



## **Title IX**

### **SAFETY POLICIES**

Title IX of the Education Amendments of 1972 is the federal law that prohibits discrimination on the basis of sex (gender) in any educational program or activity that receives federal funding.

For more information about Title IX, see the Office of Civil Rights website

LeMoyne-Owen College expects that all members of the College community, students and employees, should be able to pursue their education and work in a safe environment, free from sex/gender-based harassment and discrimination. To this end, the College is committed to maintaining a learning and working environment free from sexual and gender-based discrimination, pregnancy discrimination, harassment, sexual assault, sexual exploitation, sexual intimidation, stalking, dating violence, domestic violence, or any other behavior that is non-consensual or has the purpose or effect of coercing a person or persons. This applies to same-sex or members of the opposite sex as well as actions occurring through the use of social media. This College's policy aims to eradicate sexual harassment through education, training, campus resources, clear procedures for responding to reports of sexual harassment, and consequences for violators of this policy.

### **REPORT AN INCIDENT**

Title IX Coordinator

Phone: 901.453.1555

Email: tara\_dunnross@loc.edu

## **Title IX Definitions/Terminology**

**Actual Knowledge-** means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee.

**Age** – There is no consent for purposes of this policy where a person is too young to give effective consent under applicable law. Under Tennessee law, persons under fourteen cannot give effective consent to sexual activity with an older person, where the age difference is greater than twenty-four months. Persons between the ages of fourteen and sixteen cannot give consent to sexual activity with an older person where the age difference is greater than thirty-six months.

**Bystander** – Any person present but not involved.

**Coercion-** is unreasonable pressure for sexual activity. (When someone makes it clear that they do not want to participate in sexual activity, that they want to stop participating, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.)

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

**Confidential Employees** – Certain employees specifically exempted from Responsible Employee status include (1) health care providers, such as those at the Student Health Center; and (3) pastoral counselors. These employees are not required to relay any information about reported sexual misconduct to the College.

**Consent** – Consent is defined as a clear, informed, and voluntary agreement/exchange between participants to engage in sexual activity. Consent can be communicated by words or actions as long as those words or actions are unambiguous and create mutually understandable permission regarding the scope of sexual contact or activity. Although consent can be communicated with actions, verbal communication is the most reliable form of asking for and gauging consent.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** – A felony or misdemeanor crime 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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

**Employee** – This generally includes faculty, staff, and hourly employees who are working on paid appointments by the University. It generally excludes students or temporary employees. For specific information on who is considered an employee, contact the Human Resources Department.

**Force** – The use of physical violence and/or imposing on someone physically to gain sexual access. 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.

**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 recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the recipient.

**Incapacitation** – occurs when a person cannot make rational, reasonable decisions due to alcohol, drugs, unconsciousness, or cognitive disability because they lack the capacity to give knowing consent. There is no consent if a person is mentally or physically incapacitated due to drug or alcohol consumption, voluntarily or involuntarily, or if the person is unconscious, asleep, or otherwise unaware that sexual interaction/activity is happening. It also includes instances in which a person lacks the required understanding due to medical conditions, cognitive disabilities, or other disabilities.

**Intimate Partner Violence** – Actual or threatened physical violence, intimidation, or other forms of physical or sexual abuse in a marriage, dating relationship, or domestic partnership that would cause a reasonable person to fear harm to self or others. The term “intimate partner” refers to marriage, domestic partnership, dating relationship, casual, or serious romantic involvement, whether the relationship is current or not.

**Intimidation** – Implied threats or acts that cause an unreasonable fear of harm in another.

**Jurisdiction**- the geographical location in which the “educational program or activity” in which the recipient has substantial control over both the respondent and the context in which the sexual harassment occurs. This also includes any buildings owned or controlled by a student organization that is officially recognized and controlled by the post-secondary institution.

**Non-consensual intentional sexual contact (or attempts to commit same)** – Any intentional sexual touching with any object, by any person upon another, without consent, and/or by force, intimidation, coercion, or incapacitation. This includes intentional contact with the breasts, buttocks, groin, genitals, or touching another with any of these body parts, or making another touch the offender or themselves with or on any of these body parts.

**Non-consensual sexual intercourse (or attempts to commit same)** – Any sexual intercourse, however slight, by any person or object upon another without consent, and/or by force, intimidation, coercion, or incapacitation. It includes oral, anal, and vaginal penetration, to any degree, with any object or body part (i.e. penis, finger, tongue). Intercourse includes vaginal penetration by a penis, tongue, finger, or object; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**Preponderance of Evidence** – The standard of proof for adjudicating any sexual misconduct charge is a preponderance of the evidence standard. In other words, the evidence must show that it is more likely than not that the alleged sexual misconduct occurred.

**Recipient** – the College.

**Reporting Party** – a person (s) who alleges a violation of the College’s Sexual Harassment policy.

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

**Responding Party** – a person (s) responding to the allegations of a violation of the College’s Sexual Harassment policy.

**Resolution:**

Formal – resolution of a complaint by the Decision Maker.

Informal – resolution of a complaint by the Title IX Coordinator.

**Responsible Employee** – All employees are responsible employees and have a duty to report all reports of sexual misconduct. They are required to share all known details (names, dates, times, locations, witnesses etc.) of incidents or suspected incidents of sexual misconduct with the Title IX Coordinator. When an alleged victim tells a responsible employee about an incident of sexual misconduct, the College will take immediate and appropriate steps to investigate what happened to resolve the matter promptly and equitably and prevent its recurrence. A report to these employees constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

**Retaliation** – Retaliation is defined as any adverse action or threat taken against an individual for filing a complaint of sexual misconduct, serving as a witness, or for participating in the investigation or resolution process. The College strictly prohibits retaliation. This includes any form of intimidation, threats, harassment, or any other conduct that would discourage a reasonable person from participating in protected activity, such as reporting sexual misconduct, seeking services, or receiving interim measures and accommodations. Retaliating against a person for participating in protected activity is a basis for disciplinary action, regardless of the outcome of the underlying complaint. Complaints of retaliation should be reported immediately to the Title IX Coordinator.

**Sexual Assault** – Intentional physical sexual acts perpetrated against a person without their consent. Sexual assault includes sexual penetration or intercourse or any other physical contact of a sexual nature that occurs without consent. This includes but is not limited to deliberate physical touching as well as the contact of a sexual nature with an object. Sexual assault also includes attempts to induce sexual activity via direct threats of physical violence, even where no physical contact ultimately occurs.

**Sexual Contact** – Sexual contact includes but is not limited to intentional sexual contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch another or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifices.

