



*founded 1854*

**HUNTINGDON**  

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**COLLEGE**

## Sexual Misconduct Policy

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Title IX Coordinator / Professor / Director of Library: Eric A. Kidwell

Phone #: 334-833-4420

Title IX E-Mail: [TitleIXCoordinator@hawks.huntingdon.edu](mailto:TitleIXCoordinator@hawks.huntingdon.edu)

Anonymous electronic reporting: [www.huntingdon.edu/misconduct](http://www.huntingdon.edu/misconduct)

Anonymous telephone reporting: 334-833-4999

# Sexual Misconduct Policy

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## INTRODUCTION

Huntingdon College is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. Therefore, the College, in accordance with applicable federal and state law and stated College policy, prohibits discrimination in its employment practices and the delivery of its educational programs on the basis of actual or perceived race, color, ethnicity, gender, gender identity, sexual orientation, disability, religion, age, and/or national origin.

Every member of the College community has the right to an environment free from sexual misconduct and Huntingdon College has a zero tolerance policy for any and all sexual misconduct. When an allegation of sexual misconduct is reported to a Responsible Employee, and a respondent is found to have violated this policy, sanctions will be imposed to reasonably ensure that such actions are never repeated. Huntingdon College is committed to providing a safe, non-discriminatory environment for all students and employees, including victims of sexual discrimination which includes sexual assault. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

## SCOPE OF POLICY

The Huntingdon College Sexual Misconduct Policy applies to all students and employees, regardless of sexual orientation or gender identity, and applies to third parties who interact with College constituencies on campus or in a College related activity. Incidents and/or actions involving any current student and/or employee are covered by this policy whether occurring on or off the Huntingdon College campus if the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

Huntingdon College uses the term “Complainant” for the person who experiences an incident of sexual misconduct and the term “Respondent” for the person who is accused of committing an act of sexual misconduct.

## REPORTING OPTIONS

(Later in this document you will find a fuller explanation of reporting options.)

Huntingdon College encourages individuals who experience sexual misconduct to talk to someone about what happened so that they can get the support needed, and so the College can respond appropriately. As listed below and detailed later in this document, there are various internal and external reporting disclosure options available. The College encourages individuals to talk to someone regardless of the person to whom they may choose to speak.

### Huntingdon College Confidential Employees

- Huntingdon College Licensed Counselor, Kelley Rehm, M.S., LMFT, 334-833-4302

- Huntingdon College Chaplain, Rhett Butler, M.Div., 334-833-4474

### **Off-Campus Counseling Services**

- The Lighthouse Counseling Center Rape Crisis Intervention 24/7, 334-213-1227 or 888-908-7273
- One Place Family Justice Center, 334-262-7378 or (24/7 Crisis Line), 1-800-650-6522

### **Non-Professional Huntingdon College Advocate**

- Advocate, Dr. Kristine Copping, 334-833-4318

### **Local Law Enforcement and Crisis Response**

- Huntingdon College Campus Security, 334-833-4463 or 334-324-6565
- Montgomery Police Department (MPD), 334-625-2532 or 911
- Montgomery District Attorney's Office , 334-832-2550
- Montgomery Sheriff's Department, 334-832-4980 or 911

### **Responsible College Employees**

- For the purposes of this policy, includes all Faculty, Administrators, Staff, Coaches, and Resident Assistants (unless otherwise designated)
  - Title IX Coordinator / Director of Library\*, Mr. Eric A. Kidwell, 334-833-4420
  - Disability Services / ADA / Code 504 Coordinator\*, Dr. Lisa Dorman, 334-833-4465
  - Senior Vice President for Planning & Administration\*, Mr. Jay Dorman, 334-833-4406
- \*Serve on the College's Discrimination Response Team

### **Anonymous Reporting**

- Huntingdon College Anonymous Phone Reporting, 334-833-4999
- Huntingdon Anonymous Electronic reporting: [www.huntingdon.edu/misconduct](http://www.huntingdon.edu/misconduct)

### **Other Reporting**

**Office of Civil Rights, U.S. Department of Education**, at their regional office:

Atlanta Office  
Office of Civil Rights  
U.S. Department of Education  
61 Forsythe Street, SW, Suite 19T10  
Atlanta, GA 30303-8927

Phone: (404) 974-9406  
Fax: (404) 974-9471  
TDD: (800) 877-8339  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

## **AMNESTY STATEMENT**

The College has your safety and well-being as its first priority. Do not let the possibility that you may have broken a college rule keep you from reporting an incident of sexual misconduct. Where possible, the College will pursue a policy of offering a person who has experienced sexual misconduct, or who has witnessed an incident of sexual misconduct, limited immunity from being charged with policy violations related to the particular incident.

