Sexual Misconduct Policy

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Anonymous telephone reporting: 334-833-4999
Sexual Misconduct Policy

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 an accused is found to have violated this policy, severe sanctions will be expeditiously 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.

REPORTING OPTIONS

Huntingdon College encourages victims of sexual misconduct to talk to someone about what happened so that victims can get the support they need, 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 to victims of sexual misconduct. The College encourages victims to talk to someone regardless of the person to whom they may choose to speak.

- Professional and Pastoral Counselors
  - The Lighthouse Counseling Center Rape Crisis Intervention 24/7 334-213-1227 or 888-908-7273
  - Samaritan Counseling Center 334-262-7787

- Non-Professional Counselors and Advocates
  - Director of the Thomas F. and Emma Staton Center: Dr. Chad Eggleston 334-833-4443
  - Women’s Advocate Dr. Mandy McMichael 334-833-4572
  - Huntingdon College Chaplain Woods B. Lisenby 334-833-4474
  - Director of Student Health Services Camilla M. Irvin, R.N. 334-833-4577

- Local Law Enforcement and Crisis Response
  - Huntingdon College Campus Security 334-833-4463
  - Montgomery Police Department (MPD) 334-241-2831
  - Montgomery District Attorney’s Office 334-832-2550
  - Montgomery Sheriff’s Department 334-832-4982
• Responsible College Employees
  o Title IX Coordinator Mr. Eric A. Kidwell 334-833-4420
  o Disability Services / ADA / Code 504 Coordinator Dr. Lisa Dorman 334-833-4465
  o Vice President and Dean of Students Dr. Frank Parsons 334-833-4294
  o Senior Vice President for Planning & Administration Mr. Jay Dorman 334-833-4406
  o Responsible Employees for the purposes of this policy include all faculty, staff and coaches.

• Anonymous Reporting
  o Huntingdon College Anonymous Phone Reporting 334-833-4999
  o Huntingdon Anonymous Electronic reporting www.huntingdon.edu/student-life/student-services/title-ix/

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT:

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

Consent:
• 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 known to be – or should be known to be – mentally or physically incapacitated

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. Consent is sexual permission. 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. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence-without actions demonstrating permission-cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. 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.

Because alcohol or other drugs can place the capacity to consent in question, sober sex is less likely to raise such questions. 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.

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 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.
• 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.
• Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
• 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 consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
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 VIOLENCE – 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 sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk 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 (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation
5. Domestic Violence
6. Dating Violence
7. Stalking

1. 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.

(see complete specific Sexual Harassment Policy on page 73 of the 2014-2015 Huntingdon College Academic Planner & Student Handbook)

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 s/he 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.
- 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-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.

2. NON-CONSENSUAL SEXUAL CONTACT:

Non-Consensual Contact is
- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- 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.

3. NON-CONSENSUAL SEXUAL INTERCOURSE:

Non-Consensual Sexual Intercourse is
- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or woman,
- that is without consent and / or by force.

It should be noted that the use of force is not necessarily “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.
4. **SEXUAL EXPLOITATION:**

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her 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 student;
- 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 student;
- 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).

8. **DOMESTIC VIOLENCE:**

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
- A person who is cohabitating with the victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under the domestic laws of the jurisdiction.
- Any 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.

9. **DATING VIOLENCE:**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of the relationship.
- The frequency of interaction between the persons involved in the relationship.

10. **STALKING:**

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

**OTHER MISCONDUCT OFFENSES (MAY BE CONSIDERED SEXUAL MISCONDUCT WHEN 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;
- Violence between those in an intimate relationship to each other;
REPORTING AND CONFIDENTIALITY DISCLOSING SEXUAL VIOLENCE: KNOW THE OPTIONS:

Huntingdon College encourages victims of sexual violence to talk to someone about what happened so that victims can get the support they need, and so the College can respond appropriately.

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 become a victim of sexual violence. The College encourages victims to talk to someone regardless of who they may choose to talk to.

Although students are strongly encouraged to seek family support when a sexual assault occurs, Huntingdon College will not contact the parents of a sexual assault victim without the consent of the victim.

THE OPTIONS

A. Professional and Pastoral Counselors

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.

Samaritan Counseling Center

334-262-7787

Huntingdon College does not employ licensed counselors but instead has an agreement with The Samaritan Counseling Center, Inc. to provide professional counseling services to student victims of sexual assault.

The Samaritan Counseling Center services are provided free of charge to Huntingdon students who become victims of sexual violence up to and including a total of ten counseling visits.

The Samaritan Counseling Center maintains the complete confidentiality of Huntingdon students reporting sexual violence, within the limits of state law.

The Samaritan Counseling Center does not provide any victim information to the College without the victim’s signed permission.

B. Non-professional Counselors and Advocates

The Huntingdon College Director of the Thomas F. and Emma Staton Center for Learning Enrichment, Women’s Advocate, Chaplain, and Director of Student Health may talk to a victim of sexual assault generally in confidence, and generally only report to the College and the Title IX Coordinator that an incident occurred without revealing any personally identifying information. This limited report, which includes no information that would directly or indirectly identify the victim, helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure, to the extent possible, that no personally indentifying details are shared with the Title IX Coordinator. Contact information is as follows:

Director of the Thomas F. and Emma Staton Center for Learning Enrichment

Dr. Chad Eggleston

833-4443
These individuals have the authority to redress sexual violence, but as non-professional counselors and/or advocates communications are not privileged (strictly confidential) in nature, and these individuals are nonetheless employees of Huntingdon College and as such are “Responsible Employees” under the provisions of Title IX. Communications with these individuals fall within the boundaries of the Title IX requirement that immediate action be taken to address all incidents known or that should be known. Nevertheless, these employees, unlike the remainder of the faculty and staff at Huntingdon, may be able to exercise the option of not reporting the identity of the complainant to the Title IX Coordinator and may be able to determine that an investigation is not necessary.

