

Young  
Harris  
COLLEGE



EST. 1886

Annual Security and  
Fire Safety Report  
2023

**Campus Crime & Residential Fire Safety Statistics:**

**2020, 2021 & 2022**

**A joint publication of the Office of Student Development, Office of Residence  
Life, & YHC Police Department**

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# Important Phone Numbers

## Emergencies Call 911

Office of Counseling: 706-379-5160 or 706-379-5178

Maintenance & Housekeeping: 706-379-5037

Office of Finance and Administration

Room Reservation Requests: 706-379-5276

Office of Residence Life

Director of Residence Life: 706-379-5300

Support in Abusive Family Emergencies (SAFE)

24 Hour Crisis Hotline: 706-379-3000

Office of Student Development: 706-379-5118

Title IX Coordinator: 706-379-5170

YHC Police Department

Office: 706-379-4569

Towns County Dispatch: 706-896-7460

*Ask Dispatch to contact the YHC Police Officer on duty.*

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## The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, requires colleges and universities to publish an annual report by October 1<sup>st</sup> of each year that contains the previous three years of campus crime and fire safety statistics along with certain policies pertaining to campus safety and security.

## Young Harris College Police Department

The Young Harris College Police Department and all officers employed by the College are certified by Georgia Police Officers Standards Training (POST) Council. They are in place to protect the members of the campus community and to enforce College policies and civil laws. Young Harris College Police officers have the authority to arrest individuals. It is important that crimes be reported to the Police and all campus community members are encouraged to do so. The YHCPD has jurisdiction over the campus and local vicinity. While a written memorandum of understanding (MOU) is not currently in effect for all investigations, YHCPD works closely with other local and state law enforcement agencies when needed as part of the investigation or in response to reports of crime on or around the campus. There is an MOU with local agencies regarding the investigation of sexual misconduct and collaborative response to victims of sexual assault.

The Police Department office is located in the lobby of Manget Hall. The campus is patrolled and an officer is on duty 24-hours a day, seven days a week. In addition to general safety and law enforcement services, the Police Department maintains campus crime statistics and reports, conducts educational programs in the residence halls, issues parking decals and enforces campus parking policies, provides safety escorts, and security and traffic/parking assistance for athletic and campus-wide events.



## Reporting Procedures

### *Reporting Criminal Offenses*

Campus community members who observe or experience a criminal action or an emergency should contact the YHC Police Department by calling 911 immediately. Non-emergency criminal reports, for the purpose of making timely warnings or for disclosure in the annual security report, may be made by contacting any of the following:

- Chief of Police
- Assistant Chief of Police
- Vice President for Student Development
- Student Conduct Administrator
- Director of Residence Life
- Title IX Coordinator

Reports of criminal offenses will be investigated by the YHC Police Department, the Office of Student Development and/or the Title IX Coordinator. Young Harris College encourages accurate and prompt reporting of all crimes to the YHC Police Department or any of the above College administrators.

### *Confidentiality*

If a victim of a crime decides not to pursue action within the College conduct system or criminal justice system, the victim may still make a confidential report. A report can be filed without revealing a person's identity. The purpose of a confidential report is to comply with the person's wish to keep the matter confidential, while taking steps to ensure the safety of the College community. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

If a report is filed with the Office of Student Development, Title IX Coordinator, or YHC Police Department where the victim wishes to remain anonymous to the accused or that no investigation or disciplinary action be pursued, efforts will be taken to ensure confidentiality to the extent allowed by law. Information will only be shared with those directly responsible for handling the College's response to the alleged incident. It will then be determined if such a request can be honored while still providing a safe environment for all students, faculty, and staff.

If a victim and/or a witness wishes to report a crime on a voluntary, confidential basis, they may do so by disclosing that information to an on-campus pastoral or professional counselor. Pastoral and professional counselors are bound by specific professional guidelines regarding confidentiality. College employees serving in such a capacity may report a crime if and when appropriate according to professional rules of ethics and practice. If and when deemed appropriate, these professionals



will encourage reporting on a voluntary, confidential basis for the inclusion in the annual disclosure of crime statistics.

### *Reporting Violations of College Policy*

A student may file an incident report pertaining to a student, group of students, or a student organization violating College policy, with the right to an explanation of procedural alternatives available, as well as applicable charges that might ensue. An incident report should be submitted to the Conduct Administrator as soon as possible after the event takes place, preferably within 10 days. If a student wishes to pursue legal, criminal, or civil charges against another student, the student may do so by contacting the YHC Police Department. Acts of harassment, intimidation, and/or retaliation from any member of the College community will not be tolerated. Reports of campus policy violations will be reviewed and followed-up by the Office of Student Development.

### *Immunity for Victims*

Young Harris College encourages the reporting of conduct violations and crimes that occur on campus or against YHC students. A victim might be hesitant to report a crime to a College official in fear of being charged with a policy violation during the process (i.e., underage drinking at the time of a sexual assault). It is in the best interest of the YHC community that a victim of a crime reports the incident to a College official. To encourage reporting, Young Harris College offers the victims of crimes, and may offer those who assist victims of crimes, amnesty from College policy violations related to the incident. Such amnesty is given at the discretion of the Vice President for Student Development or their designee.

### *Medical Emergencies*

Remember that only those certified in first aid and CPR should administer such treatments. Remain with the injured party at all times until professional medical aid arrives. After the injured person has been removed or treated by trained medical personnel, give the College official on the scene an accurate description of the apparent cause of the accident and the nature of the injury. A representative of the YHC Police Department will notify the emergency contact designated by the injured party in the event of a serious accident or injury.

By expediting professional medical treatment through standard emergency procedure, the victim of a serious injury or illness stands a much greater chance of survival and avoidance of serious aftereffects.

### *Responsible Action*

The welfare of the College community is of the highest priority. Young Harris College encourages students to offer help and assistance to others in need by contacting the YHC Police Department. There are times when a student and/or group of students might hesitate to aid another for fear of one, both, or all of them being charged with a policy violation (i.e., an underage student has been drinking and fears the consequences of calling an ambulance for an incapacitated friend). While policy violations cannot be overlooked, the College pursues a policy of limited immunity that considers the situation as a whole and the act of helping someone in need.

## Timely Warning Procedures

In an effort to provide timely notice to the YHC community, and in the event of a serious incident that may pose an on-going threat to members of the YHC community, a timely warning will be broadcast using campus wide email and/or the YHC Emergency Notification System. The alerts are generally written and distributed to the College community by the Vice President for Student Development or their designee, the YHC Chief of Police or their designee, and/or the Vice President of Finance and Operations or their designee. Updates to the YHC community about any particular incident resulting in a timely warning may be distributed via campus wide email and/or the YHC Emergency Notification System. Timely warning notices may also be posted by YHC PD or Student Development staff in campus buildings when deemed necessary.

Timely warnings are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other YHC community members and a timely warning would not be distributed.

The College reviews information that is reported to YHC PD and the Office of Student Development by members of the community, by campus security authorities, and by local police agencies. The YHC Chief of Police or designee and/or Vice President for Student Development or designee review all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning, that withholds the names of victims as confidential, is warranted.

## Emergency Response and Evacuation Procedures

The Young Harris College Crisis Plan and Continuity of Operations Plan includes: the College's recovery plans; emergency response plans; the names and offices responsible for specific functions during an emergency; building emergency and evacuation procedures; shelter-in place information; medical emergency instructions; fire prevention measures and response procedures; and procedures for incidents involving hazardous materials, natural hazards, threats of violence, pandemics, and utility failure. The plans are available on the YHC-Hub for all faculty and staff. Emergency response and evacuation procedures are communicated during mandatory hall meetings at the beginning of each semester for residential students. Emergency evacuation drills are conducted each semester in the residence halls and evacuation routes are posted at various locations in all campus buildings.