**Sexual Exploitation** – Taking sexual advantage of another person in a way that deliberately infringes on his or

her reasonable expectation of privacy and/or security but does not involve actual or attempted physical contact. Examples of sexual exploitation include, but are not limited to (a) recording images, video, or audio depicting another person engaged in sexual activity or in a state of undress without that person's consent, even if the sexual activity itself is consensual; (b) distributing images, video, or audio depicting another person engaged in sexual activity or in a state of undress—or threatening to distribute the same—if the person distributing knew or reasonably should have known that the person depicted did not consent to the recording or the distribution; (c) intentionally viewing another person engaged in sexual activity or in a state of undress in a place where that person would have a reasonable expectation of privacy, without that person's consent and for the purpose of gratifying sexual desire; (d) intentionally failing to notify a person with whom one is engaged in a sexual activity that another person is observing.

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

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or
- Sexual assault (as defined in the Clery Act), or
- Dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

**Sexual Misconduct** – A broad, non-legal, term to describe any non-consensual behavior of a sexual nature. This term includes, but is not limited to, sexual harassment, sexual assault, intimate partner violence, stalking, and sexual exploitation. Sexual misconduct varies in its nature and severity. Sexual misconduct can occur between strangers, acquaintances, or persons who know each other well, including between people who are or have been involved in an intimate/sexual relationship. It can be committed by anyone, regardless of sex or gender, and can occur between people of the same or different sex or gender. This policy prohibits all forms of sexual misconduct.

**Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. The course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Student** – A person enrolled at LeMoyne-Owen College, either full-time or part-time.

**Supportive Measures** – means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased

security and monitoring of certain areas of the campus, and other similar measures.

**Title IX Hearing Coordinator** –adjudicates reports of the College’s Sexual Harassment Policy.

**Witness** – A person who directly sees, hears, or is made aware of the alleged incident.

## **Procedures and Responsibility**

LeMoyne-Owen College is firmly committed to maintaining a campus environment free from sexual harassment. The College is also committed to meeting its ethical and moral obligation to prevent sexual harassment; to provide support for assault victims, and to educate the campus community about sex/gender-based harassment and discrimination.

The College believes in zero tolerance for sex/gender-based harassment. Zero tolerance means that when an allegation of harassment is brought to an appropriate administrator’s attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a respondent is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. Therefore, both women and men should know that the College is committed to providing a consistent, timely, and caring response to anyone who is the victim of sexual harassment within the jurisdiction of the campus.

While the College recognizes that a complainant may wish to preserve his or her privacy after a traumatic experience, it should also be understood that the University has a responsibility to maintain the integrity and safety of the campus as a whole. Where circumstances exist that are deemed a danger to the College community at large, pertinent details about a sexual assault will immediately be publicly released by a college official. Further, the Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults known to have occurred within the College’s jurisdiction. Incidents reported only to the LeMoyne-Owen College Student Health and Counseling Center are included in these statistics, along with statistics from the office of Campus Public Safety. The complainant’s identity is not disclosed, however, in any such statistical reporting.

Other inappropriate conduct may also be reported confidentially to the Dean of Students or Campus Security and/or the Memphis Police Department. Other such inappropriate conduct may include repeated and unwanted telephone calls, social media, and/or email contacts of a lewd or obscene nature, or personal threats.

### **Confidentiality**

If a complainant would like the details of an incident to be kept confidential, the complainant may speak with:

- On-campus mental health counselors
- On-campus health service providers
- Off-campus:
  - Mental Health Professional Counselors
  - Local rape crisis counselors
  - Domestic violence resources,
  - Local or state assistance agencies,
  - Clergy/Chaplains
  - Personal Attorney

- Primary care physician

All of the above parties will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit [timely] anonymous, aggregated statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient, or parishioner.

### **Reporting Sexual Harassment**

The College strongly encourages anyone who has experienced sexual misconduct to report the incident through the procedures in this policy. Properly reporting the incident allows the College to take steps to ensure the safety of the complainant and others and to provide support services.

The College's Title IX Coordinator is responsible for overseeing compliance with Title IX and other laws that address sexual misconduct and discrimination. The coordinator oversees and conducts the investigations of sexual harassment cases as well as the interim accommodations and support measures to assistance both the complainant and respondent. The simplest and most direct route to submit a formal report to the College is to contact the Title IX Coordinator:

- Title IX Coordinator; Phone: 901.453.1555 or email tara\_dunnross@loc.edu

**If a person does not wish to report directly to the Title IX Coordinator, they are encouraged to contact one of the following officials, who also can provide prompt assistance:**

- Dean of Students; 901.435.1757
- Human Resource Director; 901.435.1601
- Campus Security; 901.301.7340

### **Additional Reporting Methods:**

1. Inform any LOC employee or administrator. They are required to report the incident to the Title IX Coordinator.

Any person may submit a report against any other person for sexual harassment on a LOC campus, in connection with any LOC program or activity, and/or involving a member of the College community at any time.

## **1. Emergency Assistance**

If you are in immediate physical danger or need emergency medical care, CALL 911. Your safety is the first priority. The options for assistance listed below can provide a quick response, but they cannot provide the immediate physical presence necessary to assist you if you are in danger. If you believe you are in immediate physical danger or if you need immediate medical assistance, call 911. Police and/or an ambulance will be dispatched to assist you as necessary. College officials if not alerted by your 911 call, can be alerted once you are safe.

### **What should I do with any evidence of sexual assault?**

A person who experiences sexual assault should take steps to preserve evidence as soon as possible after the incident, even if he or she is unsure about reporting it. To better preserve evidence:

- Do not shower or douche.
- Try not to urinate. Urinating may reduce the ability to detect "date rape" drugs.
- If there was oral contact, do not smoke, eat, or brush your teeth.

- Do not change clothes. If you have already changed your clothes, place them in a paper bag, as plastic may destroy evidence. If you haven't changed, keep the original clothes on and bring an extra set to wear home.
- A Physical Evidence Recovery Kit (PERK) will help preserve forensic evidence of an assault. Inform your medical care provider that you wish to have a PERK performed as soon as possible.

### **What if I am reporting workplace sexual harassment?**

Sexual harassment or other misconduct against college employees in the workplace may violate both this policy and/or the College's Harassment and Non-Discrimination Policy. When reporting workplace sexual harassment that does not involve sexual assault or other violence, employees are encouraged to follow the reporting procedures contained in this document. If workplace misconduct does involve sexual assault or other violence, employees should never attempt to resolve the matter directly with the accused person. In such cases, employees should report the matter directly to the Title IX Coordinator or the Human Resources Director.

