

Title IX

Contact Coordinator

Any student, faculty, or staff member who has concerns about gender discrimination, including any concerns pertaining to sexual violence, is encouraged to contact Emmanuel's Title IX Coordinator.

Emmanuel's Title IX Coordinator provides information, guidance, and other resources to address sexual violence and gender discrimination. A Title IX Coordinator can discuss a community member's general concerns, respond to a report of sexual violence, or answer questions about the disciplinary process for sexual violence.

Emmanuel also designates one other individual to assist/support the Title IX coordinator in his/her work to fulfill compliance efforts. That designee is listed below.

Any one of the following individuals can be chosen to discuss any concerns or to create a report. You may also choose to speak to a confidential resource.

Title IX Coordinator

Dr. Kirk McConnell, kmccconnell@ec.edu or 706.498.4719

Associate Vice President, University Operations

University Operations Building

FOR FACULTY/STAFF

Joann Harper, Title IX, Deputy Coordinator

Director of Human Resources

Jharper@ec.edu

Aaron Building 2nd Floor

When to Contact a Coordinator

Emmanuel encourages any student, faculty, or staff member who has concerns about sex discrimination or sexual violence to seek the assistance of a Title IX coordinator.

Applicants for admission are also encouraged to contact our coordinators in the event they have additional questions.

Reasons to contact a Title IX Coordinator:

- You may have encountered sex discrimination or sexual violence.
- You learn of a situation that you feel may warrant an investigation.
- You need assistance on how to handle a situation by which you are indirectly affected.
- You are seeking guidance on possible informal remedies or administrative measures to de-escalate or alleviate a difficult situation.

- You have questions about Emmanuel's policies and procedures. Title IX Coordinators can also facilitate a report under the Sexual Misconduct Policy or assist in contacting the Franklin Springs Police Department. **DOWNLOAD THE EMMANUEL TITLE IX PROCESS**

Legal Compliance

This policy is intended to comply with the following laws:

- Title IX of the Education Amendments of 1972
- The Violence Against Women Reauthorization Act of 2013
- The Federal Education Rights and Privacy Act
- The 2020 Title IX Regulations

Application of Policy

A person who commits sexual harassment will be subject to disciplinary action under this Policy. Emmanuel will consider the concerns and rights of all parties involved, and provide a prompt, fair, and impartial process from its initial investigation through its final determination. A person who engages in retaliation against a party who reports sexual harassment or participates in proceedings under this Policy will also be subject to discipline under this Policy.

Definitions

SEXUAL HARASSMENT

Conduct that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct. (Quid Pro Quo).
- 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 recipient's educational program or activity. (Hostile Environment)
- Sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act.

CONSENT

Affirmative words or conduct indicating the freely, willingly, and knowingly given agreement to have specific sexual contact. A person cannot consent if incapacitated by drugs or alcohol, coerced into submission, unconscious, or otherwise physically or mentally incapacitated. Consent to one form of sexual contact does not imply consent to other forms. An existing relationship, past relationship, or prior consent does not imply consent to future sexual contact.

SEXUAL ASSAULT

Sexual contact with another person, without that person's consent. A person's use of alcohol or drugs is not a defense to a sexual assault.

DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the persons involved in the relationship. For this definition, dating violence:

Includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- 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 in which the crime of violence occurred.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.

COMPLAINANT

An individual who has experienced sexual harassment.

RESPONDENT

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

REPORT

Information regarding an incident of sexual harassment that is shared with an employee.

RETALIATION

Intimidation, threats, coercion, harassment, discrimination, or violence against a person for reporting an incident of sexual harassment, filing a written complaint, or participating in a Title IX proceeding.

Reporting

Emmanuel's primary concern is student safety. Any person who reports an incident of sexual harassment will not be subject to discipline for reasonable violations of Emmanuel's Community Code related to reports of sexual harassment made in good faith.

Reporting helps Emmanuel protect community members who might be at risk and allows Emmanuel to take steps to prevent the recurrence of sexual harassment.

Community members who believe that they or any other community member have experienced sexual harassment are strongly encouraged to make a report to a **Title IX Coordinator**. Community members can also report an incident of sexual harassment to the Student Life Office, Emmanuel Public Safety, Residence Life staff, or to a Emmanuel faculty or staff member.

Community members can contact Emmanuel Public Safety or Residence Life professional staff to make a report outside of normal business hours.