The YHC Police Department has received training in CPR, first aid, incident command and disaster management. Depending on the nature of the incident, other local, state, or federal agencies may also be involved in responding to an incident.

Upon confirmation of a significant emergency or dangerous situation the College will, given the circumstances, activate either the immediate notification or timely warning system to communicate to the campus community. The Vice President for Student Development or their designee, the YHC Chief of Police or their designee, and/or the Vice President of Finance and Operations or their designee is responsible for confirming a threat exists; determining the appropriate information, means of communicating such notices, and appropriate segment or segments of the campus community to receive a notification; and initiating such communication.

Follow-up information will be sent via campus wide email and/or the YHC Emergency Notification System. Local law enforcement and the YHC website may be used to help disseminate emergency information to the larger community.

### *Immediate Notification*

In the case of a serious incident that poses an immediate threat to the health or safety of students or employees, the institution will, without delay and considering the safety of the community, determine the content of the notification and initiate the YHC Emergency Notification System, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

This system is able to send notifications to all registered mobile phones and email addresses. In the event of an emergency, subscribers will be notified of the situation, wherever they are geographically. Messages sent out via this system are for weather cancellations and delays, as well as emergency conditions.

All students, faculty, and staff are encouraged to sign up for and accurately maintain their information via an online account. For more information about YHC Emergency Notification System, please contact the Office of Student Development. Students, faculty, and staff can register for and maintain their account at [yhc.omnilert.net](http://yhc.omnilert.net). An email is also sent out annually by the Chief Technology Officer or designee to all students, faculty, and staff with instructions on how to register or update information for the YHC Emergency Notification System.

### **Criminal Activity at Off Campus Locations**

Young Harris College does not have any officially recognized student organizations that have housing facilities “off-campus.” It is common for local police agencies to contact the YHC Police Department if a student is found to be involved in criminal activity. However, this is done out of courtesy and local police are not “required” to notify or involve YHC PD when they respond to a call involving a YHC student. A good faith effort is made each year to collect crime data from all local, state, and federal agencies that have jurisdiction in and around Young Harris College. These statistics are included in the YHC crime statistics in Appendix B.

## Access and Maintenance to Campus Facilities

In addition to enforcing College policy and civil laws, the Young Harris College Police Department works with the Physical Plant staff to minimize hazardous conditions by regularly patrolling all campus grounds and buildings. Officers report any light malfunctions and other unsafe physical conditions to Physical Plant for follow-up. All students, faculty, and staff are encouraged to report any unsafe conditions to the Physical Plant, Police Department, or Residence Life to ensure a safe environment.

### *Academic and Administrative Building Access*

Although the official business hours for the College are 8:00 a.m. – 5:00 p.m. Monday through Friday for most of the year, most administrative and academic buildings are accessible beyond that time for student use. Contact the Office of Finance and Operations to reserve a room. The Grace Rollins Dining Hall is open to the public during posted business hours. Events open to the public include YHC Theatre productions, planetarium shows, athletic events, Campus Gate Art Gallery, Music Programs, and Fall Festival.

### *Student Housing Access*

Outside entry doors to all residence halls are locked at all times. Residential students are issued a key and/or YHC Identification Card that gives them access to their assigned residence hall, room, and suite/apartment. For the complete Residence Life visitation/guest policy, please refer to the Residence Life section contained within the Guide to Student Life.

## Crime Prevention and Security Awareness Programs

At Young Harris College, safety and crime prevention are a matter of personal responsibility. It is recommended that all students keep their doors locked and be generally aware of people and events around them. In an emergency when you need the police, fire department, and/or an ambulance, call 911. If you are ever in doubt of whether a situation is an emergency, you should call 911. The dispatcher will notify the YHC Police Department as well as any other emergency responders as necessary. Be sure to stay on the line to answer any questions the dispatcher may ask. If you call for Emergency Medical Services (EMS), you should also contact Student Development during business hours or the RLC on call after business hours, who will notify other College officials as needed.

All campus community members are reminded of their obligations as members of a community to assist with crime prevention strategies. As the police cannot be everywhere, campus community members should remember to lock doors and to take steps necessary to prevent crimes from occurring. Safety and security programs are conducted throughout the academic year that are open to all members of the College community. Examples of these include: YHC PD escort program, distribution of the Annual Security and Fire Safety Report and Guide to Student Life, educational information on timely warning notices, and programs sponsored by each residence hall geared toward campus safety. At the beginning of each academic year, basic safety

measures are reviewed with the members of the campus community in general meetings and campus housing meetings.

## Drugs and Alcohol

### *Philosophy on Drugs and Alcohol*

The College expects its students to comply with Federal and Georgia laws regarding drugs and alcohol. The College is concerned with both the welfare of the College community and the academic and personal development of each student. The College strives to create a healthy environment where the illegal and/or improper use of alcohol or drugs does not interfere with learning, performance, or development. The abuse of alcohol and/or drugs disrupts this environment and places the well-being of the members of the College community at risk. It is important for all members of the community to take responsibility for preventing the illegal and/or improper use of alcohol or drugs from adversely affecting the community's learning environment and the academic, physical, spiritual, and emotional well-being of its students.

### *Alcohol*

Consuming, manufacturing, possessing, distributing, dispensing, or being under the influence of alcoholic beverages on College property is prohibited unless there is a College-affiliated special event that has been designated by the College President to allow it.

Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law is prohibited.

### *Drugs*

Young Harris College does not permit or condone the illegal possession and/or use of controlled substances or paraphernalia. Official Code of Georgia 16-13-21(4) defines Controlled Substances as any drug, substance, or immediate precursor in Schedules I through V of Code Section 16-13-25 through 16-13-29 Official Code of Georgia and Schedules I through V of 21 C.F.R. Part 1308 or Schedules I through V of Section 202 of the Federal Controlled Substance Act. If a student is using drugs, present in a room or suite where there is drug use, or the presence of drugs or drug paraphernalia is found, that student will be charged accordingly. Students who violate the drug policy may be subject to arrest and the student conduct process.

The complete alcohol and drug policies, including treatment and educational programming, can be found in the Guide to Student Life, located online at [www.yhc.edu/student-life/guide](http://www.yhc.edu/student-life/guide).

## Crime and Fire Safety Statistics

Crime and fire statistics are compiled by the Office of Student Development in cooperation with the YHC Police Department, Office of Residence Life, and relevant state and local agencies. The campus crime and residential fire safety statistics contained in this report are from January 1, 2020 – December 31, 2022. A copy of the report is available online at [www.yhc.edu/clery](http://www.yhc.edu/clery) or a paper copy may be requested by contacting the Office of Student Development.

## Fire Safety

Fire safety in the residence halls at Young Harris College is of utmost importance. Several life safety measures are implemented campus-wide in the residence halls including full sprinkler systems, smoke detectors, central fire alarms and fire extinguishers. The College is approximately 2 miles from Towns County Fire Station Two and works regularly with the local municipality to monitor fire safety on campus.

### *Policies Related to Fire Safety*

The following fire safety guidelines are found in the Guide to Student Life, which is available online at [www.yhc.edu/student-life/guide](http://www.yhc.edu/student-life/guide).

- No student shall set, or cause to be set, any unauthorized fire in or on College property.
- No student shall cause a false fire alarm.
- No student shall tamper with, block, or hang something from fire safety equipment (i.e. smoke detectors, fire extinguishers, sprinkler system, or signage).
- Once a fire alarm sounds all persons must vacate a building immediately.
- Balconies, hallways, windows, and stairwells must have a clear passage at all times.
- No student shall falsely report a fire to the police or fire department.
- The possession or use of fireworks on College property is forbidden. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect by combustion, explosion, or detonation.
- Grills (with the exception of those outlined in the Residence Life section of the Guide to Student Life), flammable devices, and combustible materials, including, but not limited to, kerosene, lighter fluid, and gas cans are prohibited in or near campus buildings (including porches and balconies). Students may ONLY grill on campus using College supplied or approved grills.
- No individual student or recognized student organization shall use the College fire pit without prior approval from the Director of Student Involvement by submitting a Request for Program form at least two weeks prior to the desired date. A “Fire Pit Policy & Reservation Form” may be found in the Office of Student Involvement. Approval to use the fire pit will not be honored if a burn ban is issued by local, state, or federal authorities (see additional fire pit usage guidelines in the Guide to Student Life).

