

Berry College

Annual Security and Fire Safety Report

Campus Crime, Arrest, and Fire Statistics

2023



*An institutional report in compliance with the Jeanne Clery Disclosure of
Campus Security Policy and Campus Crime Statistics Act, the 2008 Higher
Education Opportunity Act, and the Violence Against Women
Reauthorization Act of 2013 (VAWA)*

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Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act

The Clery Act requires all institutions of higher education to publish an annual report of security policies and crime statistics. The Higher Education Opportunity Act of 2008 also requires an annual report containing information on campus emergency response and evacuation procedures, emergency notification, additional hate crime reporting and fire safety policies and statistics. This report is made available to all current and prospective students and employees. Berry College sends an e-mail to every enrolled student and current employee on an annual basis to notify that the report is available to be viewed which includes a .PDF file containing the report's direct link. Printed copies are available, at no charge, upon request and are available in person at the Berry College Police Department (located at Oak Grove Cottage) during regular open hours or by contacting the Berry College Police Department (Campus Extension 6999 or 706-368-6999).

The report is due by October 1st of each year and must contain certain crime statistics for the most recent three-year reporting period. The Annual Security Report must include statistics of campus crime from the most recent three calendar years, details about efforts undertaken to improve campus security, and policy statements relating to safety topics such as crime reporting, incidence of drug and alcohol use, and the prevention of or response to sexual assault, domestic or dating violence and stalking.

The purpose of this publication is to:

- Provide the Berry College community with an overview of Berry College Police Department services
- Share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Inform current and prospective students, staff, faculty, and visitors about the college's policies and programs designed to help keep them safe
- Share information regarding emergency preparedness and planning
- Share information regarding fire safety, fire statistics, and fire-related information

Comprehensive crime statistics for Berry College are also available online at the U.S. Department of Education (<http://ope.ed.gov/security/>).

Rome, Georgia/ Floyd County area statistics are also available by accessing the Federal Bureau of Investigation Uniform Crime Reports (UCR) (<https://ucr.fbi.gov/ucr-publications>).

Message from the Vice President

Dear Berry College Community:

Berry College is committed to providing a safe and secure environment for our students, faculty, staff and visitors. To that end, we are pleased to present the 2023 Annual Security and Fire Safety Report.

This institutional report is prepared by Berry College Campus Police which is responsible for ensuring the safety and security of the Berry College community from all hazards, including crime.

This report will provide you with information on the safety and security on the Berry College campus. Inside you will find information on the Berry College Police Department, policies and procedures for reporting crime, safety and security prevention and protection programs, victim assistance services, fire safety and other material to assist you in maintaining your safety and security. This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA) and the Violence Against Women Reauthorization Act of 2013 (VAWA).

We encourage you to read this information and consider how it can help you and the Berry College community to prevent and protect yourself against crime. Personal safety is a responsibility of everyone, and we need your assistance in helping to make our campus a safe environment. Thank you for taking time to review this information and helping to make Berry College a safer community.

Brian Erb, Vice President for Finance

Welcome to Berry College

Berry was founded in 1902 by Martha Berry (1865-1942) as a school for enterprising rural boys when few public schools existed in Georgia. A girls' school was added in 1909. Berry became one of the nation's most successful educational experiments, combining academic study, student work and an interdenominational Christian religious emphasis. Berry has an excellent record of sound growth. A junior college was established in 1926 and a four-year college in 1930; graduate programs were added in 1972.

For more than a century, Berry College has emphasized the importance of a comprehensive and balanced education that unites a challenging academic program with opportunities for meaningful work experience, spiritual and moral growth, and significant service to others. This commitment to providing a firsthand educational experience – expressed as “Head, Heart and Hands” by college founder Martha Berry – remains just as relevant today as it was when the institution was founded in 1902.

Nationally recognized for both quality and value, Berry is an independent, coeducational college of approximately 2200 students that offers exceptional undergraduate degree programs in the sciences, humanities, arts and social sciences, as well as undergraduate and master’s level opportunities in business and teacher education. Students are encouraged to enrich their academic studies through participation in one of the nation’s premier on-campus work experience programs, and more than 95 percent take advantage of this unique opportunity to gain valuable real-world experience prior to graduation.

Berry College is located near Rome on U.S. 27 in Northwest Georgia, 72 miles northwest of Atlanta and 75 miles south of Chattanooga, Tennessee.

Quick Facts

STUDENT BODY:

2,250 Undergraduate
117 Graduate

FACULTY:

99 percent of ranked faculty hold a Ph.D. or equivalent degree

STUDENT TO FACULTY RATIO:

12:1

The Berry Compact

Berry was founded on the principles of exchange. Martha Berry provided educational opportunity. In turn, her students helped build and operate their school.