## **REPORTING AND CONFIDENTIALITY DISCLOSING SEXUAL MISCONDUCT: KNOW THE OPTIONS**

Huntingdon College encourages anyone who experiences sexual misconduct to talk to someone about what happened so that they can get the support needed, and so the College can respond appropriately.

If you experience an act of sexual misconduct during a college break, such as the break between fall and spring semesters or Spring Break, help is still available. You may contact an off-campus resources, such as the Lighthouse Counseling Center or One Place Family Justice Center in Montgomery, or you may contact Huntingdon Security (334-833-4463) which will work with you to reach an appropriate college official.

This policy is intended to make students and employees aware of the various reporting and disclosure options available to them, so they can make informed choices about where to turn should they experience sexual misconduct. The College encourages an individual to talk to someone regardless of to whom they may choose to talk.

It is very important to obtain immediate medical care following a sexual assault, to provide for your well being and to document, collect, and properly preserve physical evidence of the assault. In order to preserve physical evidence should one later decide to pursue legal action, one should not change clothes, bathe, douche, or use the toilet. Individuals should seek medical care immediately, whether or not the assault is reported. In addition to care of obvious injuries, medical attention is needed to protect from sexually transmitted diseases or the possibility of pregnancy. Immediate medical attention can be received at the nearest local hospital emergency room or through the Lighthouse Counseling Center or the One Place Family Justice Center.

## **REQUESTING CONFIDENTIALITY FROM THE COLLEGE: HOW THE COLLEGE WILL WEIGH THE REQUEST AND RESPOND**

If a Complainant discloses an incident of sexual misconduct but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action be taken, the College must weigh that request against the College's primary obligation to provide a safe, non-discriminatory environment for all students and employees, including the Complainant. If the Complainant wishes confidentiality, they should speak with a Confidential Employee or seek assistance from an off-campus confidential resource such as the Lighthouse Counseling Center or One Place Family Justice Center. The College's Non-professional Advocate can provide privacy and will generally only report to the College that an

incident occurred, without revealing any personally identifying information, if in the Advocate's judgment it is in the best interest of the Complainant and no greater risk is apparent to the college community. Responsible Employees MUST report all details of incidents of sexual misconduct that come to their attention.

If the Complainant desires confidentiality, the Complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent will be limited. Also it should be understood that there are times when the College may not be able to honor a Complainant's request in order to provide a safe, non-discriminatory environment for the college community.

Huntingdon College has designated a Discrimination Response Team to oversee the College's sexual misconduct process. The Discrimination Response Team consists of the Senior Vice President for Planning and Administration, the Title IX Coordinator, the Disability Services/ADA/504 Coordinator, the Chief of the Huntingdon College Security Department, and other members as appointed.

When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Discrimination Response Team will consider a range of factors, including but not necessarily limited to the following:

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

The presence of one or more of these factors will lead the College to investigate and, if appropriate, pursue disciplinary and/or legal action. If none of these factors is present, the College will likely respect the Complainant's request for confidentiality or no investigation.

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

Although students are strongly encouraged to seek family support when they experience sexual misconduct, Huntingdon College will generally not contact the parents/guardians of a Complainant or Respondent without the Complainant's or Respondent's consent.

The College will remain ever mindful of the Complainant's well-being, and will take ongoing steps to protect the Complainant from retaliation or harm and work with the Complainant to create a safety plan. Retaliation against any party in a complaint, whether by students or College employees, will not be tolerated. The College will also:

- assist the Complainant in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus.
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the Complainant of the right to report a crime to campus or local law enforcement-and provide the Complainant with assistance if the Complainant wishes to do so.

A Complainant who at first requests confidentiality or that no investigation take place, and that request is honored by the College, may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. The Non-professional Advocate will provide the Complainant with assistance in reporting the incident if the Complainant wishes them to do so.

**Although students are strongly encouraged to seek family support when a sexual misconduct occurs, Huntingdon College will generally not contact the parents/guardians of a Complainant or Respondent without the Complainant's or Respondent's consent.**

## **THE OPTIONS: EXPANDED EXPLANATION**

### **Off-Campus Confidential Resource**

**Lighthouse Counseling Center, STAR (Standing Together Against Rape), 334-213-1227, 888-908-7273**

STAR, a program of Lighthouse Counseling Center, Inc. provides forensic exams, counseling, prevention education and a **24 hour crisis hotline free of charge**, to sexual assault victims, their

families and the communities of Autauga, Elmore, Lowndes, Montgomery, Butler and Crenshaw counties. The goal of the STAR program is to promote healing for those who have been traumatized by sexual assault whether they are the victim, a significant other or family members.