In addition to the above, the following are specific to campus residential facilities. Fire safety and prevention is of paramount importance in a residential living environment. The responsibility for this safety rests with each resident living in the hall. Each residential facility is equipped with fire alarm pull stations on every floor and at every access point. In addition to the institution’s fire safety policy, the following pertain to all residential students:

- Open flame items such as oil lamps and incense are prohibited. Unlit/Unused candles are permitted for decoration as long the wick has been removed.
- Appliances:

- One refrigerator (6.0 cubic feet or less) is permitted in each room – refrigerators are provided in Enotah Hall, Rollins Hall, and the Village Apartments.
- One microwave oven (under 1 cubic foot or less) is permitted in each room.
- Open coil or open flame items such as ranges are prohibited.
- George Foreman type grills, toasters, and toaster ovens are only permitted in the Village Apartments.
- Be extremely careful with allowed electrical appliances such as irons, coffeepots, hot pots, and electric blankets – while on, these must not be left unattended.
- It is prohibited to house refrigerators, microwaves, or other appliances in use in closets, drawers, or other enclosed spaces.
- Halogen lamps, lava lamps, and lamps with plastic shades are prohibited.
- Electrical Safety:
  - Do not overload electrical outlets.
  - Electrical products should be marked by the manufacturer as “UL Listed.”
  - Always use a power surge protector for multiple outlets to protect your property.
  - Each power strip and extension cord must be plugged into a wall outlet. Plugging extension cords into other extension cords, plugging extension cords into power strips, plugging power strips into extension cords, or plugging power strips into other power strips is prohibited. In addition, power strips and/or extension cords may not be plugged into outlet expanders.
  - Do not place posters or wall hangings over electrical outlets or lights.
- Live trees are prohibited in the residence halls.
- Grills (charcoal only) are allowed in the Village Apartments. Residents will need to properly dispose of used charcoal and store grills properly. Grills should never be used or stored on wooden porches/decks. Failure to use or store grills properly may result in loss of grilling privileges.

### *Tobacco*

Out of respect for individuals on campus that choose not to smoke, dip, or chew as well as the serious effects of second-hand smoke, tobacco use is not permitted inside any campus building. Use of tobacco is prohibited at all times on breezeways, balconies or in entryways, regardless of weather. Students who choose to use tobacco products must be 25 feet from any public building and restricted to designated areas around residence halls.

The College expects all students to comply with federal, state, and local laws regarding tobacco.

### *Fire Alarm Evacuation Procedures*

At the beginning of the fall semester, the fire evacuation procedure is explained during a mandatory hall meeting for all resident students, exits are posted, and a fire drill is held for the instruction of all residents. A minimum of one unannounced fire drill is held each semester. The following procedures should be followed during a fire drill:

1. Close all windows in your room
2. Put on a coat, if necessary, and hard sole shoes

3. Take your keys, close and lock your room door behind you
4. Walk quietly and quickly to your exit
5. Wait for the “all clear” signal from your RA or RLC before re-entering the building.

**Failure to evacuate the building or re-entering a building prior to receiving permission to do so during a fire drill is prohibited.**

### *Reporting*

Any concerns regarding fire safety in the residence halls should be addressed to the Vice President for Student Development, Director of Residence Life, Chief of Police, or Assistant Chief of Police. Residence Life staff (full time staff members and Resident Assistants) are trained on an annual basis on the operation of the fire alarm systems, smoke detectors and evacuation procedures. Resident students are notified annually of fire evacuation procedures and safety policies through the Guide to Student Life, on the College website, during fire evacuation drills, and during an annual mandatory hall meeting. Residence hall rooms are inspected for the existence of health and safety hazards by the Residence Life staff a minimum of two times per semester. Students found in violation of policies are instructed to immediately rectify the situation and may be referred to the student conduct process for adjudication. Reports of fire or suspected fire should be immediately reported to the Young Harris College Police Department and Towns County Fire Department by calling 911.

### *Plans for future improvement*

All residence halls currently meet or exceed the State of Georgia and Towns County fire safety requirements. Future construction projects will also meet or exceed fire safety requirements. Fire safety policies and procedures are reviewed and updated on an annual basis. Maintenance staff members thoroughly inspect all fire systems on an annual basis.

## **Missing Persons Policy**

In accordance with the Higher Education Opportunity Act of 2008, Young Harris College has developed a policy for notifying a student’s emergency contact on record for a student who resides in on-campus housing and who is determined to be missing.

A student may be deemed missing if it is reported to appropriate College officials (YHC Police Department, Director of Residence Life, or the Vice President for Student Development) that the student has been unreachable via personal contact, telephone, e-mail, or other means of electronic communication for 24 hours or more. Any College official that is notified of the above should immediately contact the YHC Police Department.

Upon determination by the YHC Police Department that a student is missing, the designated emergency contact will be notified as soon as possible, but no later than 24 hours after that determination. The student's custodial parent or guardian will also be notified if that person is not the designated emergency contact, and the student is under 18 years of age and not an emancipated individual. Students may go to the YHC Police Department to assign a confidential



emergency contact in the event they become missing. Once assigned, this confidential contact information will only be accessible to authorized campus officials and law enforcement, and is not disclosed outside of a missing person investigation.

## Sexual Misconduct Policy

### *Policy Statement*

It is the policy of Young Harris College (“Young Harris” or the “College”) to maintain an environment that is free of all forms of discrimination and harassment, including sexual misconduct for its community members. College community members include students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the College or on its property. 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 harassment and discrimination, gender-based, harassment and discrimination, and sexual assault, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All of the foregoing conduct shall be referred to as “Prohibited Conduct.”

Young Harris 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 and Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against Young Harris community members of any sex in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. Sexual harassment cases involving two employees will be handled through the Title IX process or Title VII of the Civil Rights Act (as covered in Policy 703 Sexual and other Unlawful Harassment) depending on the alleged Prohibited Conduct.

Upon receipt of a Formal 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,

employees, or third parties who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

Young Harris College also prohibits other forms of discrimination and harassment as described in Policy 103 Equal Employment Opportunity in the Employee Handbook and in the Guide to Student Life.

### *Scope of Policy*

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported conduct precedes the effective date of the revised Policy, the definitions in existence at the time of the report will be used. Where the date of the reported conduct precedes the effective date of the revised Policy, the process in existence at that time will be used until such time as the revised process is adopted. At the time of adoption of the revised Policy, the process under the revised Policy will apply. The Grievance Process under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

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 misconduct against a Respondent and requesting that the College investigate the allegation of sexual misconduct. 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 an administrative process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent upon another.

### *Persons Covered by the Policy*

This Policy applies to all Young Harris community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the College or on its property. Situations in which either one or both parties are students will be resolved through the Title IX process. Situations in which both parties are

employees may be resolved through the process outlined in the Employee Handbook (Policy 703 Sexual and Other Unlawful Harassment) or may be resolved through the Title IX process depending on the alleged Prohibited Conduct.

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 wellbeing of the Complainant and the broader campus community. The College will provide supportive measures with or without a Formal Complaint.

### *Locations Covered by the Policy*

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, leased, or managed by the College. 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 or Athletic travel.