The spirit of reciprocity continues today through The Berry Compact, a one-of-a-kind approach in which shared ownership amplifies the impact and (enduring value) of the Berry education.

Beyond respected academics and expert teaching, Berry helps students create a four-year plan that purposefully integrates academic exploration, career preparation, professional development and personal growth through focused reflection.

You'll be carefully guided through the process of planning an education, understanding your options, pursuing meaningful opportunities, and connecting the things you learn and do to the life you're preparing to lead.

You are guaranteed the equivalent of eight semesters of paid professional development experience through our LifeWorks program — building invaluable skills, having the option of strengthening your resume with leadership and management experience.

At every step, you will be surrounded by a network of mentors (professors, staff supervisors, coaches, alumni and fellow students) who encourage the bold pursuit of knowledge and experience in an environment of immersive support.

All together, it adds up to an education not available anywhere else, and frankly not *possible* anywhere else. Our professional development program draws heavily on the resources of Berry's 27,000-acre (that is not a typo) campus and our culture of mentorship that is more than 100 years in the making.

In exchange for all of this, Berry asks students to be active participants in their own educations — stepping up and pitching in. Whether speaking their minds in our classrooms, making positive contributions to the world beyond our campus, or contributing their energy and smarts to filling vital roles in all of Berry's 180 departments. They are involved, present, contributing members of this community.

Your part of the Compact isn't a requirement, but it is an expectation. We won't make you take an oath or sign a pledge. Because we won't have to.

The Berry community attracts students who are engaged, involved, and generous of mind and spirit. The kind of people who like to exchange ideas, share experiences and contribute to the betterment to the world. If you've read this far, you're probably the type of person who would fit in perfectly here.

Diversity and Inclusion at Berry College

Berry celebrates the increasing diversity of its community, because we believe that a rich variety of voices and ideas makes Berry a dynamic place to live and learn. Distinctive backgrounds and stories enlarge our perspective and contribute to our collective identity.

One of the most important benefits of living with people markedly different from ourselves is that it exposes our unquestioned assumptions and misconceptions. Living 24/7 in a residential college community provides students with opportunities to study, work and play alongside people who we might otherwise never get to know. Navigating differences and disagreements may be uncomfortable at times, but intercultural skills of this sort serve as building blocks for personal and professional success in a complex world. We value our differences precisely because they challenge our personal narratives and provide insight into ourselves as much as others.

For these reasons, Berry aspires to be a place of belonging for students, faculty and staff from diverse backgrounds. The college strives to allocate resources in ways that promote personal and professional success for all students. In its diversity and inclusion efforts, the college intentionally holds certain principles and commitments in tension: to provide a supportive and caring home for all students even as it promotes the free expression of competing ideas. Berry's approach is to embrace this tension with patience, humility, and generosity of spirit.

DIVERSITY OF PEOPLE

We seek members who contribute to the intercultural breadth of our community, especially as it pertains to racial, ethnic and gender identity — as well as socioeconomic background and geography.

An Equal Opportunity Institution, Berry complies with all applicable laws and provisions prohibiting discrimination in its educational and employment policies. Berry respects the essential dignity of all individuals and accordingly hires and promotes employees without regard to matters of personal identity such as ethnicity, religion, gender, sexual orientation, and political affiliation.