STAR provides counseling for individuals and groups, forensic medical exams performed by specially trained SANEs (sexual assault nurse examiners), prevention education services, law enforcement advocacy accompaniment, a crisis hotline, victim assistance, and transportation for services provided at the center. STAR operates as a “stand alone facility” where all of these services are provided in a completely confidential and private location.

**One Place Family Justice Center, 334-262-7378, 1-800-650-6522 (24/7 crisis line)**

One Place Family Justice Center is a safe place where victims can go to plan for their safety, meet with an advocate, talk with a police officer, meet with a prosecutor, receive medical assistance, and obtain information on shelters and sexual assault services.

**College Confidential Resources**

**Huntingdon College Counseling Center, Kelley Rehm, M.S., LMFT, 334-833-4302**

The Huntingdon College Counseling Center is staffed by a licensed, professional counselor who provides mental health counseling to members of the College community. The Huntingdon College Counseling Center maintains the complete confidentiality of members of the College community reporting sexual misconduct, within the limits of state law. The Counseling Center is not required to report any personally-identifiable information about a reported incident to the Title IX Coordinator without the expressed, written permission of the reporting individual.

**Chaplain Rhett Butler, M.Div., 334-833-4474**

The College Chaplain, as an ordained pastor appointed by the Alabama-West Florida Conference of the United Methodist Church, is within the Huntingdon College community uniquely charged with providing an ethic of confidentiality grounded in ecclesiology. However, unlike a professional counselor or a pastor assigned to a more traditional congregation, the College Chaplain experiences a wide range of contact, both formal and informal, direct and indirect, with all College constituencies and as such a request of confidentiality made to the Chaplain will be considered given the ministerial role applicable to a particular encounter and taking into account the pastoral needs and spiritual purposes of both the individual and the College community.

Huntingdon College encourages the above college confidential employees, to inform the persons they are counseling of any procedures that the confidential employee follows to report crimes on a voluntary, confidential basis for inclusion in its annual Clery reporting of crime statistics, should the confidential employee deem such reporting appropriate.

**Non-Professional Advocate**

The College’s Non-professional Advocate can provide privacy and will generally only report to the College that an incident occurred, without revealing any personally identifying information,

if in the Advocate's judgment it is in the best interest of the Complainant and no greater risk is apparent to the college community.

**Advocate, Dr. Kristine Copping, 334-833-4318**

### **Reporting to "Responsible Employees"**

Huntingdon College employees, with few exceptions, are required to report all the details of a sexual misconduct incident (including the identities of both the Complainant and Respondent and identified Witnesses) to the Title IX Coordinator. A report to these employees (called "Responsible Employees") constitutes a report to the College, and obligates the College to investigate the incident and take appropriate steps to address the situation.

A "Responsible Employee" is a College employee who has the authority to take action to redress sexual harassment, or the duty to report incidents of sexual harassment or other types of misconduct, or whom someone could reasonably believe has this duty. A "Responsible Employee" for the purposes of this policy includes all Huntingdon College faculty, administrators, staff, student life staff (including Resident Assistants) and coaches, unless otherwise specified in this policy document.

When a Complainant tells a "Responsible Employee" about an incident of sexual misconduct, the Complainant has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A "Responsible Employee" must report to the Title IX Coordinator (except as noted above for Confidential Employees and in some instances the Non-Professional Advocate) all relevant details about the alleged sexual misconduct shared by the Complainant and that the College will need to determine what happened, including the names of the Complainant and Respondent, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report. A Responsible Employee should not share information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to law enforcement, or in the case of abuse of a minor.

Before a Complainant reveals any information to a Responsible Employee, the employee should ensure that the Complainant understands the employee's reporting obligations and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources.

If the Complainant wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should advise the Complainant that the College provides both on- and off-campus confidential resources. Regardless, the College will take steps as necessary to protect and assist the Complainant.

The College may not require a Complainant to participate in any investigation or disciplinary proceeding.

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

## **OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT**

The expectations of the Huntingdon community regarding sexual misconduct can be summarized as follows:

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Understand that college policy applies regardless of sexual orientation or gender identity.