### **What if I report sexual harassment to someone else at LOC?**

If a report is made to an employee of the College other than those listed above, that employee may or may not have a duty to report the complaint to the Title IX Coordinator, depending on the employee's position and job duties. See below for clarification.

All College employees are deemed "Responsible Employees" for purposes of Title IX and this policy. When a Responsible Employee receives a report of sexual harassment, he or she has a mandatory duty to report that allegation to the Title IX Coordinator. As discussed below, there is a single, narrow exception to this mandatory reporting requirement where the alleged misconduct involves nonviolent employee-on-employee workplace harassment.

After reporting sexual harassment, will the information be kept confidential?

The College will endeavor to keep reported information about sexual misconduct private to the greatest extent possible, but cannot guarantee that all information it receives will be kept confidential. Once a report is submitted to a Responsible Employee, the College has a duty to investigate the matter and endeavor to protect the safety of members of the community. In some instances, this means that certain information must be provided to individuals involved in an investigation.

Upon receiving a report of sexual misconduct, the Title IX Coordinator will attempt to contact the person who made it (the "complainant") to determine his or her wishes with respect to privacy. If the complainant requests that their identity or other information be kept private, or that no disciplinary action be pursued, the College will give careful consideration to that request. However, there may be instances in which such requests cannot be honored, as they would impair the College's ability to ensure a safe and non-discriminatory environment for all students. Factors considered include, but are not limited to:

- The risk of the accused committing other acts of sexual misconduct, such as where other complaints have been made against the same person.
- The risk of sexual misconduct of a similar nature, such as where multiple assaults occurred at the same location or involving the same group.
- The use of physical violence and/or weapons.
- The involvement of multiple alleged perpetrators.
- Allegations of threats or retaliation by the accused against the complainant or others.



- The complainant's age.
- The parties' rights and/or the College's obligations under the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.

If the College determines it can honor a request to keep information private, it will take steps consistent with that request to ensure the safety of the complainant and others. However, complainants should understand that honoring a request for privacy necessarily will impair the College's ability to investigate and normally will prevent any disciplinary action from being taken against the accused. If someone who initially requested privacy later requests an investigation, the College will honor that request. However, delays may impair the College's ability to conduct a thorough investigation or take appropriate remedial action.

If the College determines it cannot honor a request for privacy, it will inform the complainant before any disclosure is made. The College will take whatever steps it deems necessary to protect the complainant and to ensure that information is available only to those who have a legitimate need to know. The College will make it clear to the accused party and others receiving information that any act of retaliation against the complainant will not be tolerated.

### **Responsible Employee**

A Responsible Employee is any LOC employee (a) who has actual authority to redress sexual harassment; (b) who has been given the duty of reporting incidents of sexual misconduct or any other misconduct to appropriate College authorities; or (c) who a student would reasonably but mistakenly believe has this authority or duty. The Responsible Employee designation applies to professors and other faculty, deans and department heads, athletic coaches and administrators, personnel in the Vice President of Student Affairs' Office, Campus Security personnel, resident assistants and directors, and any other employee who meets any of the three elements above. If you are uncertain whether you or someone else is a Responsible Employee, the Title IX Coordinator can help you make that determination.

**Confidential Employees**— Certain employees are specifically exempted from Responsible Employee status. These include (1) the Campus Counseling Center, (2) health care providers such as those LOC Student Health Center; and (3) College Chaplain. These employees are not required to relay any information about reported sexual misconduct to the College. Faculty members with duties that meet the above descriptions are exempted from mandatory reporting for information received when acting in their counseling or clinical capacity, but not for information received in other settings, such as office hours with students.

### **What happens when I inform a Responsible Employee of sexual harassment?**

When a Responsible Employee receives a report of sexual harassment, they have a mandatory duty to report that allegation to the Title IX Coordinator. This means that the Responsible Employee **must** inform the Title IX Coordinator, even if the person who experienced the alleged harassment asks the employee not to do so. Consequently, individuals who experience sexual harassment should not presume that informing these employees will result in remedial action by the College. They should instead report the matter directly to the Title IX Coordinator.

### **Are there any exceptions to a Responsible Employee's duty to report?**

There is one narrow exception to the mandatory reporting requirement for Responsible Employees. If the alleged sexual misconduct is harassment of one employee by another employee **and** there is no allegation of sexual assault or other violence **and** no student or minor allegedly was involved, then a Responsible Employee may, in his or her discretion, decide not to report the incident to the Title IX Coordinator.

This exception recognizes that employees may wish to confer with co-workers about incidents of non-violent harassment without immediately triggering a college investigation. It applies solely to the reporting obligation addressed in this policy. It does not relieve any employee of any other reporting obligation he or she may have under any other policy or law. In all cases, all employees are strongly encouraged to inform their co-workers of their options for reporting workplace harassment or other sexual misconduct to the University.

### **What are my duties as a Responsible Employee?**

Responsible Employees are required to notify the College's Title IX Coordinator when they learn of sexual misconduct against any member of the University community, guest on campus, or participant in any University program.

- **Reporting should be prompt.** A Responsible Employee should report an incident of sexual misconduct to the Title IX Coordinator as soon as is practical under the circumstances.
- **Reporting is not discretionary.** To be clear, aside from the single exception described above, the obligation to report sexual misconduct is not discretionary. A Responsible Employee may not, for example, decide not to report alleged misconduct because he or she believes it is not sufficiently serious, or because he or she does not believe it happened. These are decisions for the Title IX Coordinator and appropriate College officials to make.
- **Independent responses are prohibited.** Under no circumstances may any employee, department, organization, or division of the College attempt to resolve unilaterally any complaint of sexual misconduct that is required to be reported under this policy. In these cases, the Responsible Employee must always notify the Title IX Coordinator first, who will determine the appropriate response after consultation with appropriate officials.
- **Inform students of your obligations.** Many Responsible Employees can reasonably anticipate the possibility that students may report sexual misconduct to them. The College encourages these employees to inform students of their reporting obligations in advance. When sexual misconduct is actually reported, the employee should tell the reporting person as early in the conversation as possible that any information provided will have to be relayed to the Title IX Coordinator, and that if the reporting person prefers to keep the information confidential, the College has resources such as the LOC Counseling Center and LOC Student Health Center that can provide confidential assistance.
- **Tell the reporting person what will happen next.** A Responsible Employee should tell the person reporting sexual misconduct (1) that they will be informing the Title IX Coordinator of the incident; (2) why they are sharing this information—i.e., their obligation to inform those on campus in a position to respond; and (3) that the College will contact them to provide additional information and support.
- **Do not share the information with others.** Once you have informed the Title IX Coordinator, your reporting duties are complete. You may not share the information with anyone else. If your supervisor or someone you report to expects to be notified of such reports, you may inform them that you have relayed a complaint to the Title IX Coordinator, and that they may contact the coordinator directly with questions or concerns.
- **Failure to report.** Failure of a responsible employee to report an incident or incidents of sex or gender harassment or discrimination of which they become aware of, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

***If any report of sexual harassment involves alcohol use, will be punished?***

**If my report of sexual harassment involves alcohol use, will be punished?**

While the College does not condone violations of its policies, reporting incidents of sexual misconduct is of

paramount importance. Thus, the College will not pursue disciplinary action against any person for possession or consumption of alcohol or drugs, when that possession or consumption is revealed in the course of a good faith report of sexual misconduct or other good faith statements made in connection with an investigation under this policy.