DIVERSITY OF IDEAS

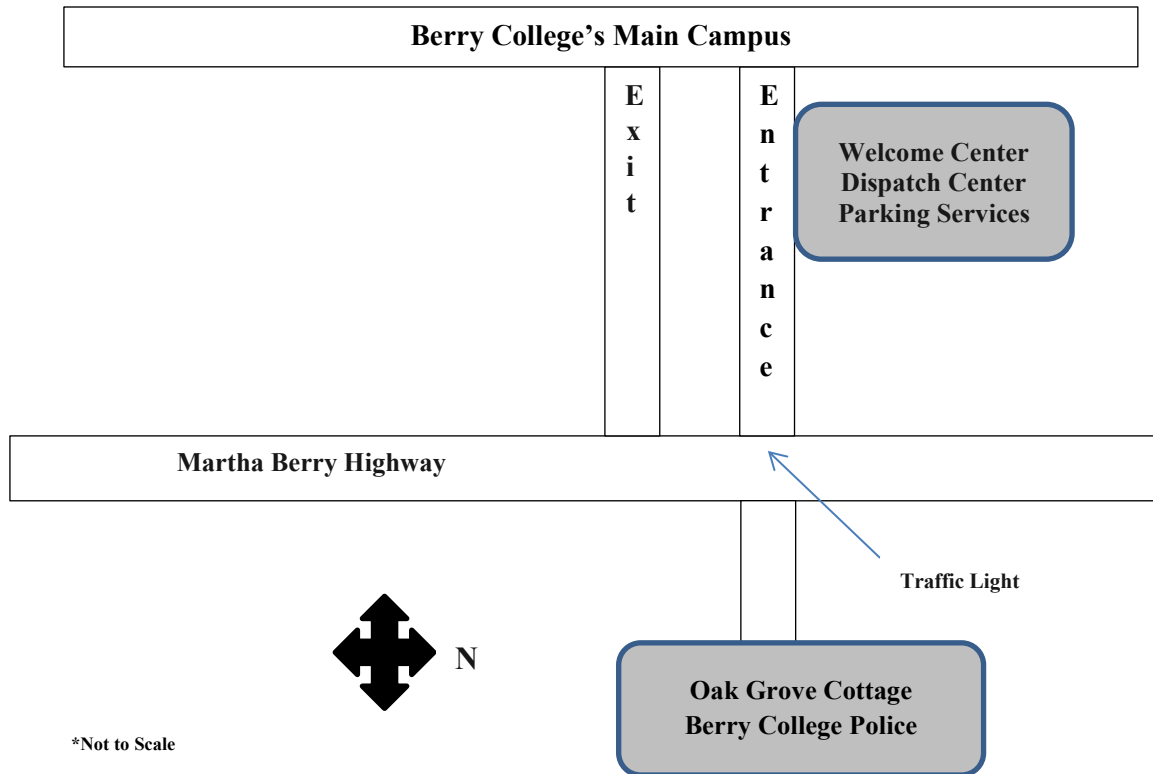
We seek members who contribute to the intellectual breadth of our community, especially with respect to interests, abilities, experiences and viewpoints.

RESPECT FOR DIFFERENCE

We value the essential dignity of all individuals and strive to establish a culture of belonging in which all members feel at home; we do not accept hostility toward or language that denigrates individuals on matters that define their personhood.

RESPECT FOR DIALOGUE

We value freedom of expression and freedom of inquiry as defining attributes of an academic community and believe that candid and caring dialogue about our differences can improve the well-being of our community and its members; we are averse to censoring ideas.



BERRY COLLEGE POLICE DEPARTMENT

Headquarters

Located in Oak Grove Cottage off of Martha Berry Highway, directly across from the main entrance to Berry College.

24 Hour Dispatch Center

Located to the right on the main entrance driveway as you enter campus inside the Welcome Center.

Important Telephone Numbers:

Emergency: 706-236-2262 (Campus extension 2262)

*This is the number to our dispatch center. It is staffed 24 hours per day, seven days a week, every day of the year. All calls to this extension are recorded. **All emergencies should be directed to this number.***

Non-emergency: 706-368-6999 (Campus extension 6999)

This is an administrative number and is in operation Monday-Friday from 8 a.m. to 5 p.m., excluding college holidays.

Questions regarding electronic gate passes and traffic/parking violations

Parkingservices@berry.edu or in person at our Dispatch Center Location, Monday- Friday 8 a.m. to 5 p.m.

Questions related to ID cards

Accessrequest@berry.edu or in person at our Dispatch Center Location, Monday- Friday 8 a.m. to 5 p.m.

Berry College Police Department

Berry College takes the responsibility of providing life safety and property protection very seriously. To meet these important responsibilities, the college maintains a force of state-certified police officers whose duties are integrated to provide law enforcement, crime prevention and parking control/enforcement. The department strives to contribute to the academic environment by performing professional law enforcement tasks with a positive, service oriented and educational approach.

Our police officers receive their law enforcement authority through the *Official Code of Georgia Annotated*, Title 20.

The Georgia Peace Officer Standards and Training Council certify all police officers after they successfully complete the 408-hour basic mandate training course. The officers are then required to complete a minimum of 20 hours of annual training to maintain their peace officer certification and arrest powers. All peace officers must complete a specified minimum of 5 hours for designated topics within the 20 hour annual training requirement. The designated topics to be completed each year within the 20 hours are:

- Firearms Requalification – 1 Hour
- Use of Deadly Force – 1 Hour
- De-escalation training – 1 Hour
- Community Policing – 2 Hours

We strive to ensure that each of our officers receives annual training above the State's minimum standard, in a wide range of topics that better equip our personnel to serve the Berry community

The department is comprised of 17 employees: 11 sworn police officers, four dispatchers and one office manager.

Berry's police officers are authorized full police powers, including the power of arrest, on all college property.

Officers patrol the campus, **24 hours per day**, via marked patrol units, bicycles or by foot to deter acts of crime and to detect and intervene when criminal activity occurs. **They respond and follow-up on all reported crimes.** In addition to patrol duties, officers investigate traffic accidents and alleged crimes, assist in medical emergencies, provide limited motorist assistance, enforce campus parking/traffic regulations, and provide support to numerous campus activities and events, including dignitary planning and protection.

