

LaGrange College Sexual Misconduct Policy

Effective August 14, 2020

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Introduction

It is the policy of LaGrange College (“the College”) to maintain an environment for students, faculty, administrators, staff, volunteers, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College 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, non-consensual sexual contact, intimate partner 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 the foregoing conduct shall be referred to as “Prohibited Conduct.”

LaGrange College 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, a federal law that provides:

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.

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against LaGrange College community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment.

Upon receipt of a formal written complaint, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. Students or employees who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment (faculty or staff).

LaGrange College also prohibits other forms of discrimination and harassment addressed in the [Statement of Non-Discrimination](#).

Prior to the articulation of the Policy, it is important to note options for assistance following an incident of sexual violence. Whether or not an individual chooses to formally report an incident, **receiving immediate medical attention and/or counseling is vital to the individual’s overall health and wellness**. Likewise, seeking immediate medical attention is vital to preserve evidence if an investigation is to follow. More detailed information on resources is also available at the end of this Policy.

I. SCOPE OF POLICY

This Policy applies to all reports of Prohibited Conduct received on or after the effective date of this Policy (August 14, 2020).

When used in this Policy, “Complainant” refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment. “Respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A “Third-Party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

The process begins with a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. The process could begin with an anonymous complaint, however, the ability of the College to process this complaint could be compromised.

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 College.

Nothing in this Policy derogates the legal right of a parent or guardian acting on behalf of the Complainant, Respondent, or Third-Party, including, but not limited to filing a Formal Complaint.

A possible violation of the Sexual Misconduct Policy is handled through this process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent upon another.

A. Persons Covered

This Policy applies to all LaGrange College community members, including students, faculty, administrators, staff, volunteers and visitors.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

The College will provide supportive measures with or without a Formal Complaint.

B. Locations Covered

This Policy applies to the College's educational program or activity which includes locations, events, or circumstances over which the College exercises substantial control over both the Complainant and Respondent and the context in which the sexual harassment occurs.

This Policy applies to all on-campus conduct. The College strongly encourages reports of Prohibited Conduct. Even if the Policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community under applicable College policies.

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

College Programs. This Policy applies to conduct that occurs in the context of College employment or education programs or activities, including, but not limited to, internship programs, graduate assistantships, or athletic travel.

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 LaGrange College community on-campus or in any College employment or education program or activity.

II. PROHIBITED CONDUCT & DEFINITIONS

A. Sex or Gender-Based Discrimination

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, gender identity or gender expression.

B. Sexual Harassment:

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

- (1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct
- (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 College's education program or activity.
- (3) Sexual Assault (defined below); or Dating Violence (defined below); or Domestic Violence (defined below) or Stalking (defined below).

Sexual harassment *quid pro quo* occurs when a position of authority is used to threaten to impose a penalty or to withhold a benefit for sexual favors, whether or not the attempt is successful. Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. It should be noted that the potential of sexual harassment exists in any of the following relationships: student/student, employee/student, student/employee, and employee/employee. Here and subsequently, "employees" refers to faculty, staff, and administration. Because of the inherent differential in power between College employees and students, sexual relationships between employees and students are prohibited.

A hostile, demeaning, or intimidating environment exists when sexual harassment is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity. A hostile environment can be created by anyone involved in a College's program or activities (*e.g.*, administrators, faculty members, staff members, campus visitors).

Explicit behaviors constituting sexual harassment include but are not limited to requests for sexual favors, physical assaults of a sexual nature, sexually offensive remarks, and rubbing, touching or brushing against another's body. More subtle behaviors may be experienced as intimidating or offensive, particularly when they recur, or one person has authority over another. Such behaviors may include but are not limited to unwelcome hugs or touching, inappropriate staring, veiled suggestions of sexual activity, requests for meetings in non-academic settings, and risqué jokes, stories or images.

These behaviors may range from the most egregious forms, such as sexual violence, to more subtle forms. The College defines acts of sexual violence as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the individual's age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent; For full definition of consent, please refer to Section II. C).

C. Additional Definitions:

Complainant. Complainant refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment

Coercion. Coercion is inappropriate pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When a person makes clear that they do not want sex, wants to stop, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive.