**Off-Campus Conduct.** This Policy applies to all conduct that occurs on College premises and at College-sponsored activities. The College also has the discretion to discipline a student for conduct that occurs off campus, if that conduct adversely affects the YHC community and/or the pursuit of its objectives. The Vice President for Student Development, in their sole discretion and on a case-by-case basis, decides whether campus proceedings should be initiated against a student for conduct occurring off campus and refer to the appropriate office. (See the Guide to Student Life.)

### *Definitions*

#### Prohibited Conduct Definitions

This section defines specifically prohibited types of conduct based on sex or gender including sex or gender-based harassment and discrimination and sexual misconduct.

**Sexual Harassment** means conduct on the basis of sex that satisfies one or more the following points:

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 (also known as Quid Pro Quo harassment)
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity. (also known as Hostile Environment)
3. Sexual Assault (defined below); or Dating Violence (defined below); or Domestic Violence (defined below) or Stalking (defined below).

Both women and men may be sexually harassed. Sexual harassment may occur between males and females and between persons of the same gender. Both subordinates and coworkers may be victims of sexual harassment. While a co-worker does not have the direct ability to hire or fire another co-worker, the person may influence a job evaluation or create an intolerable working environment which may be handled through the Title IX process or Title VII of the Civil Rights Act as covered in Policy 703 Sexual and other Unlawful Harassment depending on the alleged Prohibited Conduct.

Sexual harassment may be physical and/ or verbal in nature. Conduct that may be considered sexual harassment include, but is not limited to the following examples of Sexual Harassment:

- Unwanted sexual advances or comments
- Inappropriate or unwelcome touching of a person's body
- Implied or overt threats of punitive employment or academic actions as a result of rejection of sexual advances

More subtle incidents may also be considered sexual harassment. Examples of more subtle sexual harassment include, but, are not limited to the following:

- Sending sexually-oriented emails and voice mails
- Sexual jokes
- Repeatedly asking for a date when the person has declined
- Display of sexually-oriented cartoons, objects, posters
- Indirect sexual innuendo such as voice inflection when complimenting appearance or gazing at parts of the body other than the face

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

involve conduct of a sexual nature. Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to:

1. The frequency of the conduct;
2. The nature and severity of the conduct;
3. Whether the conduct was physically threatening;
4. The effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities;
5. Whether the conduct was directed at more than one person;
6. Whether the conduct arose in the context of other discriminatory conduct; and
7. Whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical.

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

### **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual**

(From the Federal Bureau of Investigation Uniform Crime Reporting 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. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. ([https://www.law.cornell.edu/cfr/text/34/appendix-A to subpart D of part 668](https://www.law.cornell.edu/cfr/text/34/appendix-A%20to%20subpart%20D%20of%20part%20668))

**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 (ages 11-24) who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. [34 USC 12291(a)(8)]

**Dating Violence** means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship. [34 USC 12291(a)(10)]

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress. [34 USC 12291(a)(30)]

### *Retaliation*

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

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination

regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

### *Additional Policy Definitions*

This section defines other terms used within the Policy that are not previously defined as Prohibited Conduct.

**Advisor** for the purposes of this Policy means any person of the Respondent or the Complainant's choosing to serve as the Advisor for the Title IX process. This person may be an attorney, but does not have to be. The Advisor has specific responsibilities and requirements for participation in the process which are outlined in the section on Rights of the Respondent and Complainant.

**Business Day(s)** refers to a Business Day or Business Days in which the College is open for business. This is generally Monday through Friday, from 8:00 a.m. until 5:00 p.m. and excludes weekends, holidays, designated closures including but not limited to weather delays and closures.

**Consent** for the purposes of this Policy means that agreement to an activity is knowingly and freely given and communicated, through words or actions, to create a mutual understanding regarding the conduction of sexual activity. Elements of consent include:

- Consent is not valid when it involves:
  - a. Physical force, threats, or intimidation;
  - b. Minors under the age of consent,
  - c. Persons whose mental disabilities prohibit sound judgment;
  - d. Persons physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption; and
  - e. Individuals who are unconscious, unaware, or otherwise physically incapacitated.
- Silence cannot be interpreted as consent.
- Lack of consent may also be communicated through the use of non-verbal expressions or actions indicating resistance.
- Consent may be withdrawn at any time.
- Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
- Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

**Force** means the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

**Coercion** means the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent cannot be obtained through coercion.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

- Threatening to out someone based on sexual orientation, gender identity, or gender expression or
- Threatening to harm oneself if the other party does not engage in the sexual activity. or
- When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

The College will evaluate the following in determining whether coercion was used:

1. The frequency of the application of pressure,
2. The intensity of the pressure,
3. The degree of isolation of the person being pressured, and
4. The duration of the pressure.

**Incapacitation** means a physical or mental state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. Examples of incapacitation include, but are not limited to, individuals who:

- Are asleep; or
- Are unconscious; or
- Are unaware that sexual activity is occurring; or
- Cannot understand the nature of the activity or communicate due to a mental or physical condition; or
- Are under the influence of alcohol, drugs or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.



The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

1. Decision-making ability;
2. Awareness of consequences;
3. Ability to make informed judgments; or
4. Capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably knew or should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis. In particular, consent could not occur when:

- The Respondent failed to appreciate the Complainant's incapacitation or;
- The Respondent failed to take reasonable steps to determine the Complainant's incapacitation or;
- The Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

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

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports and Formal Complaints under this Policy. The College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to

any report or Formal Complaint under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

**Confidentiality** means that information shared by an individual with designated campus or community professionals will not be revealed to any other individual without the expressed permission of the individual.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally-protected confidentiality. (See the section on Resources for how to report confidentially.)

**Official with Authority** means any official of the College who has authority to institute corrective measures on behalf of the College (§106.30). Young Harris College has designated the following positions as Officials with Authority:

1. President of the College
2. Provost
3. Vice President for Student Development
4. Chief Operating Officer
5. Title IX Coordinator

**Responsible Employee** means any employee with the obligation to report sexual harassment or the responsibility to inform a student how to report sexual harassment. The College requires that all Responsible Employees share any report of misconduct with the Title IX Coordinator. A Responsible Employee is anyone who:

1. Has the duty to report to appropriate College officials sexual harassment or any other misconduct by students or employees; or
2. A student could reasonably believe has the responsibility to assist them. All College employees who do not have legally protected confidentiality are considered Responsible Employees. 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.
3. A Responsible employee is any employee with supervisory or leadership responsibilities on campus, including, but not limited to, all faculty (full time, part time, and adjunct) Athletic staff (coaches, assistant coaches, trainers, and athletic administrators) administrators (those with responsibilities for administering a program or service); staff members, including Residence Life Coordinators and Resident Assistants.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. (§106.30)

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (§106.30)

**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.

**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 the College investigate the allegation of sexual harassment. (§106.30)

### *Immunity for Victims*

*Young Harris College encourages the reporting of conduct violations and crimes that occur on campus or against YHC students. A victim might be hesitant to report a crime to a College official for fear of being charged with a policy violation themselves (i.e., underage drinking at the time of a sexual assault). It is in the best interest of the YHC community that a victim of a crime reports the incident to a College official. To encourage reporting, Young Harris College offers victims of crimes, and may offer those who assist victims of crimes, amnesty from College policy violations related to the incident. Such amnesty is given at the discretion of the Vice President for Student Development or their designee. (See Guide to Student Life.)*

### *Reporting Options and Resources*

#### On-Campus Reporting Options

The College strongly encourages all individuals to report any violation of this Policy to the Title IX Coordinator or any College employee who is designated as an Official with Authority. The College recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

1. Officials with Authority (See information above.)
2. Responsible Employee (See information above.)
3. The Title IX Coordinator or Deputy Coordinator (See information below.)
4. A Confidential Report (See information below.)
5. Young Harris College Police (See information below.)