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.

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

If a victim discloses an incident to any of the non-professional counselors and/or advocates noted above, 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, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) will be limited. Also it should be understood that there are times when the College may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students.

Huntingdon College has designated a Discrimination Response Team to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence. The Discrimination Response Team consists of the Senior Vice President for Planning and Administration, the Title IX Coordinator, the Director of the Staton Center for Learning Enrichment, the Women’s Advocate, the Director of Disability Services, the Vice President for Student Affairs and Dean of Students and the Chief of the Huntingdon College Security Department.

When weighing a victim’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 alleged perpetrator will commit additional acts of sexual violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator directly or indirectly threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
• whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g. security cameras or personnel, physical evidence);

• whether the victim’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 victim’s request for confidentiality.

**If the College determines that it cannot maintain a victim’s confidentiality**, the College will inform the victim prior to starting and 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 a sexual assault occurs, Huntingdon College will not contact the parents of a sexual assault victim without the consent of the victim**

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

• assist the victim in accessing other available victim 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 alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and

inform the victim of the right to report a crime to campus or local law enforcement-and provide the victim with assistance if the victim wishes to do so.

A victim who at first requests confidentiality, 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 advocates will provide the victim with assistance in reporting the incident if the victim wishes them to do so.

**C. 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 victim and alleged perpetrator) 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 duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this duty. A “Responsible Employee” for the purposes of this policy includes all Huntingdon College faculty, staff, student life staff and coaches.

When a victim tells a “Responsible employee” about an incident of sexual violence, the victim 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 Non-Professional Counselors) all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened, including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.
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 victim’s consent or unless the victim has also reported the incident to law enforcement.

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

If the victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should advise the victim that the College has a group of non-professional counselors and/or advocates that will consider the request, but cannot guarantee that the College will be able to honor it.

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

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

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

**Miscellaneous:**

**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 disclose incidents of sexual violence are not considered notice to the College of sexual violence for purposes of triggering an investigation. Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ Title IX rights at these events.

**Anonymous Reporting:**

Although the College encourages victims to talk to someone, the College provides an online option for anonymous reporting. www.huntingdon.edu/student-life/student-services/title-ix/ The system will notify the user (before she/he enters information) that entering personally indentifying information may serve as notice to the College for the purpose of triggering an investigation.

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

**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 notify and seek assistance from law enforcement and campus authorities or not.

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 victim’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, victims 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
Local law enforcement and crisis response contact information is as follows:

Huntingdon College Campus Security  334-833-4463
Montgomery Police Department (MPD)  334-241-2831
Montgomery District Attorney’s Office  334-832-2550
Montgomery Sheriff’s Department  334-832-4982

Disciplinary Process:

Huntingdon College commits itself to providing a disciplinary process that is prompt, sensitive, fair, impartial, supportive and respectful of the individual rights and needs of all involved. The accuser and the accused are entitled to the same opportunities to have others (although attorneys and other legal counsel for either party are not allowed in the Title IX Disciplinary process) present during a disciplinary proceeding and to present relevant witnesses and other evidence; and both the accuser and the accused shall be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding alleging sexual misconduct, the institution’s procedures for the accused and the victim 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 accused and of witnesses. The disciplinary process will include a prompt, fair, and impartial investigation and resolution conducted by the Huntingdon College Chief of Security who is experienced in matters related to sexual assault and receives annual training on how to conduct an investigation that protects the safety of all parties concerned.

The disciplinary process for reports of sexual assault shall be conducted by the Title IX Coordinator who receives annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of victims 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 an fact-finding hearings.

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, 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:

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation 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 or Forced Sexual Intercourse will face the sanction of immediate expulsion.

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

EDUCATIONAL PROGRAMS:
Huntingdon College is committed to providing ongoing preventive, informative and supportive programming for all members of the College community. Campus wide programs are designed to increase safety awareness, develop self-defense techniques, improve communication skills between men and women, encourage "safe and positive" options for bystander intervention, help prevent acquaintance and stranger rape, build self-esteem, and provide information on steps to take in the event of a sexual assault. Educational information about the involvement of alcohol and drugs in sexual assaults is provided. Informational brochures and pamphlets focusing on sexual assault are available for the College community. These materials include definitions of various types of sexual assaults, information concerning their prevalence and general occurrence, options and services available for victims, and possible penalties and sanctions for assailants. Additional written material on rape will be provided for victims, their family members and friends. The entire College community is urged to take responsibility for them by taking advantage of educational programs offered on Campus, by reviewing literature available in the HUT and by avoiding conditions, which may pose a threat to their personal safety.

DEFINITIONS:

- **Consent**: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.

- **Force**: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
  - Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
  - 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.
  - In order to give effective consent, one must be of legal age.
  - Sexual activity with someone who is known to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated, constitutes a violation of sexual misconduct policies.
    - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent.
    - The sexual misconduct policies covers individuals whose incapacity results from mental disability, sleep, involuntary physical restraint, or from taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of the sexual misconduct policy.

- Use of alcohol or other drugs will never function as a defense to a violation of the sexual misconduct policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations made under the sexual misconduct policy.