Consent. Consent is a clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Instead, consent is affirmatively given. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment. In Georgia, minors under the age of 16 years of are generally unable to provide consent, with narrow exceptions. See Georgia Code Ann. Section 16-6-3, Statutory Rape. The College recognizes the following aspects regarding **consent**:

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

Dating violence. 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. [34 USC 12291(a)(10)]

Domestic violence. 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. [34 U.S.C. 12291(a)(8)]

Formal complaint. A formal complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that LaGrange College 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 LaGrange College with which the formal complaint is filed.

Gender identity: A person's deeply felt internal sense of being male or female, regardless of their sex assigned at birth.

Gender expression: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Incapacitation. Incapacity can result from mental disability, sleep, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/or other drugs. An incapacitated person does not have the ability to give knowing consent. Sexual activity with a person who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated, constitutes a violation of this Policy. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol and/or drugs on another's ability to give consent (see full definition of "consent" above).

Retaliation: No 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.

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 policy does not constitute retaliation prohibited, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Reasonable Person. Reasonable person refers to an ordinary person who exercises care while avoiding extremes of boldness and carefulness (Replevin, Black's Law Dictionary, 10th ed. 2014).

Respondent. Respondent refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Sexual Assault. "Sexual Assault" means an offense classified as a forcible or nonforcible 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).

CRIME DEFINITIONS FROM THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) USER MANUAL FROM THE FBI'S UCR PROGRAM

Sex Offenses

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. Rape - The carnal knowledge of a person, 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 or physical incapacity.
- D. Sexual Assault with an Object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.
- E. Sodomy - Oral or anal sexual intercourse with another person, 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 or physical incapacity.
- F. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

Stalking. 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. [34 USC 12291(a)(30)]

Student. The term student means any person pursuing academic studies at the College; this includes: (a) a person not currently enrolled but who was enrolled in the fall, spring, or summer terms preceding the alleged violation; (b) a person who, while not currently enrolled, was previously enrolled at LaGrange College and who is reasonably anticipated to seek enrollment at a future date; (c) a person who has applied to or been accepted for admission to LaGrange College and has accepted an offer of admission or may reasonably be expected to enroll; or (d) a person enrolled in a LaGrange College program on a credit or non-credit basis.

III. CONFIDENTIALITY

The College encourages individuals who have experienced what they believe could constitute sexual harassment to speak with someone about what happened so that support can be offered, and the College can respond appropriately. Different individuals associated with the College have different abilities to maintain confidentiality in this area.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “**privileged communication.**”

- Some employees are required to report all the details of an incident (including the identities of both the reporting party and responding party to the Title IX Coordinator. A report to these employees (called “Responsible Employees”) constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation. Additionally, officials with authority to implement corrective measures (Title IX Coordinator and Deputy Title IX Coordinators) must report to the Title IX Coordinator.
- It is also possible to report to a third-party counselor or advocate off campus who may maintain confidentiality and only inform the school that an incident has occurred. As reporting requirements vary, it is important to discuss confidentiality with the third party prior to speaking with that individual.

This Policy is intended to make individuals aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn if an incident occurs. The College encourages individuals to talk to someone identified in one or more of these groups. The options include:

A. Privileged and Confidential Communications

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a Complainant’s permission. Following is the contact information for these on-campus individuals:

1. **Pamela Tremblay**, Ed.S., LPC - Director of the Counseling Center (706-880-8313; ptremblay@lagrange.edu) – for students.
2. **Brandi Cameron**, Ed.S., LPC – Counselor, Counseling Center (706-880-8177; bncameron@lagrange.edu) – for students.
3. **Rev. Adam Roberts** – Chaplain and Director of Spiritual Life (706-880-8004; aroberts@lagrange.edu) – for students and employees.

While these professional and non-professional counselors and advocates may maintain a Complainant’s confidentiality vis-à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.

If the College determines that the responding party poses a serious and immediate threat to the College community, Campus Security, the President, or Dean of Students may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Complainant.

B. Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond

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

If the College honors the request for confidentiality, an individual must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the responding party may be limited.