### **3. Confidential Assistance**

Certain College personnel are able to provide assistance to victims of sexual misconduct on a confidential basis. These individuals are not required to convey information regarding sexual misconduct to the Title IX Coordinator or anyone else. Consequently, communications with these individuals **do not** put the College on notice of sexual misconduct. While these individuals may be able to provide assistance such as counseling or health care, notifying them will not trigger an investigation by the College or any disciplinary proceedings. Sources of confidential assistance include:

- Campus counseling 901.435.1733 or 901.435.1738 allows students to meet confidentially with mental health counselors.
- LOC Student Health Center 901.435.1577 provides medical care to members of the College community. Information shared with Health Center staff, including information pertaining to sexual assault or other misconduct, is confidential.

As discussed above, the College may elect to confer confidential status to other employees consistent with applicable laws and regulations. If you are not certain whether an employee is required to report sexual misconduct to the University, please inquire with the Title IX Coordinator.

### **4. Anonymous Disclosure**

Anonymous complaints of sexual misconduct or other unethical or unlawful behavior can be reported via the Anonymous Disclosure Form located on the Title IX webpage on the college website.

### **5. Reporting to Law Enforcement Agencies**

The reporting procedures in this policy are not intended as a substitute for reporting sexual misconduct to law enforcement agencies. Sexual misconduct may involve violations of the law. Members of the College community always retain the right to report sexual misconduct to the police. However, reporting to law enforcement is never required under this policy.

In an emergency, the Memphis Police Department can be reached by calling 911. Non-emergency contact information for these agencies is as follows: **Memphis Police Department (901) 545-2677.**

#### **U.S. Department of Justice – Office of Civil Rights (404) 562-7886**

Reporting to the Memphis Police Department will trigger the responses outlined in this policy. Reporting to other law enforcement agencies will not trigger these responses unless and until that agency elects to share the information with college officials or until you make a report as outlined in this policy.

Making a report under this policy is independent of any criminal investigation or proceedings. Thus, you may report to the College, a law enforcement agency, or both. The College, in its discretion, may not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or disciplinary proceedings. The College may take interim measures, if necessary, for the safety and security of the College community.

Individuals who bring reports of sexual misconduct to the College will be informed of their options for reporting to law enforcement agencies. If requested, the college will take reasonable steps to assist the individual in reporting to law enforcement.

While requests by reporting parties for non-disclosure of information to law enforcement will be carefully

considered, there may be circumstances under which College officials must provide law enforcement with information, such as where disclosure is required by law or is necessary to ensure campus safety.

**Title IX Coordinator:**

- Dr. Tara Dunn Ross
- Phone: 901.453.1555 or tara\_dunnross@loc.edu

## **Investigation and Adjudication**

All investigations and disciplinary proceedings concerning alleged sexual harassment will be conducted in a prompt, fair, and impartial manner by individuals who have received appropriate Title IX training.

### **1. Initial Investigation**

*The Timeframe.* Absent extenuating circumstances, the College will strive to conduct a full investigation of a complaint of sexual harassment and adjudicate the complaint within sixty calendar days after receiving consent to proceed with an investigation from the complainant or within sixty calendar days of deciding to proceed with an investigation absent the complainant's agreement.

*Interim Assistance.* While an investigation is pending, the College will provide due process to both parties and provide supportive measures to protect both the complainant and respondent. These steps may include, but are not limited to:

- **Modifying class or work schedules as necessary**
- **Providing escort services (to and/or from class)**
- **Making alternate housing and/or workplace arrangements**
- **Addressing other academic and/or workplace concerns (e.g., assignments, leaves of absence, or withdrawal); and**
- **Providing additional and/or targeted educational programming and training.**

A written description of available accommodations and assistance will be made available upon request.

### **The Investigator**

The Title IX Coordinator will select an appropriate person or persons to conduct the investigation. In exceptional cases, an external investigator (s) may be used. In all cases, the investigator (s) will have received proper training on issues relating to sexual misconduct and Title IX. The investigator (s) will regularly consult with the Title IX Coordinator on the progress of the investigation and potential issues that require additional follow-up.

### **Initial Contact with the Parties**

When an investigation begins, the Title IX Coordinator or a designee will schedule separate meetings with the complainant and respondent. The complainant and respondent will be informed of the nature of the investigation, the availability of interim accommodations and assistance, the prohibition on retaliation, the right to report to law enforcement agencies, and the possibility of informal resolution where appropriate.