The department maintains a twenty-four hour communications and dispatch office located in Berry College's Welcome Center. **Call 706-236-2262 for emergencies (or dial 2262 from campus telephones).** The communications office and all Berry College Police officers have radio links with local emergency response agencies.

The central fire and security alarm receiver is located in the communications office allowing constant monitoring of these systems. Security cameras located throughout campus, campus emergency phones, panic alarm buttons and the card access system are also monitored by the BCPD communications office. The communications office is open and accessible for walk-in assistance year-round, twenty-four hours per day.

The department maintains a close working and professional relationship with local emergency agencies and their members. Local agencies come together through meetings, training and investigative follow-ups and information is freely shared between these agencies. The department maintains a written agreement with the Floyd County Police Department and the Rome/Floyd E-911 Center for access to national and state crime information computers (NCIC and GCIC). There is no written memorandum of understanding with any other local emergency agency.

Officers work closely with our Residence Life partners in assigned buildings to provide training and information to promote crime prevention awareness and to develop healthy relationships with the residents of the buildings.

Berry College Police Department

The Berry College Police Department strives to foster and encourage community-Campus Police partnerships, both to aid in the prevention of crime, and to develop and maintain positive communication and mutual understanding and trust between students, staff, faculty, and Campus Police personnel. Partnerships between community and the police are always stronger when the community understands and supports the role of the police and when the community is confident the actions of the police are fair and just. Students who fully understand the role of BCPD and our efforts to enhance the quality of community life will be better prepared to provide advice to Campus Police to help shape policies and initiatives. Personal safety and security must be a cooperative venture, and no police department can be effective unless individuals exercise reasonable care and prudence. The officers and staff of BCPD need your help in continuing to make Berry College a safer campus.

Campus Security Authorities (CSAs)

The Berry College Police Department is recognized as the official law enforcement authority on campus. It is encouraged that all crimes be reported to the Berry College Police Department.

The Department of Education in 34CFR Part 668 also defines “campus security authorities” as someone having “significant responsibility for student and campus activities.”

A "Campus Security Authority" is:

1. A campus public safety official or police officer.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a public safety department
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, or any employee who manages or otherwise oversees student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings. **An official is defined as any person who has the authority and the duty to take action and/or respond to particular issues on behalf of the institution.**

The following is a *partial* list of CSA contact information:

- Dean of Students (Campus Extension 2207)
- Associate Dean of Students for Residence Life (Campus Extension 2209)
- Director of Student Activities (Campus Extension 2293)
- Director of Human Resources (Campus Extension 2698)
- Athletic Director and Team Coaches (Campus Extension 2260)
- Faculty Advisors to Student Groups

As a result of the negotiated rulemaking process which was followed by the passage of the law, the 1998 amendments to 20 U.S.C. Section 1092 (f) clarified the identity of those considered to be campus security authorities. Campus “Pastoral Counselors” and “Professional Counselors,” *when acting as such*, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of common practice, counselors are encouraged, if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The following officials are exempt from reporting when they are acting as pastoral or professional counselors.

For this purpose:

- A *Pastoral Counselor* is a person who is associated with a religious order or denomination, is recognized by the religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- A *Professional Counselor* is a person whose official responsibilities including providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Other persons who have significant responsibility for campus and student activities and who counsel or advise students and employees are not exempt from reporting, even if the counseling is confidential.

Criminal Activity Off-Campus Involving Students

Berry College operates no off-campus housing or off-campus student organization facilities. However, approved students may live off campus provided that they complete the non-residency application process (For additional information see the *Viking Code*).

When a Berry College student is involved in an off-campus offense, BCPD *may* assist with the investigation in cooperation with local, state, or federal law enforcement. Local agencies *may* request a BCPD representative be present when dealing with students in areas immediately adjacent to campus. BCPD will not have primary jurisdiction in these cases and will serve only as requested.

Campus Crime and Arrest Statistics

The information below provides context for the crime statistics reported as part of compliance with the Clery Act.

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Berry College submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. In addition, a daily crime log is available for review upon request at Berry College Police Department Headquarters (located at Oak Grove Cottage). The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community that are obtained from the Berry College Police Department (BCPD) and other Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded and provided for the calendar year during which the crime was reported.

A designated Campus Security Authority may be, but is not limited to identified deans, directors, and department heads, residence life staff, faculty advisors, and counselors (unless exempted as described in previous sections). A written request for relevant statistical information is also sent annually to representatives of the Rome City Police Department, the Floyd County Police Department, the Georgia Department of Natural Resources, and appropriate agencies in locales where Berry College students/faculty participate in studies programs requiring travel.

