

Equity Grievance Process for Resolving Complaints of Harassment, Sexual Misconduct, and Other Forms of Discrimination

Georgia Military College will act on any formal or informal complaint or notice of violation of the Equal Opportunity, Harassment, and Nondiscrimination policy received by Title IX Coordinators or an administration member.

The procedures described below will apply to all complaints involving students, staff, or faculty members. These procedures also cover redress and requests for responsive actions for complaints brought against non-members of the community.

1. Equity Grievance Panel (EGP)

Members of the EGP are announced campus-wide in an annual distribution of this policy to employees, students, prospective students and their parents, and prospective employees. Members of the EGP are trained in all aspects of the grievance process and can serve in any of the following roles at the direction of the Title IX Coordinator:

- To provide sensitive intake and initial counseling of complaints
- To serve in a mediation role [restorative justice] in conflict resolution
- To investigate complaints
- To act as Graduation Coaches/advocates to those involved in complaints
- To serve on hearing panels for complaints
- To serve on appeal panels for complaints

EGP members also recommend policies and changes to existing policies and serve in an educative role for the community. With the advice of the Title IX Coordinator, the President appoints the panel, which reports to the Title IX Coordinator. EGP members receive annual training organized by the Title IX Coordinator, including a review of Georgia Military College policies and procedures. All EGP members are required to attend this annual training. Other training may be necessary, as decided by the President or the Title IX Coordinator.

The Equity Grievance Panel (EGP) includes:

- 2 Co-chairs
- One Administrative Hearing Officer who is an *ex officio* member and serves as Chair of grievance panel hearings for student respondents
- At least five faculty members or academic affairs staff members
- At least five members of the administration
- At least five members of the non-academic staff
- At least two representatives from Campus Police
- At least two representatives from Human Resources
- At least two representatives from the Office of the Commandant of Cadets
- At least two representatives from Athletics

Panel members are usually appointed to one-year terms. Appointments to the EGP will be made with attention to the representation of groups protected by the harassment and non-discrimination policy.

2. Filing a complaint

Any member of the community, guest, or visitor who believes that the policy on Equal Opportunity, Harassment, and Nondiscrimination has been violated must contact the Title IX Coordinator or a Deputy Title IX Coordinator. It is also possible for employees to notify a supervisor, for students to notify an administrative Graduation Coach or faculty member, or for any member of the community may contact Campus Police or a GMC Campus Director. These individuals will, in turn, notify the Title IX Coordinator. The College website also includes a reporting form at www.gmc.edu, which may serve to initiate a complaint.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator or a Deputy Title IX Coordinator within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, Georgia Military College will consider the complainant concerning how the complaint is pursued but reserves the right, when necessary, to protect the community and to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

3. Complaint Intake

Following receipt of notice or a complaint, the Title IX Coordinator will promptly assign an EGP panel member to work as Graduation Coach/advocate to the person who reported the complaint, or the complainant may choose another trained or non-trained Graduation Coach or proceed without a Graduation Coach.¹ Usually, within two business days, an initial determination is made whether a policy violation may have occurred or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or its members. The College aims to complete all investigations within 30 business days, which can be extended as necessary for reasonable cause by the Title IX Coordinator with notice to the parties.

4. Investigation

If a complainant wishes to pursue a formal complaint or the College, based on the alleged policy violation, wishes to pursue a formal complaint, then the Title IX Coordinator appoints trained EGP members to conduct the investigation, usually within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously, within ten business days of notice to the coordinator. The investigation may take longer when initial complaints fail to provide the direct first-hand information. The College may undertake a short delay (3-10 days to allow evidence collection) when criminal charges based on the same behaviors invoke this process are being investigated. Georgia Military College action will not be altered or precluded because civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable, and impartial and will include interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.

¹If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process should a complaint be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

5. Interim Remedies

The Title IX Coordinator (or designee) may provide interim remedies to address the short or long-term effects of harassment, discrimination, or retaliation, i.e., to redress harm to the alleged victim and the community and prevent further harassment or violations. Interim remedies may also be used when, in the judgment of the Title IX Coordinator, the safety or well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question.