## Procedures for Adjudication

### a. General Rules for Investigation and Adjudication

- 1) All parties of the Title IX investigation will have equal rights throughout the resolution process and will have an equal opportunity to present relevant witnesses and other evidence at a live hearing.
- 2) Both the complainant and respondent have the right to have an advisor, of their choice, to be present during the meetings, hearings, investigation interviews, and adjudication process. An advisor is not required to be an attorney. The advisor must be used for consultation purposes for the party and to conduct cross-examinations on behalf of that party during the hearing only. The advisor will not be allowed to question or respond to the Title IX Coordinator or Investigator (s) before, after, or during meetings and interviews.
- 3) The complainant and respondent will be advised of the possible Title IX policy violation (s), their rights, and the hearing procedure at a pre-hearing conference meeting with the Title IX Coordinator.
- 4) Both parties will be given 10 days' notice of the live hearing's date, time, and location.
- 5) The College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s), Title IX hearing committee, and parties to simultaneously see and hear the party or the witness answering questions. The university will create an audio or audiovisual recording, or transcript, of any live hearings and make it available to the parties for inspection and review by written request to the Title IX Coordinator.
- 6) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination question, the decision-maker(s) must first determine whether the question (s) is relevant and explain any decision to exclude a question (s) as not relevant to the advisor. The decision-maker may require that ALL questions be submitted in advance. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- 7) The standard of proof for adjudicating any sexual harassment charge is a preponderance of the evidence standard. In other words, the evidence must show that it is more likely than not that the alleged sexual harassment occurred.
- 8) 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.
- 9) The complainant and the respondent will be simultaneously informed, in writing, within 10 days of the Title IX findings, and procedures to appeal the findings.
- 10) The Title IX Coordinator will oversee all investigations, hearings, and disciplinary proceedings under this policy to ensure such proceedings comply with college policy and applicable law. All persons assigned to investigate sexual misconduct charges will have received proper training on issues related to sexual assault, sexual harassment, domestic violence, and stalking as well as proper methods for ensuring a prompt, thorough and fair investigation. All persons responsible for final adjudication of sexual harassment will have received proper annual training on the same issues, as well as proper methods of conducting hearings.
- 11) If any party believes that any adjudicator or investigator has a conflict of interest that would prevent him or her from handling the matter fairly and impartially, they should communicate that belief to the Title

IX Coordinator as early as possible, and in all events prior to any hearing. The Title IX Coordinator will review the matter and take action where appropriate, which may include assigning an alternate investigator or adjudicator. In rare cases, the Title IX Coordinator may determine that potential conflicts of interest or other factors warrant the appointment of individuals from outside the University community to investigate and/or adjudicate a charge of sexual harassment.

**b. Where the Respondent is a LOC Employee**

- 1) In cases where the respondent is a LeMoyne-Owen College employee, employers must fulfill their obligations under Title VII and also under Title IX. There is no inherent conflict between Title VII and Title IX. All employees will go through the same procedures for Investigation and Adjudication as students.
- 2) Employees will receive the same benefits and due process protections that students receive.

**c. Where the Respondent is neither a student nor a LOC Employee**

If the respondent is someone other than a LeMoyne-Owen College student or employee, the College will not have the ability to impose discipline and/or rights to the Respondent. However, the College will refer to appropriate law enforcement agencies. Appropriate steps will be taken to ensure the safety and well-being of the complainant and others, which may include without limitation steps to bar the respondent from campus, exclusion from university programs, and campus affiliated activities.

**d. Emergency Removal**

LeMoyne-Owen College may remove a respondent from the College's education program and/or activity on an emergency basis, provided that the College has taken an individualized safety and risk analysis to determine that an immediate threat to the physical health or safety of any LeMoyne-Owen College employee and/or student arising from the allegations of sexual harassment justifies removal. The College will provide the respondent with prior notice and an opportunity to challenge the decision immediately following the emergency removal.

**e. Appeals Process**

Students and employees have the right to request a review of the Decision-maker's ruling. A Letter of Appeal specifying the grounds upon which the appeal is based and supporting information must be submitted in writing and signed by the student or employee. LOC employees should address their letter to the Director of Human Resources. Students should address their letter to the Vice President of Student Affairs. The appeal letter must be emailed from your LeMoyne-Owen College email account to the Title IX Coordinator at [titleix@loc.edu](mailto:titleix@loc.edu). Appeals are due within 10 days from the date listed on the Resolution Outcomes Letter. If a decision is appealed, the case will be heard by the Director of Human Resources for employees or the Vice President of Student Affairs for students.

### 3. Informal Resolution

- Any time before the hearing, both parties can voluntarily agree to an informal resolution. This request must be done in writing from both parties and sent to the Title IX Coordinator.
- LeMoyne-Owen College will not require, as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation, and adjudication of formal complaints of sexual harassment. Similarly, the College will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
- LeMoyne-Owen College will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- An informal resolution is never appropriate in cases of alleged sexual assault or physical violence. In addition, the College may determine that other claims are sufficiently serious that informal resolution would be inappropriate. In such cases, the matter will be resolved through formal adjudication

### 4. Response & Sanctions

The following matrix shall guide the Decision -Maker and the Title IX Hearing Committee in determining sanctions and provide notice to the College community of the possible sanctions for an individual who is found responsible under the Sexual Harassment policy. **This matrix only provides guidance and is not meant to be exclusive as to other sanctions that can be imposed.**

**Additionally, prior disciplinary actions of the same or similar nature against an individual may be taken into consideration when imposing sanctions. The sanctions of dismissal, suspension, and probation may apply to academic enrollment, participation in campus activities and organizations, and residence life. College dismissals are permanent dismissals.**

Prohibited Behavior/Conduct	Range of Sanctions
Sexual Harassment Constituting of Sexual Assault	Dismissal/Termination
Sexual Harassment Not Constituting Sexual Assault, Unwanted Sexual Touching	Dismissal/Termination Suspension Probation
Sexual harassment/discrimination via social media, Non-physical	Dismissal/Termination, Suspension Probation
Pregnancy, Sex Gender-Based Harassment and/or Discrimination	Dismissal/Termination Suspension Probation

Retaliation False Allegations	Dismissal/Termination Suspension Probation
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**Sanctioning for Sexual Harassment**

**\*The Decision -the Title IX Officer reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Title IX Officer appeals body or officer will not deviate from the range of recommended sanctions unless compelling justification exists to do so.**

**Amnesty/Immunity for Alcohol or Drug Violations**

The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time an incident occurs may be hesitant to report the sexual harassment due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of sexual harassment to the Title IX Coordinator at [titleix@loc.edu](mailto:titleix@loc.edu) or by call to any campus officials, or LOC Campus Security.

A bystander reporting in good faith or complainant reporting to College officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug policies occurring at or near the time of the sexual harassment.

**False Allegations**

While the College recognizes the rarity of intentional false reports of sexual harassment, submitting a deliberately false report or providing false information in bad faith is prohibited under this policy and is grounds for disciplinary action. A report is made in bad faith when the person making it actually knew it was false or made it with reckless disregard for the truth. A report is not made in bad faith merely because an adjudicator finds an accused party not responsible.

Where a false report or statement has been made in bad faith, disciplinary action by the College against the person making it is not retaliation within the meaning of this policy. This exception applies solely to official disciplinary action by the College. It does not authorize other retaliation of any kind by any individual, department or organization, even where bad faith is found.

**Retaliation**

Retaliation is defined as any adverse action or threat taken against an individual for filing a complaint of sexual misconduct, serving as a witness, or for participating in the investigation or resolution process. The College strictly prohibits retaliation. This includes any form of intimidation, threats, harassment, or any other conduct that would discourage a reasonable person from participating in protected activity, such as reporting sexual misconduct, seeking services, or receiving interim measures and accommodations. Retaliating against a person for participating in protected activity is a basis for disciplinary action, regardless of the outcome of the underlying complaint. Complaints of retaliation should be reported immediately to the Title IX Coordinator.