In an emergency, community members should contact Campus Public Safety at 470.945.0696 or the police at 911.

Individuals who experience sexual harassment often need time and space to process what happened. The following confidential resources are available to community members who do not know how they want to proceed and who would like to speak to someone in confidence:

- Campus Pastor, Chris Maxwell - cmaxwell@ec.edu
- All Emmanuel faculty and staff must promptly forward any reasonable suspicion of sexual harassment to the Title IX Coordinator and forward any reports of sexual harassment to a Title IX Coordinator. In addition, Emmanuel faculty and staff must, if safe to do so, intervene or stop any sexual harassment that they observe.

Upon receiving a report of an incident of sexual misconduct, Emmanuel will follow these procedures:

- Either a Residence Life or any other faculty or staff member will contact the complainant, ensure their current environment is safe, address any immediate health or medical concerns, and forward the report to the Title IX Coordinator.
- As soon as possible, the Title IX Coordinator will contact the complainant to discuss the incident of sexual harassment and obtain additional information about that incident.
- The Title IX Coordinator will also:

- Inform the complainant that they can report the incident of sexual harassment to local law enforcement authorities, receive the coordinator's assistance in making such a report, or decline to make such a report.
- Inform the complainant that they have the choice to file a formal complaint and pursue a sexual harassment proceeding under this Policy, and that such a proceeding will occur independently of any criminal investigation and proceeding.
- Provide written information about the importance of preserving evidence of an incident of sexual harassment.
- Provide written information about supportive measures available to the complainant.

Supportive Measures

Emmanuel is committed to protecting complainants from the time an incident is reported through its resolution. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and are not unreasonably burdensome to the other party while designed to ensure equal educational access, protect the safety, and deter sexual harassment.

Emmanuel offers the following protective measures:

- No Contact Order — Parties involved in a report may not contact each other.
- Class Reassignment — If parties share a course, alternative arrangements will be made for one party.
- Facility Bans — The respondent and complainant may not enter certain areas of campus when/where the other party resides or is employed.
- Counseling through Emmanuel's Counseling Center
- Academic support through the Dean of Students Office
- Academic accommodations through the ADA Office
- Other — In addition to the protective measures listed above, Emmanuel will consider any other reasonable requests from the complainant for protective measures.

Confidentiality

Emmanuel is committed to maintaining the privacy of everyone involved in a report of sexual violence. In every investigation, hearing, and appeal, Emmanuel will make every effort to protect the privacy of the parties while balancing the need to investigate the alleged sexual violence. Such balancing is essential to protecting the victim, the accused, and the community and to maintaining an environment free from sexual violence.

Information related to a report of sexual violence will be shared only with those Emmanuel employees who are involved with the investigation, hearing, or appeal. All Emmanuel employees who are involved in these processes have received training regarding the safeguarding of private information. Emmanuel will not release information about an investigation, hearing, or appeal except as required or permitted by law or Emmanuel policy.

More details on the confidentiality of the victim and the accused can be found in the Sexual Misconduct Policy.

Confidential On-Campus Resources

You may speak confidentially to the following people about your experiences or concerns regarding sexual misconduct. These individuals are under no obligation to share their personal information with the Title IX Coordinators or the Office of Student Life. A Title IX response will not be prompted if you speak with a confidential resource.

Office of Spiritual Life

Pastor, Chris Maxwell

cmaxwell@ec.edu

School of Christian Ministries

TITLE IX PROCEDURE

Emmanuel will use this procedure to investigate every formal complaint. If the formal complaint identifies an employee as the respondent, Emmanuel will follow the procedures in Emmanuel's Faculty Handbook or Employee Handbook, which are analogous to this procedure. Emmanuel will follow this procedure as closely as possible, being mindful that circumstances may limit its ability to investigate, conduct a hearing, and levy sanctions.

Procedural Definitions

Report

Information provided about possible sexual harassment.

Formal Complaint

A written accusation of sexual harassment provided to the Title IX Coordinator or deputy that will trigger a formal investigation in this process. A formal complaint must be signed by the complainant or Title IX representative.

Complainant

An individual who has experienced sexual harassment.

Respondent

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

Preponderance of Evidence

Under the preponderance standard, the burden of proof is met when the party with the burden convinces the decision-makers that there is a greater than 50 percent chance that the claim is true.