These remedies may include referral to off-campus counseling and health services, referral through the Vice President of Human Resources to the *Employee Assistance Program*, altering the housing situation of an accused cadet/student or resident employee (or the alleged victim, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and course schedules.

The College may interim suspend a student, employee, or organization pending the completion of the EGP investigation and procedures. In all cases where an interim suspension is imposed, the student, employee, or student organization will be allowed to meet with the Title IX Coordinator before such suspension is imposed or as soon as possible to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the Equal Opportunity, Harassment, and Nondiscrimination policy and to determine its conditions and duration. Violation of an interim suspension under this policy may be grounds for student expulsion or employee termination.

During an interim suspension or administrative leave, a student or employee may be denied access to college housing if a cadet and college campus/facilities/events. As determined by the appropriate administrative officer, Title IX Coordinator, or designee, this restriction may include classes and all other college activities or privileges for which the student might otherwise be eligible. At the discretion of the GMC Vice President for Academic Affairs and Dean of Faculty or appropriate Campus Executive Director, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

6. Complaint Resolution

During or upon the completion of the investigation, the investigators will meet with the Title IX Coordinator as appropriate. Based on that meeting, the Title IX Coordinator will decide whether there is reasonable cause to proceed with the complaint. The process will end if the Title IX Coordinator determines that no policy violation has occurred; however, the complainant may request that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies at the sole discretion of the Title IX Coordinator. If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of the evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, a resolution without a hearing, or a formal hearing, based on the below criteria.

a. Conflict Resolution

Conflict resolution is often used for less severe yet inappropriate behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an EGP member will, if possible, facilitate a dialogue with the parties to an effective resolution. Sanctions are not possible due to a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address complaints of sexual misconduct, violent behavior of any kind, or severe policy violations. However, it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe it could be

beneficial. It is unnecessary to pursue conflict resolution to make a formal EGP complaint. Anyone participating in conflict resolution can stop that process and request a formal hearing.

b. Resolution Without a Hearing

Resolution without a hearing can be pursued at any time during the process for any behavior that falls within the policy on Equal Opportunity, Harassment, and Nondiscrimination. The Title IX Coordinator will provide written notification of a complaint to any member of the College community who is accused of an offense of harassment, discrimination, or retaliation. The respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator will render a finding that the individual violates College policy for the admitted conduct and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the appropriate Co-chair of the EGP will recommend or determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the Title IX Coordinator will implement it and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party rejects the sanction/responsive action, an EGP hearing will be held only on the sanction/responsive action, according to the EGP procedures below. The exception is at-will employees for whom findings and responsive actions will be determined by the Vice President of Human Resources (VPHR) based on the investigation results.

c. Formal Hearing

The Title IX Coordinator will initiate a formal hearing for any complaints inappropriate for conflict resolution and not resolved without a hearing. Employees without a hearing process will refer their findings to the Vice President of Human Resources for implementation.

7. Formal Equity Grievance Panel (EGP) Procedure [process may divert to faculty or student conduct processes at this point, for a hearing, if necessary]

a. Hearing Panels

The Title IX Coordinator will appoint a non-voting panel Chair (either one of the EGP co-chairs or an Administrative Hearing Officer, depending on whether the respondent is a faculty member, another employee, or student) and three members of the EGP to the hearing panel, none of whom have been previously involved with the complaint. EGP members who served as investigators will be witnesses in the hearing of the complaint and, therefore, may not function as hearing panel members. Hearing panels may include both faculty and non-faculty employees, with at least one faculty employee selected in a complaint against a faculty member. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.

b. Notification of Charges

At least one week before the hearing, or as far in advance as possible, if an accelerated hearing is scheduled with the party's consent, the EGP Co-chair will send a letter to the parties with the following information. Once mailed, emailed, or received in person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-chair may reschedule the hearing.
- The parties may have the assistance of an EGP panel member or other Graduation Coach at the hearing. Typically, Graduation Coaches are campus community members, but the Title IX Coordinator may grant permission for an outside Graduation Coach upon request.