### **Title IX Coordinator and Deputy Coordinators**

Young Harris College has designated the following individuals to serve in official capacity regarding Title IX reporting.

| Name               | Title IX Position           | Office         | Phone        | Email                 |
|--------------------|-----------------------------|----------------|--------------|-----------------------|
| Laura Whitaker-Lea | Title IX Coordinator        | RCC 212        | 706-379-5118 | ldwhitakerlea@yhc.edu |
| Anna Claire Knight | Deputy Title IX Coordinator | Athletic Bldg. | 706-379-5296 | acknight@yhc.edu      |
| Leeah Hughes       | Deputy Title IX Coordinator | PB             | 706-379-5141 | lphughes@yhc.edu      |
| Naveela Philbeck   | Deputy Title IX Coordinator | PB             | 706-379-5276 | nphilbeck@yhc.edu     |

The Title IX Coordinator, assisted by Deputy Coordinators, is responsible for the following:

- Ensuring Title IX compliance
- Assessing initial intake reports
- Knowledgeable in College policies and procedures
- Provides information about resources available to both the Complainant and the 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
- Reporting crimes to the Clery Administrator for reporting in the Annual Security Report (ASR)

### *Confidential Reporting on Campus*

The confidential resources available to individuals on campus are:

| <u>Counselor</u>       | <u>Counselor</u>       | <u>Chaplain</u>         |
|------------------------|------------------------|-------------------------|
| Nerissa Baker          | Tracy Dasher           | Rev. Dr. Adam Daniels   |
| Phone: 706-379-5160    | Phone: 707-379-5178    | Phone: 706-379-5166     |
| Email: nbbaker@yhc.edu | Email: tdasher@yhc.edu | Email: adaniels@yhc.edu |

These confidential resources are not required by current Title IX law to report claims of sexual misconduct without consent. A confidential report is required by state law to notify child protective services and/or local law enforcement of suspected abuse of a minor under the age of 18 years of age. Those in positions designated as Confidential Reports may have a duty to report incidents of sexual misconduct for the purposes of reporting numbers for the Annual Security Report (ASR), but are not obligated to report the details of the incidents including the names of potential complainants or respondents except as required by their license and professional ethics.

### *Law Enforcement Reporting Options On and Off Campus*

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. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will assist any Young Harris community member in securing a safe place to go; assist in arranging for transportation to the hospital should the Complainant need medical care or assistance.; and assist in coordination with law enforcement, and information about on-campus and off-campus resources and options for resolution.

Campus Police have officers on duty twenty-four (24) hours a day. You may report crimes or other emergencies by calling:

|                                |                              |
|--------------------------------|------------------------------|
| Emergency Assistance           | 911                          |
| Local Dispatch (non-emergency) | 706-896-7460                 |
| Campus Police Office           | 706-379-4569                 |
| Towns County Police            | 706-896-7460 or 706-896-6388 |

### *Off-Campus Confidential Reporting Options*

North GA Mountain Crisis Network  
Blue Ridge, GA

706-632-8400 | [crisishelter@etcmail.com](mailto:crisishelter@etcmail.com)

SAFE/Support in Abusive Family Emergencies  
[www.safe.org](http://www.safe.org)  
Blairsville, GA

706-379-3000 | [info@safeservices.org](mailto:info@safeservices.org)

Union General Clinic, Young Harris, GA

706-439-6683

### **Supportive Measures**

Supportive Measures are non-disciplinary services offered as appropriate, as reasonably available, and without fee or charge to both the Complainant and the 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. The College offers support to Complainants and Respondents through access to the following services:

### **Supportive Measures for Students**

- Access to counseling services on campus;

- Change in on-campus housing assignment and assistance from College support staff in completing housing relocation;
- Provide academic support services, such as tutoring, extensions of deadlines or other course-related adjustments, class schedules;
- Change in work schedule or job assignment;
- Mutual restrictions on contact between the parties;
- Provide information regarding off-campus services;
- Provide other Supportive Measures as appropriate.

### **Supportive Measures for Employees**

- Modification of work schedule;
- Mutual restrictions on contact between the parties;
- Changes in work or on-campus housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus;
- Provide other Supportive Measures as appropriate.

A Complainant or a Respondent may request a “No-Contact Order” or other protection, or the College may choose to use Supportive Measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process. 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 put in place. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a Supportive Measures. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

### **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 of 1990. In the event that an Emergency Removal is enacted, the Respondent has the opportunity to submit in writing a challenge to the emergency removal. The challenge to the emergency removal must contain all information, documentation, and evidence that the Respondent wants to have considered in requesting to remain on campus. The Vice President for Student Development will receive the written materials and appoint an Appeals Officer, either the Provost or the Chief Operating Officer. The Appeals Officer is separate from investigators, hearing panel members, and decision-makers. The Appeals Officer will review all materials and determine if the Emergency Removal is in the best interest of the Complainant and/or the Respondent and/or is in the best interest of the safety of the campus community. The Appeal Officer’s decision is final and binding regarding the Emergency Removal.

### **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 of 1990.

### **Educational Programming and Prevention**

The College offers a variety of educational programs on Sexual Misconduct aimed at prevention and awareness of sexual assault, stalking, dating violence, and sexual harassment. Students are required to complete an online course on Sexual Misconduct as well as an online course on Alcohol upon entering the College. Other programming includes Sexual Assault and Domestic Violence Awareness Week, Alcohol Awareness, Bystander Intervention education, and Sexual Misconduct Information Sessions during orientation. Employees are required to complete Sexual Misconduct Education online.

## *Young Harris College Grievance Procedures for Resolving Allegations of Sexual Misconduct*

### **General Information**

The following outlines the procedures the College follows in resolving allegations by a Complainant against a Respondent in violation of the College's Sexual Misconduct Policy. Complainant and Respondent will be referred to collectively as the "Parties." This is an administrative process.

Situations in which both Complainant and Respondent are employees of the College may be handled through the processes outlined in the Employee Handbook (Policy 703 Sexual and Other Unlawful Harassment) or through the Title IX process depending upon the alleged Prohibited Conduct.

The Office of Title IX, and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Young Harris College Sexual Misconduct Policy.

### **Prohibited Conduct Not Based on Sex**

Prohibited Conduct (discrimination, harassment or retaliation) based on protected status other than sex (e.g., race, color, age, disability, veteran status or other classification protected by federal or state law or College policies) is prohibited by other College policies. These policies prohibiting other forms of discrimination and harassment are described in Policy 103 Equal Employment Opportunity in the Employee Handbook and in the Guide to Student Life under the section entitled General College Policies and Procedures under the sub-heading Discrimination and Harassment. In the event of such complaints, the College will identify, based upon the allegations, the appropriate office to coordinate resolution of the report.

### **Dismissal of Formal Complaint**

If the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in this Policy even if proved, or 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 Code of Conduct for students published in the Guide to Student Life.

The College may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the College; or
3. 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 through email, the College's official means of communication (See the Guide to Student Life.). Either the Complainant or the Respondent have the right to appeal the decision to dismiss a Formal Complaint.

### **Consolidation of Formal Complaints**

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.

### **Rights of Respondent and Complainant**

- Right to be informed of the process and all available options
- Right to be informed of resources
- Right to Supportive Measures
- Right to a timely investigation
- Right to an Advisor of choice
- Right to review report
- Right to appeal

### **Advisor**

Both Complainant and Respondent have the right to have an Advisor of their 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, Assistant 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 or Respondent
- May not participate directly in any meeting involving the case
- May provide advice to the Complainant or the Respondent he/she is advising through quiet conversation or written notes in any meeting 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.
- If a party does not have an advisor present at the Live Hearing, the College must 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. [§106.45 (b)(6) (i)]
- At the Live Hearing, the decision-maker(s) must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. [§106.45 (b)(6) (i)]

### *Step by Step Process*

#### **Actual Knowledge**

The Title IX grievance process begins with Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any Official with Authority who has authority to institute corrective measures on behalf of the College. [§106.30]. The actual knowledge standard is not met when the only official of the College with actual knowledge is the Respondent. Actual Knowledge may come in the form of a Formal Complaint.

