Discrimination or Sexual misconduct. The college will take all reasonable steps to investigate and request for confidentiality

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

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 Dis36.43 Tm0 g0 G[(wi)20(II)36()-29(be)4()-9

Policy Definitions

Adjudication

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.

Policy Process

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 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

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

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

without the knowledge or consent of all involved parties, and knowingly expo

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 c

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 identity of the reporter.

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 a violation of the policy.

or the Title IX Office as implicated by the allegations, t

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, 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 Pa

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 a

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

- 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

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.

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 individual, their conduct, the college's history of 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:

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

GRADUATE COUNCIL PROCESS