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

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

- **Karen Pruett**, Associate Dean of Student Development & Title IX Coordinator (706-880-8997; kpruett@lagrange.edu)

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

- The increased risk that the responding party will commit additional acts of sexual or other violence, such as:
 - Whether there have been other sexual harassment or sexual violence complaints about the same responding party;
 - Whether the responding party has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the responding party threatened further sexual violence or other violence against the Complainant or others;
 - Whether the sexual harassment or sexual violence was committed by multiple responding parties;
- Whether the sexual harassment or sexual violence was perpetrated with a weapon;
- Whether the Complainant is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual harassment or sexual violence (e.g., security cameras or personnel, physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

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

The College will remain ever mindful of the Complainant's well-being and will take ongoing steps to protect the Complainant from retaliation or harm and work with the Complainant to create a safety plan. Retaliation against the reporting individual, whether by students or College employees, will not be tolerated. The College will provide supportive measures as described in Section VI of this policy.

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

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

IV. TITLE IX COORDINATOR, DEPUTY COORDINATORS, & RESPONSIBLE EMPLOYEES

A. LaGrange College has designated the following Title IX Coordinator and Deputy Coordinators:

Karen Pruett: Title IX Coordinator; 706-880-8997, kpruett@lagrange.edu

Ryan Cook: Title IX Deputy Coordinator; 706-880-8112, rcook2@lagrange.edu

Lucinda Muncy: Title IX Deputy Coordinator; 706-880-8277; lmuncy@lagrange.edu

Brian Carlisle: Appeal Officer; 706-880-8976, bcarlisl@lagrange.edu

LaGrange College's Title IX Coordinator oversees college compliance regarding all Title IX related matters, including the investigation of complaints. Responsibilities include, but are not limited to, the following:

- Ensuring Title IX compliance
- Overseeing Deputy Coordinators
- Assessing initial intake reports
- Understanding college policies and procedures
- Providing information about resources available to both the Complainant and Respondent
- Assigning appropriate investigators to individual cases
- Identifying the appropriate college Policy to resolve the complaint in a prompt and equitable manner
- Tracking and monitoring incidents of sex discrimination and sexual misconduct
- Providing information on options for complaint resolution
- Coordinating education and prevention efforts
- Providing information to the Clery Act administrator regarding Clery Act reportable crimes

LaGrange College's Deputy Coordinators are trained to receive initial intake and, if designated by the Title IX Coordinator, investigate complaints. Deputy Coordinator responsibilities include the following:

- Supporting and assisting the Title IX Coordinator
- Understanding college policies and procedures

- Providing information about resources available to both the Complainant and Respondent
- Hearing and/or receiving initial intake (fact-gathering)
- Reporting intake reports to Title IX Coordinator for assessment
- Investigating complaints (if designated by the Titles IX Coordinator)
- Providing information to the Clery Act administrator regarding Clery Act reportable crimes

B. Responsible Employees

The College has Responsible Employees who are required to share reports of allegations of Prohibited Conduct with the Title IX Coordinator or a Title IX Deputy Coordinator. A “Responsible Employee” includes any employee who

- Has the authority to take action to redress the harassment
- Has the duty of report to appropriate College official sexual harassment or any other misconduct by students or employees
- An individual could reasonably believe has the authority or responsibility to take action. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College.

A responsible employee, excluding confidential resources, must report to the Title IX Coordinator all relevant details about the alleged sexual harassment or sexual violence shared by the individual and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

All College employees who do not have legally protected confidentiality are considered Responsible Employees.

V. REPORTING

The College 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 College also strongly encourages all individuals or third-party witnesses to report any incident to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

In order for the process to begin, the College must have actual knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the recipient. Making a report means telling the Title IX Coordinator, Title IX Deputy Coordinators, or Responsible Employee what happened—in person, by telephone, in writing, or by email. 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 College provides support that can assist Complainants in making these important decisions and will respect a Complainant's autonomy in deciding how to proceed to the extent possible. In this process, the College will balance the Complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will investigate and resolve all formal complaints of Prohibited Conduct in a fair and impartial manner. The Parties will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the Parties, or the broader campus community and will take steps necessary to address those risks. These steps may include supportive measures and/or emergency removal of the respondent to provide for the safety of the Complainant and the campus community.