#### **Intake meeting with Complainant**

With or without a Formal Complaint, 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 to the Complainant the process for filing a Formal Complaint.

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

- 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, and victim advocacy;
  - The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint with the College or other action with local law enforcement.
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Complainant to prepare to participate.
- Explain that if, in the course of an investigation, the College decides to investigate allegations about the Complainant or the Respondent that are not included in the notice described above, the College will provide notice of the additional allegations to the Parties.
- Provide notice of any provision in the College's Code of Conduct or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- Explain that the student has a right to an Advisor of their choice during the process;
- Assess for pattern of evidence or other similar conduct if possible;
- Explain the College's immunity/amnesty policy as published above in this document and in the Guide to Student Life;
- Explain the College's policy prohibiting retaliation as listed in the Standards of Conduct in the Code of Student Conduct and in the section entitled General College Policies and Procedures in the Guide to Student Life;
- Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;

- If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both Complainant and Respondent have the right to appeal that decision.

At the Intake Meeting, the Coordinator or Deputy Coordinator will provide the Complainant with the above-listed information in writing. If the 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 his/her 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.

The Coordinator will make this determination consistent with the following considerations, namely:

1. The seriousness of the conduct;
2. The respective ages and roles of the Complainant and the Respondent;
3. Whether there have been other complaints or reports of Prohibited Conduct against the Respondent; and
4. The right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Should the Coordinator determine that, in response to the Complainant's request, the College can satisfy its obligations to the Complainant, the College community members, and the Respondent without proceeding through the process described herein, the Coordinator has the discretion to do so.

Absent a request for confidentiality as described above, the Coordinator or Deputy Coordinator will interview the Complainant to gain a basic understanding of the reported Prohibited Conduct. The interview will focus on key facts upon which the Complainant bases the report (i.e., who, what, where, and when) to assess how to proceed. At the conclusion of the Intake Meeting, and if the individual wishes to move forward with a complaint, the Coordinator will make two threshold determinations:

1. Does the Complainant's report state facts that, if true, could constitute a violation of the College's Sexual Misconduct Policy?
2. If yes, should the College proceed through Informal Resolution?

The Coordinator will make both threshold determinations as soon as possible after the Intake Meeting with the Complainant and communicate that finding in writing to the Complainant.

### **Initial interview with Respondent**

The College will provide written notice to Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

The Title IX Coordinator or Deputy Coordinator will schedule an initial interview with the Respondent and to discuss the availability of Supportive Measures, consider the Respondent's wishes with respect to supportive measures, and explain to the Respondent the process for resolving a Formal Complaint.

- Address immediate physical safety and emotional well-being needs;
- Notify the Respondent of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the Respondent of the right to be assisted by individuals at the College in contacting law enforcement;
- Notify the Respondent of confidential and non-confidential reporting options on and off campus;
- Provide the Respondent with information about:
  - On and off campus resources, including counseling, health, mental health, and victim advocacy;
  - The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint with the College or other action with local law enforcement
- Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Respondent to prepare to participate;
- Explain that if, in the course of an investigation, the College decides to investigate allegations about the Complainant or the Respondent that are not included in the notice

described above, the College will provide notice of the additional allegations to the Parties;

- Provide notice of any provision in the College's Code of Conduct or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- Explain that the student has a right to an Advisor of their choice during the process;
- Assess for pattern of evidence or other similar conduct if possible;
- Explain the College's immunity/amnesty policy as published above in this document and in the Guide to Student Life;
- Explain the College's policy prohibiting retaliation as listed in the Standards of Conduct in the Code of Student Conduct and in the section entitled General College Policies and Procedures both found in the Guide to Student Life;
- Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;
- If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both Complainant and Respondent have the right to appeal that decision.

### **Determining Course of Resolution for the Grievance**

As an alternative to Formal Resolution, and only if the Coordinator determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution must be mutually agreed upon in writing by both parties in any case.

Some complaints that allege harassment may be appropriate for Informal Resolution. The purpose of an Informal Resolution is to stop the inappropriate behavior. The process will not be used to resolve allegations that an employee sexually harassed a student. Sec. 106.45(b)(9). If the Coordinator determines that the Formal Complaint may be resolved appropriately through informal resolution, the Coordinator will ask the Complainant and the Respondent, separately, whether they would agree to pursue resolution of the complaint informally. The parties must voluntarily agree, in writing, to consent to use the Informal Resolution process. Any resolution reached through an informal process will be confirmed in writing and provided to the parties.

### **Informal Resolution**

An Informal Resolution process cannot begin unless a Formal Complaint is filed. An individual who feels she/he is being harassed may seek to resolve the matter informally. Examples of informal ways to resolve a complaint of sexual harassment may include:

- A supervisor counsels the accused individual to stop the alleged misconduct; or
- Confronting the harasser face to face; or
- Writing a letter to the harasser; or
- Requesting advice and/or intervention from a Title IX Coordinator or third party.

The main purpose of the Informal Resolution procedure is to stop the inappropriate behavior.

To proceed with Informal Resolution, the College must provide the parties with written notice:

1. Disclosing the allegations, and
2. The requirements of the Informal Resolution process including the circumstances under which the parties could be precluded from resuming a Formal Resolution process arising from the same allegations; and
3. That no party can be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive their right to an investigation and adjudication of a Formal Complaint.

Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time up until the Informal Resolution becomes binding. In that event, the Title IX Coordinator will so notify the Parties in writing via official College email and will describe next steps and timeframes for the Formal Resolution. If the Parties reach agreement, the matter is closed. If not, the Parties will proceed with Formal Resolution set forth in the section on Formal Resolution below.

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.

### **Formal Resolution**

A Formal Resolution process cannot begin unless a Formal Complaint is filed. If the Coordinator determines that the Complainant's report must proceed through Formal Resolution, the Coordinator will notify both Parties, in writing, of the decision. The Coordinator's written

notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

1. Complainant's name
2. Nature of the Report
3. Specific policy violations (example: sexual assault, sexual harassment, retaliation)
4. Date of alleged policy violations
5. Time of alleged policy violations
6. Location of alleged policy violations
7. Brief description of allegations

### **Investigation**

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. The Parties will be provided written notice of the delay and reasons for such delay. The Coordinator will select trained internal investigators to conduct a reasonable, impartial, and prompt investigation of the complaint. The Coordinator will select Investigators based on several factors, including:

- The Parties involved,
- The complexity of the complaint,
- The need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved.

The Coordinator will notify the Parties, in writing, of the name of the designated Investigators at the time the Coordinator issues the notice of a Formal Resolution process. Both Parties will have 2 (two) Business Days to object to the Investigators selected on the basis of bias or conflict of interest. If either of the Parties 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 Coordinator's decision is final and cannot be appealed.

The Investigators will commence the investigation once the time for the Parties to object to the selected investigators has expired or, if an objection is made, and the Coordinator determines the objection is not substantiated, from the time the Coordinator notifies the objecting party of the determination). The Investigators, in consultation with the Coordinator, will establish a preliminary timeline and process for conducting the investigation and report the timeline to the Parties. The Parties will also be notified in writing of any delays and the new timeline.

### **Step One: Fact-Gathering**

The Investigators will interview both Parties and relevant witnesses, including fact and expert witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the

College and not on the Parties. The Investigators will prepare a summary of each interview (“Interview Summary”). The Investigators will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary.

If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response directly to the Investigators within 3 (three) Business Days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee, their Interview Summary may be included in the Investigative Title IX report and will be presumed to be accurate. In all instances where the Investigators include the Interview Summary as an exhibit to a report, the Investigators will also include any response.

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

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

The 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.