**Parental Rights**

Parents or guardians are permitted to exercise their rights to be involved in this process. Parents or guardians can request supportive measures and/or participate in a grievance process. Similarly, the parent or guardian is permitted to accompany the student to meetings, interviews, and hearings during a grievance process to exercise rights on behalf of the student. The student’s advisor of choice may be a different person from the parent or



guardian. Parents or guardians also have the right to review and inspect evidence as well.

## **What to do if you are sexually assaulted on or off campus:**

### **If you are on campus or attending an event that is sponsored by the College:**

- Go to a safe location immediately or Call 911
- To report the crime or request services, notify the Campus Security at 901.301.7340 (24 hours/7 days a week)
- Contact the P Title IX Coordinator at phone: 901.453.1555 or email [tara\\_dunnross@loc.edu](mailto:tara_dunnross@loc.edu)
- Call LOC Student Health Center at 901.435.1577.
- Call Campus Counseling Center at 901.435.1738 or 901.435.1733.
- Preserve all physical evidence of the assault, even if you are unsure whether you want to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands, or brush your teeth until after you have had a medical examination. Save all the clothing you were wearing at the time of the assault and bring them and any other potential evidence to the medical exam. Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.
- Call a trusted friend, family member, or someone who can provide support.
- Get medical care as soon as possible. Go to a hospital, emergency room or a specialized forensic clinic that works with sexual assault survivors.
- You may also request medications for the prevention of sexually transmitted infections, including HIV, and emergency contraception. If more than one week has passed since the assault, or if you are certain that you do not want the collection of forensic evidence.
- If you think you may have been given a rape drug, request that the medical provider collect a urine and blood sample.
- Talk to a counselor for confidential and emotional support. You can speak confidentially with someone on campus at the Campus Counseling Center at 901.435.1738 or 901.435.1733.

### **If you are off-campus:**

- Go to a safe location immediately or Call 911
- Preserve all physical evidence of the assault, even if you are unsure whether you want to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands or brush your teeth until after you have had a medical examination. Save all the clothing you were wearing at the time of the assault and bring them and any other potential evidence to the medical exam. Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.
- Call a trusted friend, family member, or someone who can provide support.
- Get medical care as soon as possible. Go to a hospital, emergency room, or a specialized forensic clinic that works with sexual assault survivors.
- You may also request medications for the prevention of sexually transmitted infections, including HIV, and emergency contraception. If more than one week has passed since the assault, or if you are certain that you do not want the collection of forensic evidence.
- If you think you may have been given a rape drug, request that the medical provider collect a urine and blood sample.

- Talk to a counselor for confidential and emotional support. You can speak confidentially with someone on campus at the Campus Counseling Center at 901.435.1733 or 901.435.1738.

# Sexual Assault

## What is Sexual Assault?

Sexual assault is an umbrella term used to describe a wide range of forced and unwanted sexual activity including kissing, exhibitionism, groping, and rape. Victims might be coerced into sexual acts through verbal or non-verbal threats or through the use of substances, such as alcohol or drugs. Sexual assault doesn't always involve physical contact – acts such as voyeurism and exhibitionism can still count as unwanted sexual attention.

LeMoyne-Owen College expects that all members of the College community – students, faculty, and staff – should be able to pursue their work and education in a safe environment, free from sex/gender-based misconduct. To this end, the College is committed to maintaining a learning and working environment free of sexual misconduct. The term sexual misconduct includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, stalking, dating violence, and domestic violence. The College aims to prevent sexual misconduct through education, training, clear policies, and serious consequences for violators.

The College believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to ensure, within reason, that such conduct ends, is not repeated, and the effects on the victim and community are remedied. Both women and men should know that the College is committed to providing a consistent, timely and caring response to anyone who is the victim of sexual misconduct within the campus community.

## Consent

Consent is defined as a clear and unmistakable agreement expressed in mutually understandable words or actions to engage in a particular activity. Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage in one sexual activity or past agreement to engage in a particular sexual activity cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent cannot be validly given by a person who is under the influence of alcohol and/or drugs.

## Reporting Assault and Getting Help

First, are you physically safe and OK? If not, call 911 for an ambulance or notify someone you trust to come to your location. If you live on campus, you can call the LOC Campus Security at 901.301.7340; the Dean of Students at 901.435.1727. They can notify the counselors at LOC's Counseling Center of your needs, as well as contact any emergency services for you.

If you are safe, talking with the counselor is confidential should you wish to discuss your options. The Campus Counseling Center is located in Brownlee Hall Monday- Friday from 8:30 a.m. – 4:30 p.m. Their phone number is 901.453.1733 or 901.435.1738. If you live in the city, please contact the Memphis Police Department or the Shelby County Sheriff. The National Abuse Hotline is a 24-hour support system. Their contact is 1-800-656-HOPE (4673).

## Recognizing Sexual Abuse

College provides an environment for many students to explore intimate relationships with casual partners or serious relationships. In the confines of these relationships, however, inexperienced partners may not have the tools and experience needed to identify troubling behaviors. The earliest expressions of abuse aren't always physical. Controlling habits can begin with manipulative comments or angry outbursts either in-person or over phone, text or social media.

It is extremely important for young adults to be able to recognize warning signs of a problematic relationship, before an abusive situation escalates. The most common indicators of high-risk emotional or physical abuse are below:

### Emotional Abuse

- **Tone:** Seemingly harmless statements can transform into threats or insults if your partner uses a disparaging or aggressive tone.
- **Language choice:** A partner blames you for things or uses coarse language, such as swear words, while speaking to you.
- **Jealousy:** Your partner seems suspicious of your interactions with other people. Your partner attempts to control your interactions, isolate you, or monitor your communications with others.
- **Controlling statements:** Your partner issues commands or often says you "must" or "have to" do something.
- **Pejorative language:** Your partner addresses or describes you with insulting names or adjectives, such as "stupid" or "idiotic."
- **Threats:** Your partner attempts to control you with "or else" statements or negative consequences if you don't comply with their wishes. Your partner might threaten you with physical, emotional, or verbal abuse.

### Physical Abuse

- **Violence:** Your partner uses unwanted and forceful contact. This can include anything from wrist grabs to strikes against your body.
- **Threatening body language:** Your partner uses forceful movements, such as lunging toward you, glaring at you, or aggressively invading your personal space.
- **Damaging property:** Your partner has lost their temper and damaged items around the house, such as smashing dishes.
- **Violence during sex:** Your partner is extremely forceful or even violent during sex.