A. Emergency and External Reporting Options

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct. The College will help any LaGrange College community member to get to a safe place and will arrange transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

The College has Campus Security (Securitas) on duty twenty-four (24) hours a day. You may report crimes or other emergencies by calling:

Emergency Assistance:	911
LaGrange Police	706-883-2603
Campus Security (Securitas):	706-880-8911

If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice. Additional assistance is available through the following:

Confidential Report – LaGrange College Counseling Center 706-880-8013

Confidential Report – LaGrange College Chaplain & Director of Spiritual Life 706-880-8004

Harmony House (LaGrange, GA): 24/7 hotline 706-885-1525 / General 706-882-4173

Sexual Assault Support Center, Inc. (Columbus, GA): Crisis line 706-572-6010 / General 706-221-1033

West GA Rape Crisis Center (Carrollton, GA): Crisis line 770-834-7273 / General 770-834-8905

National Domestic Violence Hotline: 1-800-799-7233 (SAFE)

Domestic Abuse Helpline for Men & Women: 888-7HELPLINE (888-743-5754)

B. Campus Reporting Options

The College recommends that individuals report Prohibited Conduct to an Official with Authority or Responsible Employee or any of the following offices or individuals:

Campus Safety)
Ext 8911, Turner Hall
security@lagrange.edu

Karen Pruett, Associate Dean of Student Development, Title IX Coordinator
Ext 8997
kpruett@lagrange.edu

Ryan Cook, Associate Dean of Campus Life, Title IX Deputy Coordinator
Ext 8112
rcook2@lagrange.edu

Lucinda Muncy, Human Resources Director, Title IX Deputy Coordinator
Ext 8277
lmuncy@lagrange.edu

The College reserves the right to grant amnesty from drug, alcohol, or other violations of the Social Code for parties reporting allegations under this Policy (i.e., if alcohol was involved in the incident, the reporting party would not then be charged with an alcohol infraction). Decisions regarding amnesty under the Policy will be made by the Title IX Coordinator.

Cases of sexual violence may also be reported to the LaGrange Police Department; the College's Title IX Coordinator can assist individuals with contacting the Police Department. If an incident is criminal in nature, the College may be mandated to share certain information with law enforcement.

C. Anonymous Reporting

Although the College encourages victims to talk to someone, the College provides an alternative option for anonymous reporting. Campus Conduct Hotline , 866-943-5787, is a confidential, independent call-in service that provides all college community members a simple and anonymous way to report any incident.

VI. SUPPORTIVE MEASURES

Upon receipt of a report of alleged Prohibited Conduct, the College will provide reasonable and appropriate supportive measures designed to eliminate any existing hostile environment and protect all Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be implemented regardless of whether formal disciplinary action is sought by the Complainant or the College, and regardless of whether a crime is reported to Campus Safety or local law

enforcement. 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 College's education program or activity without unreasonably burdening Complainant and Respondent, including measures designed to protect the safety of all Parties or the College's educational environment, or deter sexual harassment. Supportive measures may include no-contact directives, changes in class or work schedules, changes in College-owned living arrangements, or any other supportive measures that the College deems appropriate. Likewise, the College may work with a reporting student to provide access to on-campus counseling services, provide information regarding off-campus services, increased security monitoring, additional academic support or even withdrawal from class (or classes) without penalty.

The College will maintain the privacy of any supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the supportive measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Employees are encouraged to utilize the College Chaplain or their health insurance to identify counselors in their community.

Emergency Removal

Nothing in this Policy precludes the College from removing a Respondent from the College's education program or activity on an emergency basis, provided that the College 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 College 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.

VII. PREVENTION, AWARENESS PROGRAMS AND TRAINING

LaGrange College is committed to preventing sexual harassment. To that end, this Policy and these procedures will be printed in appropriate College publications. In addition, educational programs will be conducted annually by the College to (1) inform students, faculty, staff and administration about identifying sexual harassment and the problems it causes; (2) advise members of the College community about their rights and responsibilities under this Policy; (3) train personnel in the administration of this

Policy. The Sexual Misconduct Policy and Procedures will be issued to all incoming students and personnel.