Hearing Panelists

Emmanuel faculty and staff members who serve on hearing and appeals panels. Hearing panelists will receive annual training on the definition of sexual harassment, the scope of Emmanuel's educational programs and activities, how to conduct an investigation and grievance process, how to serve impartially, and on technology used during hearings. Faculty members are

appointed by the Office of the Provost, and staff members are appointed by the Director of Human Resources.

Hearing Panel

Three hearing panelists who conduct the hearing on and decide the outcome of a formal complaint, including any sanctions against the respondent. Every hearing panel will have a chairperson who presides over the process. Every hearing panel will have at least one faculty member and one staff member. If possible, every hearing panel will have at least one male and one female member. If, because of bias or a conflict of interest, a hearing panelist cannot participate in a hearing panel, another hearing panelist will take their place.

Appeals Panel

Three hearing panelists who review appeals from a hearing panel's decision on a formal complaint. Every appeals panel will have a chairperson who presides over the process. Every appeals panel will have at least one faculty member and one staff member. If possible, every appeals panel will have at least one male and one female member. Hearing panelists who served on the hearing panel for a written complaint will not serve on the appeals panel for the same written complaint. If, because of bias or a conflict of interest, a hearing panelist cannot participate in an appeals panel, another hearing panelist will take their place.

Title IX Advisor

Both the complainant and the respondent may choose one advisor who may accompany them to any meetings, hearings, and appeals in the process. A Title IX advisor is only for a party's emotional support when filing a formal complaint and through the investigation process. An advisor may not communicate with or speak on behalf of the complainant or respondent with the Title IX representative or the investigators. At the hearing, the party's advisor will ask the other party and any witnesses all relevant questions and follow up questions, including those challenging credibility. If a party does not have an advisor, one will be assigned with no fee for the live hearing.

Investigator

Emmanuel employees who investigate formal complaints of sexual harassment. If, because of bias or a conflict of interest, a party can request a different investigator at the notice of formal complaint. Contact information for the Dean of Students Office/Student Affairs is listed in the Resources section of this Policy. Anyone who acts as an investigator will receive annual training on the definition of sexual harassment, the scope of Emmanuel's educational programs and activities, conducting an investigation that protects the safety of complainant(s) and assumes the innocence of the respondent(s).

Procedure

Emmanuel prefers to receive reports, take statements, hold meetings, and conduct hearings in person. However, extenuating circumstances, such as breaks between terms or the unavailability of certain parties, may require parties or witnesses to appear and communicate by telephone, video chat, or similar methods. At the request of the complainant or the respondent, and for good cause, meetings or hearings may be conducted with the complainant and the respondent in separate rooms. Complainants and respondents are treated equitably through the process.

Records

After the conclusion of the investigation and before any hearing, either the complainant or the respondent may review any information that will be used at the hearing, including any information gathered during the investigation that will not be used at the hearing. The investigators will notify parties in writing when the investigative summary is available, and students will have 10 days to review prior to a live hearing.

Time Frame

Emmanuel expects investigations, hearings, and appeals will occur in a reasonably prompt time frame. Extenuating circumstances, such as breaks between terms or the unavailability of key parties, may cause delays. At any point, either the complainant or the respondent may request an extension of any dates or deadlines by writing to the investigators or hearing chair, who will notify both parties of any such extension in writing.

Investigation and Hearing

- Upon the filing of a formal complaint, the investigator will notify the respondent of the formal complaint, inform them of their rights and resources, and allow inspection of the formal complaint. The respondent may submit a written rebuttal as soon as possible after inspecting the formal complaint. Respondent(s) are presumed innocent until a determination by the hearing panel.
- The investigator will then review the written complaint and the respondent's rebuttal and investigate the parties' claims. The investigator may request statements from the parties or witnesses and may meet with witnesses, the complainant, and the respondent. The investigator will periodically update the complainant and the respondent regarding the progress of the investigation.
- Once the investigator has completed the investigation summary, they will inform the complainant and respondent so they may review and submit a response. After both parties have reviewed or 10 days have elapsed, the investigation summary will be sent to the hearing panel and a hearing will be scheduled.
- At that hearing, both the complainant and the respondent will have the opportunity to present evidence about the formal complaint. The hearing can include statements from the parties, questioning of the parties, questioning of witnesses, and presentation of documentary or physical evidence. The hearing panel will control the hearing and have sole discretion regarding the presentation of evidence.
- During the hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow up questions, including those challenging credibility. If a party does not have an advisor at the hearing, the institution will provide one, specifically for the purposes of conducting cross-examination on behalf of that party. Before any party or witness answers a question, the panel chair must first determine if the question is relevant. If the question is determined irrelevant, the panel chair must explain the decision at that time.
- After the hearing, the hearing panel will determine, by a preponderance of the evidence, whether the respondent violated the sexual harassment policy. If the hearing panel determines that the respondent committed sexual harassment, the hearing panel will also assess an appropriate sanction against the respondent.