### **Consent:**

- Sexual Permission
- Informed, Knowing, and Voluntary
- Active (not passive)
- Affirmative Action through clear words or actions.
- Creating mutually understandable permission regarding sexual activity.
- Cannot be obtained by use of physical force, threats, intimidation or coercion
- Cannot be given by someone who is not of legal age
- Cannot be given by someone known to be – or should be known to be – mentally or physically incapacitated
- Cannot be given by someone known to be - or should be known to be – incapacitated by alcohol or drugs.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Do not confuse coercion with seduction. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

- **DO NOT MAKE ASSUMPTIONS ABOUT CONSENT;** about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- **Consent to one form of sexual activity cannot automatically imply consent to any other form of sexual activity.**
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have determined how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- **Silence—without actions demonstrating permission—cannot be assumed to show consent.**
- Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don’t.
- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing.
- Use of alcohol or other drugs will never function as a defense to a violation of the Sexual Misconduct Policy.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
- Understand that there is no requirement that a party resist a sexual advance or request in expressing non-consent, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.
- Understand that previous relationships or prior consent cannot imply consent to future sexual acts.

## **OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

**Huntingdon College prohibits romantic or amorous relationships between faculty and students, administrators and students, and staff and students.**

While romantic and sexual relationships between genuinely consenting employees is not expressly prohibited by College policy, faculty and administrators, as individuals in authority, must recognize that the imbalance of power between themselves and students render mutuality of consent in relationships with students problematic and raise potential conflicts of interest. Further, when the authority and power inherent in administrative and faculty

relationships with students is abused, whether overtly, implicitly, or through misinterpretation, there is potentially great damage to individual students, to the persons complained of, and to the educational climate of the institution. To put it simply, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical.

### **SEXUAL MISCONDUCT – RISK REDUCTION TIPS**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit acts of sexual misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual act.

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

### **SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:**

1. Sexual Harassment
2. Non-Consensual Sexual Contact
3. Non-Consensual Sexual Intercourse
4. Sexual Exploitation
5. Intimate Partner Violence
6. Stalking

### **SEXUAL HARASSMENT:**

For the purpose of determining whether a particular course of conduct constitutes sexual harassment under this policy, the following definition will be used: Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, living environment, or participation in a College activity;
- submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a College activity;
- such conduct has the purpose or effect of unreasonably interfering with an individual’s employment or educational performance or creating an intimidating, hostile, offensive,

or abusive environment for that individual's employment, education, living environment, or participation in a College activity.

It should be noted that not all workplace or educational conduct that may be described as "harassment" has the purpose or effect of unreasonably interfering with an individual's employment or educational performance. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education. A variety of related factors are considered in determining if a hostile environment exists, including but not necessarily limited to severity, persistence and/or pervasiveness. However, the more severe the conduct, the less consideration there is in determining a repetitive nature. Some Examples of Sexual Harassment:

- A faculty member insists that a student have sexual contact with him/her in exchange for a good grade. This is harassment regardless if the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in an office, on a residence hall door, or on a computer monitor that meet the definition of harassment.
- A coach frequently "rates" students' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A faculty member engages students in discussions in class about their past sexual experiences, yet the conversation is not germane to the subject matter of the class. The faculty member probes for explicit details, and demands that students answer though they are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort of that former partner, turning the former partner into a social pariah on campus.

#### **NON-CONSENSUAL SEXUAL CONTACT:**

Non-Consensual Contact is

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person
- that is without consent and / or by force.

It should be noted that the use of force is not "worse" than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense that is not tolerated on the Huntingdon College campus.

### **NON-CONSENSUAL SEXUAL INTERCOURSE:**

Non-Consensual Sexual Intercourse is

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person
- that is without consent and / or by force.

It should be noted that the use of force is not “worse” than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense that is not tolerated on the Huntingdon College campus.

It should be noted that incidences of Non-Consensual Sexual Intercourse and/or Non-Consensual Sexual Contact are reported as "*Sexual Assault*" in the College's annual Clery security report.

### **SEXUAL EXPLOITATION:**

Occurs when a person takes non-consensual or abusive sexual advantage of another for their

advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another person;
- exposing one's genitals in non-consensual circumstances;
- inducing another to expose their genitals;
- stalking and/or bullying (may also be considered a form of sexual exploitation).

### **INTIMATE PARTNER VIOLENCE (IPV):**

- IPV is any instance of violence or abuse—verbal, physical, or emotional/psychological—that occurs between those who are in or have been in an intimate relationship with each other.