The Graduation Coach may not be a practicing attorney, and no practicing attorney may be present in the hearing room. In the rare instance where civil or criminal court proceedings currently involve a party to the complaint or the Chair's discretion, legal counsel may be permitted to serve as a Graduation Coach. The Graduation Coach may not make a presentation or represent the complainant or respondent during the hearing. The parties to the hearing are expected to ask and respond to questions on their behalf without their Graduation Coach's representation. The Graduation Coach may consult with the advisee quietly, in writing, or outside the hearing during breaks but may not speak to the panel on behalf of the advisee.

- Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 30-day goal for resolution.

c. Hearing Procedures

Equity Grievance Panel (EGP) Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The EGP has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment, and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment, or retaliation, even though those collateral allegations may not specifically fall within EGP jurisdiction. Accordingly, investigations should be conducted with as broad a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who investigated the complaint, the complainant and respondent(s) (or three organizational representatives in a case where an organization is charged), Graduation Coaches/advocates to the parties, and any called witnesses. The Chair will exchange the names of witnesses the College intends to call, all pertinent documentary evidence, and any written findings from the investigators between the parties at least two business days before the hearing. In addition, the parties will be given a list of the names of each EGP panel member at least two business days before the hearing. Should either (any) party object to any panelist, they must immediately raise all objections, in writing, to the Chair. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial complaint hearing. Additionally, any panelist or Chair who feels they cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

In consultation with the parties and investigators, the Chair may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments fully and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired, such as screens, Skype, or questions directed through the Chair, the parties should request them from the Chair at least two business days before the hearing.

Once the procedures are explained, and the participants are introduced, the investigator will present the investigation report first and be subject to questioning by the parties and the EGP. The investigator(s) will be present during the entire hearing process but will only be present during deliberations at the Chair's request. The investigation findings are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited except as necessary to determine sanctions/responsive actions. Once investigators are questioned, the EGP will permit questioning of and by the parties and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns before or during the hearing, may exclude irrelevant or immaterial evidence, and may ask the panel to disregard

evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation unless they show a pattern, or (2) the sexual history of or the character of the victim/complainant.

Where issues of competency or job performance are concerned, the Committee will not substitute its judgment of competency or performance for the judgment of other appropriate campus officials; the function of the Hearing Panel is to determine whether those policies, processes, and criteria used in arriving at judgments of competency or performance were consistent with the College's policies regarding harassment and nondiscrimination.

There will be no observers in the hearing. The Chair may allow witnesses with relevant information to appear at a portion of the hearing to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or two complainants who have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Title IX Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

Proceedings are private. The EGP chairman warns all persons present at any time during the hearing that they are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have the discretion to share their own experiences if they choose and should discuss doing so with their Graduation Coaches/advocates.

Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties, the persons who initiated the action, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

d. Decisions

The EGP will deliberate in a closed session to determine whether or not the respondent is responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual respondent or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages and must be submitted to the Title IX Coordinator within two days of the end of deliberations.

The Title IX Coordinator (or designee) will inform the accused individual and the complainant of the final determination within 2-3 business days of the hearing. Notification will be made in writing and delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Georgia Military College records, or emailed to the parties' Georgia Military College-issued email account. Once mailed, emailed, or received in person, notice will be presumptively delivered.

e. Sanctions

The EGP will determine sanctions or responsive actions. Factors considered when selecting a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct
- Any other information deemed relevant by the EGP
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation
- The need to remedy the effects of the discrimination, harassment, or retaliation on the victim and the community

1. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

| PENALTY | OUTCOME |
|---------------------------------|---|
| Organizational Sanctions | Inactivation or loss of all privileges for a specified period. |
| Revocation of Degree | The College reserves the right to revoke a degree awarded from Georgia Military College for fraud, misrepresentation, or other violations of Georgia Military College policies, procedures, or directives in obtaining the degree or for other serious violations committed by a student before graduation. NB: Revocation of Degree must be approved by the President. |
| Withholding Diploma | The College may withhold a student's diploma for a specified period or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation. |
| Expulsion | Permanent termination of student status, revocation of rights to be on campus for any reason, or attend Georgia Military College-sponsored events. This sanction will be noted as a Conduct or Disciplinary Expulsion on the student's official transcript. NB: Expulsions must be approved by the President. |
| Suspension | Terminating student status for a definite period not to exceed one year or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College. This sanction will be noted as a Conduct or Disciplinary Suspension on the student's official transcript. |
| Probation | A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions if the student or organization is found in violation of any Georgia Military College policy, procedure, or directive within a specified period. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, or other measures deemed appropriate. |
| Warning | A formal statement that the behavior was unacceptable and a warning that further infractions of any Georgia Military College policy, procedure, or directive may result in more severe sanctions/responsive actions. |

- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

2. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay, and termination.

f. Withdrawal or Resignation While Charges Pending

Students: The College does not permit a student to withdraw if that student has a complaint pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination or charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation or hearing, the process will proceed to a reasonable resolution in the student's absence. That student will not be permitted to return to Georgia Military College unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status and College's responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

g. Appeals

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within five business days of the delivery of the written finding of the EGP.

A three-member panel of the EGP appointed by the President will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission significantly impacted the hearing outcome (e.g., substantiated bias, material deviation from established procedures).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation, or sanctions fall outside the range of sanctions the College has designated for this offense.

The appeals panel of the EGP will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and join in the appeal. The party requesting an appeal must show that the grounds for an appeal request have been met, and the other party or parties may show that the grounds have not been met or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the EGP appeals panel finds that at least one of the grounds is met and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the EGP panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the record of the original hearing and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or heard by the three-member panel of the EGP appointed by the President.

- Sanctions imposed are implemented immediately unless the President or Title IX Coordinator stays their implementation, pending the outcome of the appeal.
- The Title IX Coordinator will normally, after conferring with the EGP appeals panel, render to the President and all parties within 2-3 business days from the hearing of the appeal a written decision on the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

h. Failure to Complete Sanctions/Comply with Responsive Actions

All respondents are expected to comply with conduct sanctions /corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions /corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/corrective actions, or suspension, expulsion or termination from Georgia Military College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

i. Records

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

j. Statement of Complainant's Rights

- To be treated with respect by College officials.
- To take advantage of campus support resources (such as Counseling for students or EAP services for employees).
- To experience a safe living, educational, and work environment.
- To have a Graduation Coach/advocate during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these procedures.
- To fully participate in any EGP process, whether the injured party or the College is serving as the complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions were permissible, and the rationale for the outcome where permissible.

k. Statement of Respondent's Rights

- To be treated with respect by College officials.
- To take advantage of campus support resources.
- To have a Graduation Coach/advocate during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have complaints heard in substantial accordance with these procedures.
- To be informed in writing of the rationale and outcome/resolution.

Questions and Answers:

Here are some of the most commonly asked questions regarding GMC's sexual misconduct policy and procedures.

- *Does information about a complaint remain private?*

The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the institution's obligation to investigate allegations of sexual misconduct thoroughly. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the accused student may lead to disciplinary action by the College.

In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken without using the name or identifiable information of the alleged victim. Certain college administrators are informed of the outcome within the bounds of student privacy (e.g., the President, GMC Dean of Students, Campus Directors). If there is a report of an act of alleged sexual misconduct to a disciplinary conduct officer of the institution and there is evidence that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the institution is legally required to notify law enforcement authorities. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

- *Will my parents be told?*

No, not unless you tell them. Whether you are the complainant or the accused student, GMC's primary relationship is with the student and not with the parent. However, in major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. GMC officials will directly notify parents when requested to do so by a student, in a life-threatening situation, or if an accused student is a cadet and has signed the permission form that allows such communication.