VIII. RESOLUTION OF GRIEVANCE

The Title IX Team (Coordinator and/or Deputies) will coordinate resolution of all allegations of Prohibited Conduct defined in the Sexual Misconduct Policy using the procedures in this section. Prohibited Conduct (e.g., discrimination, harassment, retaliation) based on protected status other than sex (e.g., race, color, age, disability, other classification protected by federal or state law) is prohibited by other College policies. In the event of such complaints, the College will identify, based upon the allegation, the appropriate office to coordinate resolution of the report.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All investigations will be conducted in a timely and impartial manner. The Parties will be informed of the projected timeline for conclusion of the process. There may be temporary delays of the process and limited extensions of time frame for good cause. Parties must submit any request for an extension to the Title IX Coordinator in writing. The Parties will be provided written notice of the delay and reasons for such delay.

If the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in this Policy even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College must dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under this Policy. However, such a dismissal does not preclude action under another provision of the College's Social Code.

The College may dismiss the Formal Complaint or any allegations therein, 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 or any allegations therein; the Respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon dismissal of the Formal Complaint either required or permitted, the College will promptly send written notice of the dismissal and reasons for the dismissal simultaneously to each Party.

The College 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.

A. Intake Meeting

Upon receipt of a report of alleged Prohibited Conduct, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes

with respect to supportive measures, and explain the Complainant the process for filing a Formal Complaint.

The Title IX Team will conduct an Intake Meeting with the Complainant as soon as possible. At that meeting, the Coordinator or Deputy 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 confidential and non-confidential reporting options on and off campus
- Provide the Complainant 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 Complainant regardless of whether the Complainant files a formal complaint with the College, Campus Security or local law enforcement
- Provide an overview of the procedural options and process, including the filing of a Formal Complaint, Informal Resolution and Formal Resolution. This overview should include explanation that the Complainant and 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 Complainant to prepare to participate.
- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Coordinator or Investigators based on bias or conflict of interest within 2 business days of a decision to proceed through the process
- Explain the right to a timely investigation and resolution
- Explain the right to inspect and review evidence
- Explain that the Complainant has a right to an Advisor of their choice during the process
- Explain the College's policy on retaliation
- Provide notice of any provision in the College's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Explain the right to appeal
- Provide statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

At the Intake Meeting, the Coordinator or Deputy Coordinator will provide the Complainant with the above-listed information in writing. If the initial Intake Meeting is conducted by a Deputy Coordinator, the meeting report will be submitted to the Coordinator for consideration. As described in the Sexual Misconduct Policy, the Complainant has the right to request that the Title IX office not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX office take no formal action in response to the report. If the Complainant makes such a request, the Coordinator will balance the request with the dual obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental

fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent.

Absent a request for confidentiality as described above, the Coordinator or Deputy 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 (i.e., the who, what, where, and when) to appropriately assess how to proceed. At the conclusion of the Intake Meeting, and if the Complainant wishes to move forward with a formal complaint, the Coordinator and Deputies will decide:

- Does the Complainant's report state facts that, if true, could constitute a violation of the College's Sexual Misconduct Policy?
 - If yes, the College must proceed with the process.

B. Notice of Charges

The College will provide written notice to the Complainant and 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. Additionally, the following must be provided in writing to the Parties:

- Notify the Parties 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 Parties of confidential and non-confidential reporting options on and off campus
- Provide the Parties 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
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview should include explanation that the Parties 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 Parties to prepare to participate.
- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Coordinator or Investigators based on bias or conflict of interest within 2 business days of a decision to proceed through the process
- Explain the right to a timely investigation and resolution
- Explain the right to inspect and review evidence
- Explain that the Parties have a right to an Advisor of their choice during the process
- Explain the College's policy on retaliation
- Provide notice of any provision in the College's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Explain the right to appeal
- Provide statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

The Complainant and the Respondent are each permitted to select an Advisor to accompany his/her during any investigative meeting, pre-hearing conference and/or at any time following the filing of a formal 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. Their role is to support the Complainant or the Respondent and, as such, are not permitted to speak in investigative meetings. However, during a live hearing, Advisors are permitted to cross examine the parties and witnesses. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other does not, or cannot afford an attorney, the College is not obligated to provide one.