### **Step Two: Rebuttal Fact-Gathering**

The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during Initial Fact-Gathering. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigator will conduct additional interviews and gather additional evidence. Rebuttal Fact Gathering may be repeated as necessary to ensure a complete gathering of evidence.

### **Step Three: Preliminary Report**

1. The Investigators will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation.
2. The Investigators will state specific factual findings in the Preliminary Report (e.g., “Complainant was incapacitated” or “Respondent believed that Complainant was not incapacitated”).



3. The standard for determining each factual finding is Preponderance of Evidence standard. This standard of proof is that the evidence presented during the investigation must be considered to be more likely than not to be factual.
4. The Investigators will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College's policies.
5. The Investigators will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered as part of the investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the 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.
6. When the Investigators determine that the Preliminary Investigation is complete, the Investigators will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation; if so, the Investigators will conduct additional investigation consistent with the procedures outlined above.

**Step Four: Notice of Preliminary Investigation Findings and Opportunity to Respond**

1. Once the Coordinator has agreed that the Preliminary Investigation is complete, the Coordinator will provide the Preliminary Report to the Parties and Advisor, if any, for review. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.
  - a. The Parties may respond to the Preliminary Report; the Parties will have ten (10) Business Days to submit any response of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:
    - i. The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigators will consider any written response provided by the Parties in preparing the Investigative Report.
    - ii. The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following:
      1. Request for follow-up interviews
      2. Requests for interviews with new witnesses
      3. Requests to consider new information

2. If neither of the Parties requests additional investigation, the Investigators will prepare the Final Investigative Report. If either (or both) Parties request additional investigation, the Investigators will review the request(s) in consultation with the Coordinator.
3. The Investigators will conduct the requested additional investigation if the Investigators, in consultation with the Coordinator, determine that the request(s) will assist the Investigators in completing the investigation.
4. The Investigators and Coordinator will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation. If so, the Coordinator will notify the Parties in writing with an anticipated revised timeframe.
5. If the Investigators conduct additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”).
6. The Investigators will submit the Addendum to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation before the Addendum is complete.

#### **Step Five: Final Investigative Report**

1. The Investigators will prepare a Final Investigative Report. The Final Investigative Report consists of the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding.
2. When the Investigators are satisfied that the Final Investigative Report is complete, the Investigators will submit the Final Investigative Report including recommended findings or recommended conclusions to the Coordinator. The decision-maker in the case is under an independent obligation to evaluate objectively all relevant evidence and not defer to any recommendations in the Final Investigative Report.
3. The Coordinator will review the Final Investigative Report.
4. The Coordinator will provide to each Party and the Party’s Advisor, if any, a copy of the Final Investigative Report in an electronic or hard copy. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.
5. No sooner than 10 (ten) Business Days after sending the Final Investigative Report, the Coordinator will meet individually with the Complainant and the Respondent. If both Parties wish to resolve the case without an adjudication, the Coordinator can facilitate an Informal Resolution of the Formal Complaint that does not necessitate a full adjudication.

The Parties must agree to this Informal Resolution in writing. [106.45(b)(9)] At the conclusion of an Informal Resolution, and upon receipt of official notification via College email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the informal resolution will be considered final and binding.

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

### **Step Six: Live Hearing**

1. Live Hearings are administrative hearings.
2. Live Hearings will be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the Live Hearing virtually, with technology enabling participants simultaneously to see and hear each other.
3. The College must create an audio or audiovisual recording, or transcript, of any Live Hearing and make it available to the parties for inspection and review.
4. The Standard of Evidence is Preponderance of Evidence throughout the Title IX Process including Live Hearings.
5. Cross-examination is allowed with specific rules.
  - a. At the Live Hearing, the decision-maker(s) must permit each party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
  - b. Such cross-examination at the Live Hearing must be conducted directly, orally, and in real time by the Party's Advisor of choice and never by a Party personally, notwithstanding the discretion of the College under Sec. 106.45 (b)(5)(iv) to otherwise restrict the extent to which Advisors may participate in the proceedings. Other than cross-examination, Advisors may not participate in the hearing and may only communicate with the Party whom they advise in the case through whispers or written word.
  - c. If a Party does not have an Advisor present at the Live Hearing, the College must provide without fee or charge to that Party, an Advisor of the College's s choice,

who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party [§106.45 (b)(6) (i)]

- d. Only relevant cross-examination and other questions may be asked of a Party or witness as determined by the hearing panel chair.
  - e. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - f. 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.
6. Each Party will receive written notification of the outcome of the Live Hearing. The notification will include the following elements:
- a. Determination of responsibility including identification of the allegations which constitute sexual harassment.
  - b. Procedural steps taken from the receipt of the Formal Complaint through the determination including notifications to the Parties, interviews with the Parties, witnesses, site visits, and methods used to gather information.
  - c. Findings of fact supporting the determination
  - d. Conclusions regarding the application of the College's code of conduct to the facts
  - e. 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.
  - f. Description of permissible procedures for appeal

### **Order and rules for Live Hearing**

1. Introduction
  - a. Introduction of all Parties, including: Complainant, Respondent, Witnesses, Advisors, Investigators, Hearing Panel, and any Title IX staff.

- b. Review of Procedures and reminders about appropriate decorum of those present
- 2. Presentation of the Final Investigative Report
  - a. Investigator presents the Final Investigative Report
  - b. Questions by Hearing Panel of the Investigator
  - c. Questions by Complainant of the Investigator
  - d. Questions by the Respondent of the Investigator
- 3. Presentation of Complainant's Case
  - a. Opening Statement by Complainant
  - b. Questions by the Hearing Panel of Complainant.
  - c. Cross-examination of Complainant by Respondent's Advisor. All cross-examination questions must be approved by Hearing Panel chair prior to answering.
  - d. Statement of Complainant's Witnesses
  - e. Questions by the Hearing Panel of Complainant's Witnesses.
  - f. Cross-examination of witnesses by Respondent's Advisor. All cross-examination questions must be approved by Hearing Panel Chair prior to answering.
- 4. Presentation of Respondent's Case
  - a. Opening Statement by Respondent
  - b. Questions by Hearing Panel of Respondent.
  - c. Cross-examination of Respondent by Complainant's Advisor. All cross-examination questions must be approved by Hearing Panel chair prior to answering.
  - d. Statement of Respondent's Witnesses
  - e. Questions by the Hearing Panel of Respondent's Witnesses

- f. Cross-examination of witnesses by Complainant's Advisor. All cross-examination questions must be approved by Hearing Panel Chair prior to answering.
5. Closing
  - a. Each Party makes closing statements.
    - i. Complainant
    - ii. Respondent
  - b. Final questions, if any, by the Hearing Panel.
  - c. Final remarks by Hearing Panel concerning process
6. All parties except for Hearing Panel are dismissed.
7. Hearing panel deliberates in private.
8. Hearing Panel informs the Title IX Coordinator of the determination within 3 (three) Business Days and provides rationale as described above for elements required in the notification to the Parties.

Either Party may appeal the decision within 5 (five) business Days of the decision. The section below outlines the Appeals Process.

### **Step Seven: Appeals**

Either the Complainant or the Respondent or may appeal the decision of the Hearing Panel within 5 (five) Business Days of the receipt of the decision. Appeals must be in writing and based on one of the following grounds for appeal and the grounds for appeal must be specifically stated in the written appeal.

Grounds for Appeal:

1. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
2. Procedural irregularity that affected the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Complainants or the Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

An appeal is not to rehear the case, but to review whether any of the above, if present, influenced the outcome of the case.

Appeals for cases arising under this Policy will be heard by an Appeals Officer. The Coordinator will receive the written materials and appoint an Appeals Officer, either the Provost or the Chief Operating Officer.