Verbal Abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner. Verbal abuse often has the aim of diminishing the reporting party's

self-esteem, dignity, or security. Importantly, like other forms of verbal sexual harassment, the alleged verbal behavior must be: (1) objectively offensive and (2) sufficiently severe, persistent, or pervasive.

Physical violence or abuse occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in fear of imminent bodily harm. Put simply, if one does harm, tries to do harm, or imminently threatens to do harm to an intimate partner, the behavior will likely constitute violence or abuse under an IPV policy.

Emotional and psychological abuse involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The abuser's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and can often result in measureable psychological harm, such as depression, anxiety, or post-traumatic stress symptoms. Examples include relentless denigration and disparagement, threatening to harm a beloved pet or destroy sentimental possession(s), as well as financial and economic abuse and blackmail.

To be considered intimate, a relationship must include (or have included) some romantic, sexual, and/or domestic element. Common intimate partner relationships are:

- Married Partners – two individuals who are legally married.
- Domestic Partners – two individuals who live together AND who are romantically interested in one another (not simply roommates, regardless of state law); can be married or unmarried; can include a sexual component, but does not have to.
- Dating Partners – individuals who are romantically interested in one another; can be a couple (dating each other exclusively) or dating casually (concurrently dating other people); can include a sexual component, but does not have to.
- Sexual Partners – individuals who have engaged in at least one sexual act with one another.

### **STALKING:**

- Engaging in a *course of conduct* directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

It should be noted that "course of conduct" for the purpose of this policy means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

***OTHER MISCONDUCT OFFENSES (MAY BE CONSIDERED SEXUAL MISCONDUCT WHEN SEX OR GENDER BASED):***

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying and/or Cyberbullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;

***OTHER CONSIDERATIONS:***

*Take Back the Night and Other Public Awareness Events:*

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students or employees disclose incidents of sexual misconduct are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College may determine a need to take some form of action if a threat to the campus community is perceived.

*Third-Party Vendors:*

Third-Party vendors are contractually obligated to provide relevant Title IX training to their employees.

*Anonymous Reporting:*

Although the College encourages Complainants to talk to someone, the College provides an online option for anonymous reporting: [www.huntingdon.edu/misconduct](http://www.huntingdon.edu/misconduct). The form will notify the user that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. It must be understood that anonymous reporting will limit the College’s ability to take action to address complaints of sexual misconduct.

In addition, the College provides an anonymous reporting voice mailbox to be used when reporting incidents of sexual misconduct and all other forms of civil rights violations. 334-833-4999.

Responsible Employees cannot use the anonymous reporting option in meeting their obligation to report incidents that come to their attention.

### **Reporting to Law Enforcement: *(It is your option.)***

Huntingdon College strongly encourages individuals to report sexual assaults. Reporting sexual assaults is the only way that action can be taken against an alleged attacker. However, it is solely the option of the victim as to whether or not the individual decides to notify and seek assistance from law enforcement and campus authorities.

The Huntingdon College Security Department maintains a professional working relationship with the Montgomery Police Department and the Montgomery Sheriff's Department. While every Huntingdon College student and/or employee has the right to contact local law enforcement agencies at any time, it is recommended that campus security be called immediately pursuant to an incident of sexual assault. Proper and accurate reporting is vital to a timely and appropriate response.

It is very important to obtain immediate medical care following a sexual assault, to provide for the Complainant's well being and to document, collect, and properly preserve physical evidence of the assault. In order to preserve physical evidence should one later decide to pursue legal action, one should not change clothes, bathe, douche, or use the toilet. Individuals should seek medical care immediately, whether or not the crime is reported. In addition to care of obvious injuries, medical attention is needed to protect from sexually transmitted diseases and/or the possibility of pregnancy. Immediate medical attention can be received at the nearest local hospital emergency room, as well as at the Lighthouse Counseling Center and the One Place Family Justice Center.

### ***Campus Security:***

Huntingdon College Campus Security, 334-833-4463 or 334-324-6565

### ***Local law enforcement and crisis response contact information is as follows:***

- Montgomery Police Department (MPD), 334-625-2532 or 911
- Montgomery District Attorney's Office, 334-832-2550
- Montgomery Sheriff's Department, 334-832-4980 or 911

## **DISCIPLINARY PROCESS**

Huntingdon College commits itself to providing a disciplinary process that is prompt, fair, and impartial of the individual rights and needs of all involved. The Complainant and the Respondent are entitled to the same opportunities to have an advisor/advocate of their choosing present during a disciplinary proceeding and to present relevant witnesses and other evidence; and both the Complainant and the Respondent shall be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding alleging sexual misconduct, the institution's procedures for the Respondent and the Complainant to appeal the results of the institutional disciplinary proceeding, of any change to the results that occur prior to the results becoming final, and when the results become final.