- The hearing panel chair will notify the Associate Dean of Students/Director of Student Conduct of the hearing panel's decision, its rationale, and any sanction in a written hearing summary. The Associate Dean of Students/Director of Student Conduct will then communicate the hearing panel's decision to the complainant and respondent and notify both parties of their rights to appeal in writing. If the parties do not appeal within three days of receiving notification, the hearing panel's decision is final.

Records

An audio, audiovisual recording or transcript of the hearing will be created and is available for the parties to review.

Appeals

Either the complainant or the respondent may appeal the hearing panel's decision within three days of receiving notification. A party may only appeal based upon one of the following grounds:

- New evidence that was not reasonably available at the time and that could affect the outcome of the matter.
- Procedural irregularity that affected the outcome of the matter.
- Bias or conflict of interest for or against complainants or respondents generally or the individual complainant or respondent, and that bias or conflict-affected the outcome.

The appealing party must submit a written statement to the Associate Dean of Students/Director of Student Conduct that requests and sets forth the basis of the appeal. The non-appealing party will be notified in writing when an appeal is filed. The Associate Dean of Students/Director of Student Conduct will convene an appeal panel. The appeal panel may do any of the following:

- Affirm the hearing panel's decision.
- Amend the original sanction.
- Require a new hearing and decision.

The appeals panel chair will notify the VP of Student Life of the panel's decision and rationale in a written summary. The VP of Student Life will communicate the outcome of the appeal and the rationale to the complainant and respondent in writing simultaneously.

The decision of an appeals panel is final.

Sanction

The penalty assessed against any respondent found responsible for violating the sexual harassment policy will include one or more of the listed sanctions:

- No Contact Order — The respondent may not contact the complainant.
- Probation — Any further violation of Emmanuel's policies may result in immediate removal from the residence halls, suspension, or dismissal.
- Removal from Housing — The respondent will be removed from on-campus housing at Emmanuel and relocated to another or an off-campus residence.

- Ban from University Facilities — The respondent may not enter certain areas of campus or use certain campus services.
- Activity Restrictions — Restrictions may be placed on the respondent's ability to participate in University activities (e.g. co-curricular, extra-curricular, or campus events such as athletic competitions, theater performances, speakers, or more.)
- Suspension — The respondent is dismissed as a student for a specified time (typically no less than the remainder of an academic term and could be years). Suspension can be a specific duration or indefinite and subject to later reconsideration. Unless otherwise specified, the suspension includes a ban from campus until the date the respondent is eligible for re-application.
- Expulsion — The respondent is permanently dismissed from Emmanuel. Unless otherwise specified, dismissal includes a ban from campus and no eligibility to return to Emmanuel.

What is Consent?

Consent is affirmative words or conduct indicating the freely, willingly, and knowingly given agreement to have sexual contact. A person cannot consent if incapacitated by drugs or alcohol, coerced into submission, unconscious, or otherwise physically or mentally incapacitated. Consent to one form of sexual contact does not imply consent to other forms. An existing relationship, past relationship, or prior consent does not imply consent to future sexual contact.

What is Prohibited Conduct?

The following conduct is prohibited by the Emmanuel University Guide to Community Living as a violation of our **Sexual Misconduct Policy** (Click on link).

- Sexual violence, including rape and sexual assault
- Sexual harassment
- Sexual exploitation
- Stalking
- Gender-based bullying
- Dating violence
- Domestic violence
- Aiding or facilitating any form of sexual violence
- Retaliation

Frequently Asked Questions

How should I respond to someone who comes to me with an account of sexual violence?

General Strategies: 1) Recognize that the person talking to you is likely in need of support as well as information.