The Appeals Officer will have access to all documents including, but not limited to:

- Recordings, both audio and video
- Communications, including electronic and non-electronic written documents
- Reports
- Responses to reports
- Addenda
- Other documents associated with the case that are not 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

If the Appeals Officer determines that a ground for appeal is substantiated, the case will be returned to the Coordinator. Otherwise, the decision of the hearing panel stands. When a case is returned to the Coordinator, the Coordinator may:

1. Decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), or
2. Send the case to the original hearing panel for reconsideration, or
3. Send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. When a case is sent back for a new hearing, it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.

### **Sanctions**

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

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. This may include the student being barred from campus.
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 more of the following: the setting of restrictions or the issuing of a reprimand.
5. Reprimand (either oral or written.)
6. Counseling: The committee may require that a Respondent participate in counseling with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances. The Counselor may confirm participation, but not the content of the meetings.
7. Work assignment changed
8. Referral to Human Resources or Academic Affairs for employment action

### **Record Keeping**

Title IX Records will be maintained for 7 (seven) years [See §106.45 (b)(10)] and in accordance with the College's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations
3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials

### **Examination and Review**

The policies of Young Harris College are reviewed regularly. The Young Harris College Sexual Misconduct Policy may be revised at any time in order to comply with current applicable guidance, regulations, and laws.



## Sex Offender Registry

Information on registered sex offenders may be obtained from the YHC Police Department or by contacting the Georgia Bureau of Investigation at 404-244-2600, or by going to the GBI Sex Offender Registry web page (<https://state.sor.gbi.ga.gov>). Sex offenders are required under state law to provide notice to College officials if they are employed at or enrolled as a student at Young Harris College.

## Appendix A

### *Clery Act Reporting Definitions*

**Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. Does not include suicides, fetal deaths, traffic fatalities, accidental deaths, assaults with intent to murder, attempted murder, and justifiable homicide.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**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).

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**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.

**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.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes forcible entry, unlawful entry-no force, and attempted forcible entry.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (i.e. automobiles, sport utility vehicles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheelchairs). This category includes vehicles taken by persons not having lawful access even though the vehicle is later abandoned as well as joyriding.

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another (only Clery reportable if determined to be a hate crime).

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations, or loss of consciousness (only Clery reportable if determined to be a hate crime).

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack (only Clery reportable if determined to be a hate crime).

**Destruction/Damage/Vandalism of Property (excluding arson):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it (only Clery reportable if determined to be a hate crime).

**Hate Crime:** Any of the above crimes, as well as any other crime that manifest evidence that the victim was intentionally selected because of the perpetrator's bias in regards to race, gender, religion, sexual orientation, gender identity, ethnicity, national origin, or disability.

**Sexual Harassment:** Sexual harassment is defined as unwelcomed conduct of a sexual nature including, but not limited to, unwelcomed sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature: where 1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or education; 2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or of creating an intimidating, hostile, or demeaning employment, living, or educational environment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females under Title VII of the 1964 Civil Rights Act pertaining to employees, and Title IX of the 1972 Educational Amendment Act pertaining to students.

**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 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)

**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:
  1. The length of the relationship
  2. The type of relationship

3. The frequency of interaction between the persons involved in the relationship. 34 U.S.C. 12291(a)(10)

**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 U.S.C. 12291(a)(30)

**Illegal Weapons Possession:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Law Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of state or local laws or ordinance prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification: the manufacture, sale, transportation, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession, using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

**Arrest:** Person or persons processed by arrest, citation, or summons.

**Disciplinary Referral:** The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Appendix B**  
*YHC Criminal Offenses*  
 January 2020 - December 2022

| <u>Offenses</u>                   | Calendar Year | Total On-Campus | Residential Facilities* | Non-campus Building or Property | Public Property | Total |
|-----------------------------------|---------------|-----------------|-------------------------|---------------------------------|-----------------|-------|
| Murder/Non-Negligent Manslaughter | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Negligent Manslaughter            | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Rape                              | 2022          | 1               | 1                       | 0                               | 0               | 1     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 1               | 1                       | 0                               | 0               | 1     |
| Fondling                          | 2022          | 1               | 1                       | 0                               | 0               | 1     |
|                                   | 2021          | 3               | 2                       | 0                               | 0               | 3     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Incest                            | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Statutory Rape                    | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Domestic Violence                 | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Dating Violence                   | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 1               | 0                       | 0                               | 0               | 1     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Stalking                          | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Robbery                           | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Aggravated Assault                | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 1               | 0                       | 0                               | 0               | 1     |
| Burglary                          | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Motor Vehicle Theft               | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Arson                             | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|                                   | 2020          | 0               | 0                       | 0                               | 0               | 0     |

\*Residential Facilities is a sub-set of Total On-Campus.

**Appendix B cont.**  
**YHC Arrests and Disciplinary Referrals**  
 January 2020 – December 2022

| Offenses                                    | Calendar Year | Total On-Campus | Residential Facilities* | Non-campus Building or Property | Public Property | Total |
|---|---------------|-----------------|-------------------------|---------------------------------|-----------------|-------|
| <b>Arrest Statistics</b>                    |               |                 |                         |                                 |                 |       |
| Illegal Weapons Possession                  | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Drug Abuse Violations                       | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|   | 2021          | 3               | 3                       | 0                               | 0               | 3     |
|   | 2020          | 0               | 0                       | 0                               | 4               | 4     |
| Liquor Law Violation                        | 2022          | 1               | 1                       | 0                               | 0               | 1     |
|   | 2021          | 2               | 2                       | 0                               | 0               | 2     |
|   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| <b>Disciplinary Referrals – Non-Arrests</b> |               |                 |                         |                                 |                 |       |
| Illegal Weapons Possession                  | 2022          | 0               | 0                       | 0                               | 0               | 0     |
|   | 2021          | 0               | 0                       | 0                               | 0               | 0     |
|   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Drug Abuse Violation                        | 2022          | 12              | 7                       | 0                               | 2               | 14    |
|   | 2021          | 12              | 7                       | 0                               | 2               | 14    |
|   | 2020          | 0               | 0                       | 0                               | 0               | 0     |
| Liquor Law Violation                        | 2022          | 39              | 32                      | 0                               | 1               | 40    |
|   | 2021          | 32              | 32                      | 0                               | 0               | 32    |
|   | 2020          | 29              | 29                      | 0                               | 0               | 29    |

|  |      |   |
|--|------|---|
| Unfounded Crimes – <i>False or Baseless Claims</i> | 2022 | 0 |
|  | 2021 | 1 |
|  | 2020 | 0 |

**Hate Crimes: No reported hate crimes for 2020 & 2021**

*One (1) incident of intimidation (Dissemination of Information Relating to Terroristic Acts) that occurred on campus was determined to have been motivated by hate on the basis of sexual orientation during 2022.*

## Appendix C

### *Description of Student Housing Fire Detection and Suppression Systems*

| Residence Hall | Sprinkler System | % Sprinkler Covered | Central Fire Alarm | Smoke Detection Devices | Extinguisher (common areas) | Room Evacuation Placards | Annual Fire Drills |
|----------------|------------------|---------------------|--------------------|-------------------------|-----------------------------|--------------------------|--------------------|
| Appleby Center | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Appleby West   | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Enotah Hall    | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Hillgrove Hall | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Manget Hall    | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Rollins Hall   | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| The Towers     | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |
| Village        | yes              | 100%                | yes                | yes                     | yes                         | yes                      | 2                  |

## Appendix D

### *Residential Fire Safety Statistics*

*January 2020 – December 2022*

| <b>Location</b> | <b>Date</b> | <b>Cause of Fire</b> | <b>Injuries Requiring Treatment</b> | <b>Fire Related Deaths</b> | <b>Value of Property Damage Caused</b> |
|-----------------|-------------|----------------------|-------------------------------------|----------------------------|--|
| -               | -           | -                    | -                                   | -                          | -                                      |

No fires reported during this time.