Appropriate measures may be taken, as necessary, to protect the safety of the Complainant, of the Respondent and of witnesses. The disciplinary process will include a prompt, fair, and

impartial investigation conducted by the Huntingdon College Chief of Security who serves as the chief Investigator and is experienced in matters related to sexual misconduct and receives annual training on how to conduct an investigation that protects the safety of all parties concerned.

All parties in the complaint are advised to observe privacy of the details of the case, so as to lessen the potential for claims of retaliation.

The disciplinary process for reports of sexual misconduct shall be conducted by the Title IX Coordinator who receives annual training on issues related to sexual misconduct including intimate partner violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of complainants and promotes accountability. The Discrimination Response Team serves as the disciplinary body for all Title IX complaints, including those related to sexual misconduct, and all disciplinary decisions are based on the evidentiary standard of preponderance-of-evidence (i.e., more likely than not) in any Title IX proceedings, including fact-finding process.

Typically, matters will be resolved within 60 days.

A Title IX Investigation conducted by the College is NOT a criminal investigation and as such will never result in incarceration of an individual and therefore the procedural protections and legal standards required in a criminal investigation are not applicable. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a college has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students and employees free from sexual misconduct. Because the standards for pursuing and completing criminal investigations are different from those used for the Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the college's Title IX obligations.

## **DISCIPLINARY SANCTIONS**

### **Student Respondents:**

Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from written warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will face the sanction of immediate expulsion.

Any student found responsible for violating the policy on sexual exploitation, sexual harassment, intimate partner violence, and/or stalking will likely receive a sanction ranging

from written warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

### **Employee Respondents:**

The sanctions presented in this document are specific to incidences of sexual misconduct that fall under the scope of this policy document and as such do not supercede but are in addition to any and all other sanctions that might be appropriately applied under the scope of employment documents such as, but not necessarily limited to, the Huntingdon College Handbook for Administrative Employees, the Huntingdon College Handbook for Hourly Employees, the Huntingdon College Faculty Manual, and within the scope of individual employment contracts.

A sanction of dismissal, regardless of its origin, will take precedence over any other sanction(s). However, sanctions imposed under the Huntingdon College Sexual Misconduct Policy will not be altered or otherwise reduced by sanctions imposed within the scope of any alternative policy statement.

Any employee found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from written warning to dismissal, depending on the severity of the incident, and taking into account any additional previous employee conduct code violations.

Any employee found responsible for violating the policy on Non-Consensual Sexual Intercourse will face the sanction of immediate dismissal.

Any employee found responsible for violating the policy on sexual exploitation, sexual harassment, intimate partner violence, and/or stalking will likely receive a sanction ranging from written warning to dismissal, depending on the severity of the incident, and taking into account any additional and/or previous campus conduct code violations.

## **APPEAL PROCESS**

Both the Complainant and the Respondent may appeal a finding of sexual misconduct. An appeal does not forestall the implementation of a sanction and cannot be filed until a finding has been rendered in a case.

An appeal is heard by the college Appeals Officer, whose decision is final. College policy does not allow an appeal of the appeal decision. The appeal decision is based on evidence that supports the appeal, not all evidence of the case.

The Preponderance of Evidence burden of proof applies to the appeal process.

An appeal must be filed in writing typically within 5 business days from notice of the finding. The College reserves the right to extend this window for good cause.

In the event of an appeal, both the Complainant and the Respondent receive written notification and can submit in writing a rebuttal as to why in their view the appeal should not be granted. Written rebuttals must be received within 5 business days of notification that an appeal has been filed. The College reserves the right to extend this window for good cause.

Grounds for appeal are limited to:

- Substantive procedural error
- New evidence
- Sanctions are substantially disproportionate to severity of policy violation

## **EDUCATIONAL PROGRAMS**

Huntingdon College is committed to providing an ongoing preventive, informative, supportive, and varied campaign of programming for the college community. It is believed that the full college community has a role to play in providing an environment that is conducive to the educational mission of Huntingdon College, and the College encourages the active participation of students, faculty and staff.