Role of the Advisor of Choice

Both the Respondent and Complainant have the right to have an Advisor of choice. It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator and Deputy Coordinators will not discuss the case with any Advisor. The Advisor may:

- attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant Respondent;
- may 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;
- may be a member of the College community, but is not required to be. May be an attorney, but, is not required to be;
- during meetings with Investigators and the Title IX Team, Advisors may not represent the Complainant or Respondent; Parties are expected to respond to questions from investigators and the Title IX team directly;
- during a live hearing, advisors may cross-examine the Parties and the Parties witnesses.

C. Investigation

After the Notice of Charges has been provided to the Parties, the Title IX Coordinator or Deputy will select a trained internal or external investigator or a two-person investigative team to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Coordinator will select an Investigator 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 Coordinator will notify the Complainant and Respondent, in writing, of the name of the designated Investigator(s). The Parties will have 2 business days to object to the Investigator’s selection on the basis of bias or conflict of interest. If the Complainant or Respondent objects, the Coordinator will evaluate whether the objection is substantiated. The Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either party.

The Investigator will contact both Parties with a request to meet within 3 business days. The Investigator will continue the investigation once the 3 business days has expired, or sooner if both Parties respond. The Investigator, in consultation with the Coordinator, will establish an expected, reasonable timeframe for the Investigation process and notify the Parties of any delays.

The Investigator will interview both Parties and relevant witnesses and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview (“Interview Summary”). The College does not restrict the ability of either the Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator(s) will review the documentation from the preliminary investigation and will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the Parties. The Investigator 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 the “preponderance of the evidence,” (i.e., that it is more likely than not that the factual finding is true). The Investigator will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College’s policies. The Investigator will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the College 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. The College 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 College obtains that Party’s voluntary, written consent to this evidence. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the following procedures:

- The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during the Preliminary Investigation. 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.

i. Notice of Preliminary Report and Response

Once the Coordinator has agreed that the Investigation is complete, the Coordinator will provide the Preliminary Report to the Parties for review, as soon as possible after receipt of the Preliminary Report from the Investigator.

The Parties may respond to the Preliminary Report; the Parties will submit any response within 10 calendar days of being notified of their opportunity to review the report. 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:
 - a. Request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses
 - b. Request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request (e.g., new witnesses).

If neither of the Parties requests additional investigation, the Investigator will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator will review the request(s) in consultation with the Coordinator. The Investigator will conduct the requested additional investigation if the Coordinator determines that the request(s) will assist the Investigator in completing the investigation.

If the Investigator conducts additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”). The Investigator will submit the Addendum to the Coordinator. The Coordinator may require the Investigator to conduct additional investigation before the Addendum is complete. Once the Coordinator has agreed that the Addendum is complete, the Coordinator will provide the Addendum to the Parties.

ii. Final Report

Once the investigation is complete, the Investigator will prepare a Final Report. The Final Report, if different from the Preliminary Report, will have attached as exhibits the testimonial and documentary evidence from the Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding. Once the Investigator is 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 the Party’s Advisor, if any, a copy of the Final Report in an electronic format or hard copy, for their review and response.

No earlier than 10 calendar days after sending the Final Report, the Coordinator will meet with the Complainant and Respondent individually. Using the Final Report, the Title IX Coordinator, and Deputy Coordinators will determine and notify the Complainant in writing as to whether the College should proceed through Formal or Informal Resolution using the following guidelines:

1. Any Formal Complaint that alleges sexual misconduct, including sexual assault and nonconsensual sexual contact, or other forms of physical violence can proceed through the informal resolution process.
2. Complaints involving allegations that an employee sexually harassed a student are not permitted to proceed through an Informal Resolution process.
3. Some complaints that allege harassment may be appropriate for informal resolution. If the 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 to pursue resolution of the complaint informally. Any resolution reached through Informal Resolution will be confirmed in writing and provided to the Parties as soon as possible after reaching a resolution. If either party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through Formal Resolution.