Clery Act Definitions: Campus Geography

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

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

Note: Berry College operates no off-campus housing or off-campus student organization facilities

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

Clery Act Definitions: Crime Definitions for Reportable Crimes

Murder/ Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- A. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- B. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- C. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

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

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

Burglary: unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs. All incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned.

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

Vandalism: To willfully or maliciously destroy, injure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in the preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or the importation of any controlled drug

Clery Act Definitions: Crime Definitions for Reportable Crimes (*Continued*)

or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or deadly weapons.

Clery Act Definitions: Violence Against Women Act (VAWA)

Domestic violence:

- (1) A felony or misdemeanor crime of violence committed-
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. 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
 - e. 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.
- (2) For the purpose of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating violence:

- (1) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- (2) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (3) For the purpose of this definition-
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
 - c. For the purpose of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking:

- (1) A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- (2) For the purpose of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Clery Act Definitions: Hate Crime Definitions for Reportable Crimes

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the eight following categories are reported: race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity; also known as a bias crime.

Bias Categories

Race-*A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.*

Religion-*A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.*

Sexual Orientation-*A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.*

Gender-*A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.*

Gender Identity-*A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.*

Ethnicity-*A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.*

National Origin-*A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.*

Disability-*A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.*

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Clery Act Definitions: Hate Crime Definitions for Reportable Crimes (*Continued*)

Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Clery Act Definitions: Fire Safety Definitions

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term person may include students, faculty, staff, visitors, firefighters or other individuals.

Fire-related death: Any instance in which a person:

- (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) dies within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Fire log:

- (1) An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time and general location of each fire.
- (2) An institution must make an entry or an addition to an entry to the log within two business days of the receipt of the information.
- (3) An institution must make the fire log for the most recent 60 day period open to the public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.
- (4) An institution must make an annual report to the campus community on the fires recorded in the fire log.

Crime and Fire Log

The Berry College Police Department maintains a daily Crime and Fire log of offenses and fires reported. The log, containing information for the most recent sixty (60) day period is available for public view during normal business hours at BCPD headquarters, located in Oak Grove Cottage.

Normal business hours are Monday-Friday, 8 a.m. to 5 p.m., excluding college holidays.

The Crime and Fire Log contains information on all criminal incidents and alleged criminal incidents reported to BCPD. The log contains specific information about reported criminal incidents, including the date the crime was reported, the date and time the crime occurred, the nature of the crime, the general location of the crime, and the disposition of the complaint, if known.

The log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. A crime is entered into the log as soon as it is **reported** to BCPD. This includes crimes that are reported directly to BCPD, as well as crimes that are initially reported to another campus security authority or to a local law enforcement agency if such party subsequently reports them to BCPD.

Information that is prohibited by law or that would jeopardize the confidentiality of a victim will not be disclosed on the log. The department will also withhold certain other information if there is clear and convincing evidence it would:

- Jeopardize an on-going criminal investigation or the safety of an individual.
- Cause a suspect to flee or evade detection.
- Result in the destruction of evidence.

Any information that is withheld by the department will be made available immediately once these conditions are no longer applicable.

Reporting Crimes and Emergencies

Community members, students, faculty, staff, and guests are encouraged to report all crimes and safety related incidents to Berry College Police Department in a *timely and accurate* manner. To report a crime or emergency on campus, call BCPD at 706-236-2262 or Campus Extension 2262.

Crimes should be reported to BCPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

We encourage the reporting of information regarding incidents of sexual misconduct to the Berry College Police Department.

To report a fire or to request an ambulance for a medical emergency, it is preferable that you call the Berry College Police Department at 706-236-2262 (or campus extension 2262). If you do dial 911, provide accurate and complete information regarding your location and the nature of the emergency. It is important that your information be relayed accurately as it will facilitate more prompt response.

Reporting a crime:

- Call BCPD at 706-236-2262 (or campus extension 2262). Report any and all known details of the incident
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features
- Describe the location of the incident
- Describe the suspect's vehicle, license plate number and direction of travel
- **If you observe a crime or a suspicious incident, call immediately.** Don't assume someone else has made the call.

Try to provide the dispatcher with accurate, detailed information about the problem. When reporting an emergency, try to explain your needs as calmly as you can. **STAY ON THE LINE** until the dispatcher says it is okay to hang up.