- Listen attentively and non-judgmentally.
- Affirm the choice to disclose the incident.
- Take note of any information shared, but do not push for details the person is unwilling to share. Note dates/times as much as possible.

- If you are talking with the potential complainant, do what you can to let that person make decisions about what happens next.

2) Affirm that Emmanuel takes sexual violence very seriously and that the University policy prohibits retaliation against anyone who reports sexual violence.

3) Describe the available resources and accommodations.

- People can also go directly to the Office of Student Life or any of the **Title IX coordinators**. All of these entities will coordinate with one another as necessary. People can start wherever they feel most comfortable.
- Clarify that there are internal judicial procedures for sexual violence, as well as the option for criminal investigation with the Franklin Springs Police Department. Criminal and judicial options can be pursued simultaneously.
- Ensure the person knows about “accommodations” for people who have experienced sexual violence — steps the Title IX coordinator can take to minimize the impact of an incident and to provide a safe educational and work environment. This may include measures such as no-contact orders, temporary suspensions, and changes to working, academic, or living arrangements.
- Offer to make the initial connection to one of these resources. For example, you could call the Office of Student Life, start the conversation, and hand over the phone.

4) Be very open about your obligation to share what you have learned with one of the Title IX coordinators. The person you are talking to may be concerned about the loss of confidentiality and/or control of the situation. You can offer assurance that the coordinators are mindful of these concerns. *Except in cases of serious threat to the complainant or the campus community, they will not act or share information without the complainant’s knowledge and consent.*

5) If appropriate, arrange a time for a follow-up meeting to offer ongoing support. If you would like further assistance, contact a Title IX coordinator or the Office of Student Life (706-245-2820 or mandrake.miller@ec.edu). They can assist you during the meeting, or in advance if you anticipate a disclosure. We can answer questions, identify options, and assist with the discussion.

How do I report the information?

You should call or email a Title IX coordinator as soon as possible to report the information confidentially. **See the list of Emmanuel’s Title IX Coordinators.** The Vice President of Student Life may be best able to help you, but you may contact the Title IX Coordinator directly; sometimes, privacy concerns may make one of the others a better choice. If this is an emergency, please contact 911. The Title IX coordinators should not be used in lieu of emergency services.

What details do I need to provide?

You must share whatever information has been shared with you, including the name(s) of any individuals involved, the details of the incident, and the complainant’s wishes regarding next steps. This is required by law.

What kinds of sexual violence do I need to report?

You need to report any incident that might fall within Emmanuel's definition of Sexual violence: "a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of threatening, intimidating, or coercing a person." For more details, see the **Sexual Misconduct Policy**.

Please note: you do not need to be certain that an incident constitutes violence, nor that it is sufficiently serious to warrant action. You must make a report for anything that might. The Title IX coordinator will assess the information and determine the appropriate next steps.

Do I need to report if the information I hear is second-hand, a rumor, or vague? What if the offender or victim is not a member of our community? What if the incident took place away from campus or when school was not in session?

Yes. When in doubt, report. Even partial information may be helpful, as we work to ensure that people have access to resources and that our community is safe.

What happens after I file a report?

A Title IX coordinator will assess the information you have provided and take appropriate action. In all cases, the deputy Title IX coordinators will confer and report the information to the Title IX coordinator. If your report includes names or other identifying details, a Title IX coordinator may reach out to make sure that anyone who has experienced sexual violence has access to accommodations, support, and options for acting. The Title IX coordinator will not contact any individuals accused of committing sexual violence until a complaint has been filed or an investigation initiated.

Once I have filed my report with a Title IX coordinator, do I have other responsibilities?

No. Once you file a report, your reporting obligation is complete. You should preserve any notes you may have taken or give them to the Title IX coordinator. You may continue to talk with the person who shared the information with you; please keep the Title IX coordinator updated if you learn new details or if the situation evolves.

Will the Title IX coordinator update me on what happens?

No. You may be involved in some of the next steps — helping to arrange an accommodation, for example, or speaking with an investigator. It is understandable that you may wish to know more, but it is critical to protect the privacy of the parties involved and the confidentiality of Emmanuel's sexual violence response system.

What are my additional responsibilities if there are minors involved?

Under Emmanuel policy and Georgia Law, you must report any suspected abuse of a minor (a person under 18) to the appropriate law enforcement agency as soon as possible, but no later than 12 hours after the events that created a reasonable suspicion.