BESTCOLLEGES.COM (<http://www.bestcolleges.com/resources/preventing-sexual-assault/>)

## Basic Safety Guidelines

- **Know your alcohol limits:** Over half of sexual assaults committed against college students involve alcohol (<https://www.collegedrinkingprevention.gov/supportingresearch/journal/journalstudiesalcohol.aspx>), according to researchers at Wayne State University. Intoxication can make you significantly more vulnerable to assaults by impairing your judgment or inhibiting your physical ability to fight off an attacker. Binge drinkers are at a particularly high-risk of suffering incapacitation, blackout, or unconsciousness.
- **Watch your drinks:** Take your drink to the restroom with you. Never drink a beverage that has been given to you by someone else or taken from a communal alcohol source (like a punch bowl).
- **Trust your gut:** If you get a bad feeling about a location or a person, leave immediately. We often subconsciously process body language and other danger indicators without realizing it. If something feels very wrong or you feel pursued, head in the direction of the nearest crowd, lighted area, or

building. Start talking loudly on your phone. Many attackers are unwilling to pursue victims who are aggressive or loud, which draws attention to the crime.

- **Stick with your friends:** Attend social gatherings with a group of friends that you trust. Look out for each other and help each other arrive home safely. If you do go out alone, always tell someone where you are going and avoid walking in unlit or un-trafficked parts of town or campus.

BESTCOLLEGES.COM (<http://www.bestcolleges.com/resources/preventing-sexual-assault/>)

### **Assault Prevention in Relationships**

If you've identified that your partner exhibits the controlling or aggressive behaviors listed above and you are too afraid to bring these issues up safely within your relationship, it's time to get help. Victims often realize the dangers of their situation after it's too late; the dynamic between the abuser and abused is strategically created to discourage the victims to acknowledge or address the problem.

Intimate partner abuse and violence is never okay. It is more common than you may think and it is wholly within your power and your rights to get out safely.

- **Contact a campus counselor or a support hotline:** If you're unsure how to get away from an abusive partner, contact the Campus Counseling Center located in Brownlee Hall. Their phone number is 901.453.1733. You can also contact a support hotline for assistance. The National Domestic Abuse Hotline (<http://www.thehotline.org/>) provides 24/7 phone assistance.
- **Try not to blame yourself:** Self-blame is extremely common in abusive relationships. It can be easy to feel trapped in your situation. However, your partner's abusive actions are absolutely not your fault or a sign of weakness on your part. Keep this in mind as you seek help.
- **List safe places:** Know where you can go in case you need to get away from an abusive partner. This might include the Campus Counseling Center, a trusted friends' dorm room, a survivors' shelter, or a residence hall staff office.
- **Document hostile communications:** It can be emotionally painful to save threatening messages that your partner sends. However, voice messages, emails, IMs, and other hostile communications can be immensely useful to demonstrate a history of assault when you speak with counselors or authorities.
- **Get counseling:** The Campus Counseling Center is located in Brownlee Hall. Their phone number is 901.453.1733. On-site counselors are trained to help with relationship assault and domestic violence. Dean of Students at 901.453.1727 can also assist you with seeking counseling services.
- **Call the police:** If you are being threatened with assault, attempt to reach a safe place and call the police immediately at 911.

### **If Someone You Know is Assaulted**

- Help the victim reach a safe location away from the assailant. Make the victim feel as safe and listened to as possible.
- Many victims blame themselves for an attack. Inform the victim that the sexual assault was not their fault.
- Be a supportive listener. Thank the victim for telling you about this. Avoid phrases that evoke powerlessness at first, including "I'm sorry."
- If you saw the attacker or witnessed any part of the assault, take detailed notes regarding the incident.
- Encourage the victim to contact the Memphis Police Department, Shelby County Sheriff, The Title IX Coordinator, the Dean of Students, or the LOC Health Center.

- Accompany the victim to the hospital and ensure they meet with medical professionals who specialize in sexual assault trauma.
  - Follow up with the victim. Encourage participation in counseling sessions and support groups.
- BESTCOLLEGES.COM (<http://www.bestcolleges.com/resources/preventing-sexual-assault/>)

## Title IX Resources

<b>LeMoyne-Owen College Resource Numbers</b>	
Counseling	901.435.1733
Health Services	901.435.1577
Office Housing & Residence Life	901-435-1948
Campus Security	901.301.7340
Human Resources	901.435.1601
Student Affairs	901.435.1734
Title IX Coordinator	901.435.1555

### **Sexual Assault Policy**

A profound concern for moral and spiritual values is emphasized here at the College. This concern is underscored in the Sexual Assault Policy, which serves to protect the rights of each member of the College community from unacceptable and unconscionable sexual assault. All students are responsible for their own actions and are expected to maintain high moral and ethical standards, as well as, to comply with the provisions of local, State and Federal laws.

Sexual assault is a violation of the College Code of Conduct involving physical contact of a sexual nature which is against one's will or without one's consent. Regrettably, sexual assault happens, and perpetrators may be relatives, friends, dates, acquaintances, or strangers. Violated victims may experience feelings of confusion, disbelief, shock, guilt, shame, self-blame, resentment, anger, and fear. These are natural reactions that need to be addressed in the best possible way.

This policy, which complies with the Higher Education Re-Authorization Amendment Act, ensures consistent procedures and coordination of college and community resources regarding victims of sexual assault. It is the intention of the College to increase awareness, encourage prevention, and to provide assistance for survivors

of sexual assault and their families.

Educational programming to promote awareness and prevention of rape, acquaintance rape and other sex offenses shall be offered periodically to all students, faculty and staff by Campus Safety, Office of On-campus living and learning and the College Counseling Center, as well as other appropriate campus departments. Dates and frequency of programs will be at the discretion of the Director of Counseling Services and the Compliance Officer. These comprehensive programs describe response protocols, available medical treatments and referral sources.

### **Sexual Assault Education**

If you are sexually assaulted, GET TO A SAFE PLACE. Once there, the survivor has several options to consider, including:

- **Contact Campus Safety and/or Memphis Police** - Sexual Assault is a crime and survivors have the opportunity to press charges both on- and off-campus. If the assault happened on campus, the survivor can contact Campus Safety at 901-301-7340. If the assault occurred off campus, contact Memphis Police at 911.
- **Call the College Counseling Center** - Counselors offer support and can make appropriate referrals based on the needs of a survivor. Referrals are confidential, free, and available 24 hours a day. Call 901-435-1733 to be put in touch with a counselor.
- **Contact someone who they can trust** - A friend who can stay with and support them.
- **Seek Medical Attention** - All survivors of sexual assault are encouraged to seek medical attention as soon as possible after the assault to ensure their physical well-being. Even if there is no external physical injury, survivors can and should be tested for sexually transmitted diseases, pregnancy, and internal trauma.