Crimes often occur in clusters. If you report a crime or a suspicious situation, you might prevent the next one from taking place. An activity which you feel is unusual may be a sign of a criminal act. It is crucial that you contact BCPD immediately whenever you see or hear something suspicious. BCPD will respond to all reports of suspicious activity - whether or not you choose to identify yourself. Your call could prevent a crime against a friend, a neighbor, or yourself. ***"If you see something, say something."***

Dispatchers are available at these respective telephone numbers 24 hours per day to answer your call. In response to a call, BCPD will take the required action, dispatching an officer or asking the victim to respond to the Berry College Police Department headquarters (located at Oak Grove Cottage). BCPD officers respond to all reports of crimes and emergencies and may complete an "Incident Report" for crimes occurring on college property. BCPD incident reports involving students are forwarded to the Dean of Students office for review and potential action as directed by the Viking Code of Student Conduct.

706-236-2262

Reporting Crimes and Emergencies: Emergency Phones

Emergency Telephones

Campus Emergency Phones are located outside of most residence halls, in strategic locations around campus (i.e. Stretch Road and Viking Trail) and in all elevators on campus. If you need emergency assistance, activate any emergency phones located throughout campus or an elevator emergency phone. These emergency phones connect directly to the Berry College Police Department communications center. The phones are activated by the touch of a button, and when the phones are activated a strobe light on the top will flash and/or the phone will automatically dial the communications center. The communications center is equipped to determine the location of the phone activation in the event that you are unable to communicate.

Most Emergency Phones are equipped to announce the location of activation via prerecorded data.

When you activate an emergency phone please provide the following information:

- Your location
- The nature of the emergency

Be prepared to answer the communications officer's questions and respond to any instructions that may be given.

Testing Procedure

- All elevator/emergency phones are tested by the Berry College Police Department.
- During this testing process each phone is activated by an officer or other departmental designee.
- During this testing process, the on-duty dispatcher maintains a testing log as a means to document testing.
- Phones that are found to be inadequately functioning are reported to Berry College's Telecommunications Department or other appropriate personnel for maintenance.

It is recommended that you familiarize yourself with emergency telephone locations.

Reporting Crimes and Emergencies: Resident Assistant Staff

Residence Life staff have multiple ways in which they can report incidents occurring within the residence halls:

1. Incident report: is housed on VikingWeb and is an electronic form RAs use to submit a summary of an incident including who, what, when, where
2. Medical report: is housed on VikingWeb and is an electronic form RAs use to submit a summary of a medical incident including who, what, when, where
3. Student alert: RAs submit a student concern directly to professional staff
4. Maintenance report: link found on the Residence Life webpage that all students can use to submit a maintenance request; RAs use this tool during rounds of the residence halls
5. Staff participate in an on-call rotation (including RA, Head Resident, and professional staff); RAs are trained who and when to call when dealing with an incident

2022 Resident Assistant Training Summary

Training Expectations

Date: August 2022

Role of Residence Life and the RA

Date: August 2022

Understanding Resident and Resident Needs

Date: August 2022

Roommate Agreements and Mediation

Date: August 2022

Ethics

Date: August 2022

Team and Community Dynamics

Date: August 2022

Diversity

Date: August 2022

Issues of Mental Health

Date: August 2022

Incident Reports and Conduct

Date: August 2022

AlcoholEdu (August 2022)

RA's completed the online training that included conversation about healthy drinking habits, binge drinking, and effects of alcohol.

Fire Safety, Personal Safety, and Active Shooter Training

Date: August 2022

Crisis Response, Title IX, Clery, and Mandated Reporting

Date: August 2022

Conflict Management

Date: August 2022

Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may want to consider making a confidential report. A Berry College Police Department officer can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to maintain confidentiality, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. You may call BCPD at 706-236-2262 or Campus Extension 2262 and ask that the information remain confidential.

When these reports involve allegations of sexual misconduct (including sexual harassment or sexual violence) they are made available to the college's Title IX Coordinator and in such cases confidentiality may not be guaranteed. See following sections for additional guidance and information related specifically to reporting issues involving sexual misconduct.

NOTE: If a report of crime or incident of sexual misconduct discloses an immediate threat to the college campus community, where timely notice must be given to protect the health or safety of the community, the college may not be able to maintain confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that include the use of force, a weapon, crimes of violence, or other circumstances that represent a serious and ongoing threat to Berry College students, faculty, staff or visitors.

Emergency Notifications and Timely Warnings

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to BCPD in a timely manner to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics.

Berry College makes every attempt to communicate accurate, timely information to members of the campus community in the event of a crisis, serious crime, emergency, or other situation which may impact the safety of the community. The intent of a timely warning is to provide information to enable members of the college community to protect themselves.

Information on criminal incidents that occur, either on or off campus, that, in the judgment of the Chief of Campus Police or his/her designee and when feasible in consultation with the President's Office, constitutes an ongoing or continuing threat to the campus community will be distributed on a timely basis.