- *Will the accused student know my identity?*

Yes, if you file a formal complaint. Sexual misconduct is a serious offense, and the accused student has the right to know the identity of the complainant/alleged victim. If there is a hearing, the college does provide options for questioning without confrontation, including closed-circuit testimony, Skype, using a room divider, or using separate hearing rooms.

- *Do I have to name the perpetrator?*

Yes, if you want formal disciplinary action against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand GMC's legal obligations depending on what information you share with different college officials). Victims should be aware that not identifying the perpetrator may limit the institution's ability to respond comprehensively.

- *What do I do if I am accused of sexual misconduct?*

DO NOT contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your Graduation Coach. You may also contact the Dean of Students, who can explain GMC's procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor or seek other community assistance at the counseling center. See below regarding legal representation.

- *Will I (as a victim) have to pay for counseling/or medical care?*

Not typically, if the institution provides these services already. If a victim is accessing community and non-institutional services, these payments will be subject to state/local laws, insurance requirements, etc.

- *What about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because the District Attorney's office will handle representation. You may want to retain an attorney if you are the accused student or are considering filing a civil action. The accused student may retain counsel at their own expense if they need legal advice about criminal prosecution and the campus conduct proceeding.

- *What about changing residence hall rooms?*

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. If you want the accused student to move and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal or informal college complaint. No contact orders can be imposed, and room changes for the accused student can usually be arranged quickly. Other accommodations available to you might include:

- Assistance from GMC staff in completing the relocation;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.); --Taking an incomplete in a class;
- Assistance with transferring class sections; --Temporary withdrawal;
- Assistance with alternative course completion options;
- Other accommodations for safety as necessary.
- *What should I do about preserving evidence of a sexual assault?*

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours. However, for extended periods, evidence can often be obtained from towels, sheets, clothes, etc. If you believe you have been a victim of a criminal sexual assault, you should go to the Hospital Emergency Room before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, seven days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A victim advocate from the institution can also accompany you to the Hospital, and law enforcement or Campus Police can provide transportation. If a victim goes to the hospital, local police will be called, but you are not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim but will not obligate them to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Victim: the hospital staff will collect evidence, check for injuries, and address pregnancy concerns and the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, as they will likely keep the clothes you are wearing as evidence. You can take a support person to the hospital, and they can accompany you through the exam if you want. Do not disturb the crime scene—leave all sheets, towels, etc., that may bear evidence for the police to collect.

- *Will a victim be sanctioned when reporting a sexual misconduct policy violation if they have illegally used drugs or alcohol?*

No. The severity of the infraction will determine the nature of GMC's response. Still, whenever possible, the college will respond educationally rather than punitively to the illegal use of drugs or alcohol. The seriousness of sexual misconduct is a significant concern, and the college does not want any circumstances (e.g., drug or alcohol use) to inhibit reporting sexual misconduct.

- *Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct complaint?*

Either party's use of alcohol or drugs will not diminish the accused student's responsibility. On the other hand, alcohol or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence, or witnesses to prove their complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information. The use of alcohol or other drugs will never excuse a violation by an accused student.

- *Will either party's prior use of drugs or alcohol be a factor when reporting sexual misconduct?*

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

- *What should I do if I am uncertain about what happened?*

If you believe that you have experienced sexual misconduct but are unsure whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's student conduct office (Dean of Students at the Main Campus, Campus Director at all other GMC Campuses). The institution provides Graduation Coaches who can help you to define and clarify the event(s) and advise you of your options.

NOTE: Georgia Military College (GMC) is indebted to the National Center for Higher Education Risk Management (NCHERM) for permitting to incorporate the ideas and language of their gender-based misconduct policy and their Title IX confidentiality, privacy, and reporting policy.