Preservation of physical evidence is important to the successful prosecution of offenders. To preserve such evidence, survivors should not shower, douche, change clothes or change bedding before seeking medical attention. Also, if oral contact was made, survivors are asked not to brush their teeth, smoke, or eat. Evidence can be collected at area hospitals.

### **Possible College Sanctions for Sexual Assault**

The sanctions for rape, date/acquaintance rape, or other sexual offenses (forcible or non-forcible) that may result following an on-campus disciplinary procedure are those applied to all disciplinary cases. These sanctions are contained in the *Student Handbook*. Sanctions include, without being limited to: College expulsion; College suspension; On-campus living and learning expulsion; discretionary sanctions; fines; loss of privileges; probation; and warning(s).

The procedures for on-campus disciplinary action in cases of alleged sexual assault are those employed in all disciplinary cases and are contained in the Judicial Procedures Code of Conduct.

These procedures include:

1. All accused student(s) will be notified in writing of all pending charges against the accused.
2. The accused student shall have the option of an administrative hearing with the Dean of Student Affairs/ the formal College judicial board.
3. Procedures normally shall be conducted in private. At the request of the accused student, a representative of the student may be admitted but shall not have privileges of participation in the



hearing. Admission of any person to the hearing shall be at the discretion of the judicial body.

4. The complainant and/or the accused have the right to be assisted by an advisor of their choice and at their own expense. However, the complainant and/or the accused is responsible for presenting their own cases and, therefore, advisors are not permitted to speak during or participate in any hearing before a judicial body.

### **Emotional Support for Victims**

Counseling is available for victims of sexual assault at the College Counseling Center, as well as in the community at the Shelby County Crime Victims and Rape Crisis Center (CVRCC) located at 1060 Madison Ave., Memphis, TN 38104. The CVRCC offers crisis intervention, support counseling, and group therapy.

The 24-hour Sexual Assault Hotline is (901) 222-4350 (answered after hours by the Memphis Crisis Center).

### **Prior Abuse**

Victims of sexual abuse that has occurred within their family are eligible for College Counseling services. Referrals may also be made to community mental health centers and/or to private practitioners, depending upon the specific needs of the victim.

### **Reporting an Incident to Legal Authorities**

The purposes for reporting an incident are:

1. To protect oneself and others from future victimization
2. To apprehend the assailant(s)
3. To, in some way, seek justice for the wrong committed upon the victim.

Victims have the option to report the incident immediately to Campus Safety at 901.301.7340 or (x1464) from a campus telephone. Reporting an incident is different from choosing to prosecute. Filing a report does not obligate the victim to continue with legal proceedings or College disciplinary action. The victim can choose whether to participate in proceedings at any point in the process.

### **Residence Hall Adjustments**

If necessary, and/or at the request of the victim, the living arrangements of the individual(s) involved can be changed, especially if the individual(s) involved are currently assigned to the same Residence Hall. If the victim wishes to be relocated, then the victim will be given that option. If the victim wishes to remain in their current assignment, then the alleged perpetrator will be reassigned to a different housing location or temporarily suspended. The Resident Staff on duty must be contacted to ensure that this procedure is followed.

If necessary, and/or at the request of the victim, changes may be made in the academic environment to ensure the safety and wellbeing of the individual(s) involved. The professional staff member involved will be responsible for initiating these changes.

### **MISSING STUDENT POLICY- RESIDENTIAL STUDENTS**

LeMoyne-Owen College takes student safety very seriously. To this end, the following policy has been established to assist in locating LeMoyne-Owen College students living in college on-campus housing that, based on the facts and circumstances known to LeMoyne-Owen College, has been determined to be missing.

All reports of missing student shall be directed to the Campus Safety Department which shall investigate each report and make a determination whether the student is missing in accordance to policy. At the beginning of the academic year, LeMoyne-Owen College will inform students residing in on-campus housing that the College will notify either a parent, or individual selected by the student, not later than 24 hours after the time the student is determined to be missing. The Dean of Students shall have the responsibility of making provisions of this policy and procedure set forth below available to students.

## **Resources**

1. Campus Living and Learning staff may be asked to assist in physically locating a missing student by entering the student's assigned room and speaking with roommates/associates.
2. Campus Safety may search on-campus public locations to find a missing student (library, cafeteria, etc.).
3. Campus Safety may issue an ID picture to assist in identifying a missing student.
4. The Dean's Office may try to contact known friends, family, or faculty members for the last sighting or other contact information.
5. Campus Safety may access vehicle registration information for distribution to the proper authorities. Information Technology personnel may be asked to look up email logs for the last login and/or use of the College's email system.

## **Procedures:**

Any report of a missing student, from whatever source, should immediately be directed to the Campus Safety Department.

1. Students have the opportunity of identifying an individual to be contacted by LeMoyne-Owen College and must register this confidential contact information through the On-Campus Living and Learning Office.
2. If the student is under 18 years of age, LeMoyne-Owen College (Dean of Students) is required to notify a custodial parent or guardian as contained in the records of the College of the missing student, not later than 24 hours after the determination by Campus Safety that the student is missing.
3. LeMoyne-Owen College Campus Safety will notify the Memphis Police Department not later than 24 hours after the time that the student is determined to be missing.
4. If the LeMoyne-Owen Campus Safety personnel have been notified and make the determination that a student who is the subject of a missing person report has been missing for more than 24 hours without returning to the campus, LeMoyne-Owen College will initiate the emergency contact procedures in accordance with the student's designation.

## **Notification:**

LeMoyne-Owen College will follow the notification procedure for a missing student who resides in on-campus housing. Once the College receives a missing student report, the following offices will be notified.

- Campus Safety Department
- Dean's Office
- On Campus Living and Learning Director

Any official missing person report, from whatever source, shall be referred immediately to the Department of Campus Safety.

## **Student Contact Information:**

Students shall ensure that there is up-to-date emergency contact information on file at the Registrar's Office and with the On-Campus Living and Learning Office.

## **Distribution:**

- Notification of this policy will be distributed to the campus community via email.
- This policy will be posted on the LeMoyne-Owen College Campus Safety and on-campus living and