D. Informal Resolution

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. 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.

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 discuss the Final Report with the Coordinator.

If the parties involved in the Informal Resolution process fail to reach a mutually agreeable outcome for the alleged conduct, the allegation will be resolved via a live Hearing. In that event, the Title IX Coordinator will so notify the Parties in writing and will describe next steps and timeframes for the Hearing.

Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time.

IX. HEARING AND APPEAL

A. Hearing (Hearing Panel)

If the Parties desire a live hearing, the Coordinator will set the date and time of the hearing, appoint a hearing panel consisting of three (3) trained hearing panelists and notify the Parties of the hearing date and option to call witnesses to the proceeding. One (1) panelist will serve as the panel chair and is responsible for maintaining order during the hearing panel proceeding. The hearing panel will ultimately make the determination by majority opinion as to whether or not, by the preponderance of the evidence the Respondent is responsible for the alleged Sexual Misconduct Policy violation.

The hearing will be recorded. The hearing will be live, but, may be conducted with all parties physically in the same geographical location or, at the College's discretion or request of either Party, , 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. The Parties have the right 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. However, the Parties may not cross-examine each other. The Advisor for both Parties 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. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Chair of the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an Advisor present at the live hearing, the College will provide without fee or charge to that party, an Advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. 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.

If a party or witness does not submit to cross-examination at the live hearing, the hearing panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Hearing Panel Determination

A written determination is required to be submitted by the hearing panel to the Title IX Coordinator, who will meet with the Respondent and Complainant separately to deliver the written determination. The written determination must include: (a) Identification of the allegations potentially constituting sexual harassment, (b) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, (c) Findings of fact supporting the determination, (d) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant, (e) the College appeal process.

Possible sanctions which may be assigned by the Hearing Panel after a finding of Responsibility are those articulated in the Social Code of the LaGrange College Student Handbook for students. This list is not exhaustive and may be modified to meet the particular circumstances of any given case:

Students

1. Expulsion - Permanent severance of the student's relationship with the College. This severance includes being barred from campus.
2. Disciplinary Suspension - Temporary severance of the student's relationship with the College for a specified period of time.

3. Limited Suspension - A student may be denied certain privileges for a specified period of time. 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.
4. Disciplinary Probation - Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or both of the following: the setting of restrictions or the issuing of a reprimand.
5. Reprimand (either oral or written.)
6. Counseling - The committee may request that a student meet a specified number of counseling sessions with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances.
7. Community Service - A specified number of hours of work to be performed by the student. The work will be determined and supervised by the Vice President and Dean of Students or a designee.

Employees

Employee discipline may include, but is not limited to, suspension with or without pay, written reprimand, termination, and/or loss of privileges. Employees are encouraged to review their respective handbook for more information on disciplinary actions.

If either Party objects to the decision on the findings and/or the sanctions and request a live hearing, the Coordinator will schedule a hearing on the case.

B. Appeal (Appeal Officer)

Both Parties may appeal a determination made by the Hearing Panel. If the Respondent or the Complainant chooses to appeal either the Sanctions or the hearing panel's decision, they may do so by submitting a written appeal statement to the Title IX Coordinator within 3 business days of the date the hearing report is sent to the parties. The Title IX Compliance Officer serves as the Appeal Officer. The three grounds for appeal are:

- (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 Hearing Panel member(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.

The appeal statement must identify the ground(s) for appeal. Note that an appeal is not a re-hearing of the case.

If the Appeal Officer determines that a ground of appeal is substantiated, the Appeal Officer will return the case to the Coordinator. When a case is returned to the Coordinator, the Coordinator may decide to dismiss 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, send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. A different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result. If the Appeal Officer finds the appeal is not substantiated, the decision of the hearing panel stands.

X. Recordkeeping

LaGrange College shall maintain for a period of seven years records of— (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to LaGrange College’s education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. LaGrange College shall make these training materials publicly available on its website.

LaGrange College shall create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, LaGrange College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to LaGrange College’s education program or activity. If LaGrange College does not provide a complainant with Supportive Measures, then LaGrange College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit LaGrange College in the future from providing additional explanations or detailing additional measures taken.