In the event of a serious incident, requiring emergency notification to the Berry College community, the college may use any combination of official college e-mail, the Berry Alert system, in person notifications, the Emergency Notification Outdoor Siren System, or any other available means to distribute information. A campus meeting may be called at the discretion of the college President. Warning posters may also be strategically placed throughout the campus depending on the nature of the incident. Any combination of the above resources may be used.

Status updates regarding the resolution and/or "un-founding" of a crime and issued timely warnings will be disseminated in a similar fashion and updated as soon as possible and as circumstances allow.

Notification to the Berry College Community Concerning an Immediate Threat

Berry College community members are encouraged to notify BCPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, faculty, staff, or visitors on campus. BCPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, BCPD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

If the Berry College Police Department confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Berry College community, emergency notification procedures will be activated to provide immediate notification of the threat to the Berry College community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. Berry College Police Department will, without unnecessary delay and taking into account the safety of the community, determine the content of the notification and initiate notification, unless issuing a notification will, in the judgment of the first responders (including, but not limited to BCPD), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident, requiring immediate notification to the Berry College community concerning an ongoing threat, the college may use any combination of official college e-mail, the Berry Alert system, in person notifications and the Emergency Notification Outdoor Siren System to distribute information. Any combination of the above resources may be used.

Berry Alert for Students

Berry College maintains an emergency notification system (known as “Berry Alert”) which enables emergency, inclement weather, or college closing information to be broadcast to the entire College community through email and/or text message notification. As a currently enrolled student you do not need to register for Berry Alert; all students are automatically enrolled in Berry Alert. We have registered your Berry College “.edu” email address and the cell phone number you provided to the college.

We have attempted to answer the questions you may have about the Berry Alert service in the Frequently Asked Questions section below.

What phone number does Berry College have?

We have the cell phone number you provided to the college.

How do I send Berry College a correct, current cell phone number?

It is very important that Berry College has your current cell phone number. There is a “Berry Alert” form located on the “Forms and Reports” section of VikingWeb that will show you the cell phone number we have on file. If we do not have your cell phone number or the phone number is incorrect, please provide the correct number on the form and then click on the “submit” tab at the bottom of the page. The form can be found on VikingWeb at https://vikingweb.berry.edu/ics/Students/Forms_and_Reports.jnz. After clicking the link, you will need to login into VikingWeb.

Can you send an alert to an International Number?

Unfortunately, no, we can only send texts to US cell phone numbers. If you provided us with an international cell phone number, please submit a local cell phone number.

How do I sign an additional party up for Berry Alert?

We understand that someone in your family may also want to receive this information. The Berry Alert form contains an option to add a secondary phone number and/or a secondary email address.

Can I add a third phone number/email address?

At this time, we are only accepting a secondary number/email address

Can I opt out?

We only use Berry Alert for important, emergency type information so we would rather you not opt out; however, if you still want to opt out, you may do so at any time by texting 'optout' to 79516 (or, responding to an alert with the word 'optout'). Action taken by the student to “opt-out” will remove that student’s registered phone number. Notifications will continue to be sent to the student’s official Berry college email address.

Berry Alert for Faculty and Staff

Berry College maintains an emergency notification system (known as “Berry Alert”) which enables emergency, inclement weather, or college closings information to be broadcast to the entire Berry College community. As a current employee of Berry, we have registered your Berry College “.edu” email address in the Berry Alert system. If you wish to also receive alerts as a text message on your mobile device, you will need to self-register your cell phone number. We strongly encourage everyone to register a cell phone number in the Berry Alert Emergency Notification system. Registering a cell phone number will help ensure you receive an alert in a timely manner in the event of an emergency.

You can find the new registration page on the Forms and Reports page on the Employee section on VikingWeb: https://vikingweb.berry.edu/ICS/Employee/Forms_Reports.jnz. After clicking the link, you will need to login into VikingWeb. There is a “Berry Alert” form located in the “Forms and Reports” section of VikingWeb where you can provide a cell phone number and then click on the “submit” tab at the bottom of the page.

We have attempted to answer the questions you may have about the Berry Alert service in the Frequently Asked Questions section below.

Can you send an alert to an International Number?

Unfortunately, no, we can only send texts to US cell phone numbers. If you provided us with an international cell phone number, please submit a local cell phone number.

Can I register a secondary email address and cell phone number?

We understand that someone else in your family may also want to receive this information. The Berry Alert form contains an option to add a secondary phone number and/or secondary email address.

Can I add a third phone number/email address?

At this time, we are only accepting a second number/email address

2022 Testing: Berry Alert Messaging System

2022

In 2022, Berry College conducted a full dissemination test of the Berry Alert system on August 26, 2022 to test the functionality and messaging process.

In 2022, on August 1, 2022, a registration drive was conducted to encourage participation in the Alert messaging system by opt-in users in Winshape, Aramark, Berry College Elementary and Middle School, and Child Development Center user groups.

Berry College Emergency Notification Outdoor Siren System

Berry College takes seriously its obligation to serve the safety and wellbeing of its community. In an effort to expand and enhance the ability to communicate in a far reaching and effective way, Berry College is equipped with an Emergency Notification Outdoor Siren System.

The system is comprised of four strategically located outdoor tower sirens. System activation is managed by the Berry College Police Department in conjunction with the office of Emergency Response Management. All communications and patrol personnel are trained in the operation and activation of the system. The system's communication hub is located in the Berry College Police Department's Communications Center. The system may be activated remotely by computer interface, at the main control device, or at each individual siren location. In 2017, a fifth siren location was added that expanded this system's reach inside an academic building, McAllister Hall. In August of 2019 an additional internal integration was made in the Ford Auditorium, Music, and Alumni areas. In 2020, installation of fourteen more internal integrations began in buildings located within the Winshape area. There are future plans to continue the interior expansion of this system. In 2023, installation of internal integrations were made to systems at the Child Development Center and Berry College Elementary and Middle Schools.

Testing Procedure

The Emergency Notification Outdoor Siren System performs a scheduled test daily that silently checks the operability of the system's communication functions.

A full audible test of the system is scheduled to be conducted during the first Friday of every month at 11:55 am. During this full audible test, Berry College Police personnel verify the audible quality of the system's messaging. This monthly full audible test is scheduled and initiates automatically based on the assigned perimeters. On occasions, activation responsibility is rotated among personnel to maintain operator familiarity. On occasions when it is deemed appropriate due to actual weather events, or other circumstances, the regularly scheduled test may be suspended. Suspended tests will be rescheduled and performed at the most reasonably feasible time. Other periodic tests of the Emergency Notification Outdoor Siren System may be conducted as determined necessary.

Berry College StormReady

In 2015, Berry College initiated the process of partnering with the National Weather Service to work towards being designated as a StormReady community. This process was completed in late 2015 and an official designation was made declaring Berry College StormReady. In late 2021, Berry College successfully renewed its StormReady designation.

StormReady communities, counties, Indian tribal governments, universities and colleges, military bases, government sites, commercial enterprises and other groups are better prepared to save lives from the onslaught of severe weather through advanced planning, education and awareness. No community is storm proof, but StormReady can help communities save lives.

StormReady uses a grassroots approach to help communities respond to extreme weather—from tornadoes to hurricanes. StormReady helps communities respond to hazardous weather by providing emergency managers with clear-cut guidelines on how to improve their hazardous weather operations. To be officially StormReady, a community must:

- Establish a 24-hour warning point and emergency operations center
- Have more than one way to receive severe weather warnings and forecasts and to alert the public
- Create a system that monitors weather conditions locally
- Promote the importance of public readiness through community seminars
- Develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises.

Berry College has maintained its StormReady status and required conditions since the year 2015.

Emergency Response Management

The Emergency Response Management (ERM) department at Berry College was developed to create a system of efficient communication and response to any and all emergencies on campus. The ERM department has established a building coordinator for every building/facility that is used by the college, its students, and its faculty. Building coordinators are responsible for disseminating information and instructions to building occupants during an incident. These coordinators are critical resources in the event of an emergency. These individuals are responsible for familiarizing themselves with the Emergency Operations Plan and for ensuring that building occupants have an understanding of procedures related to their specific area.

Evacuation plans are posted in all buildings, and in residence halls there are Resident Assistants that are trained in all the proper emergency response procedures.

All emergencies should be reported to Berry College Police Department as soon as possible so that BCPD staff can deploy the most appropriate resources to aid in emergency response.

For more information related to Emergency Response Management at Berry College, please contact:

**Gary Will
Assistant Vice President for Campus Safety and Land Management
gwill@berry.edu
706-368-5674**

Emergency Management and Evacuation Policies

Upon confirmation of a significant emergency or a dangerous situation occurring on campus (or directly affecting the campus) that involves an immediate threat to the health or safety of students or employees, the college will alert the campus community in the most expeditious manner available. It will do so by use of established lines of communication with college staff, administrators, residence hall personnel (including resident assistants), building coordinators, campus police personnel, and local law enforcement and emergency responders, as well as media reports and/or any other available sources. The college's Emergency Response Team will determine, based on available information, whether notification is necessary or desirable and, if so, what form that notification should take and to whom it should be directed. This notification will generally involve activation of our Berry Alert system. This system, which can be activated by campus police, will, via phone text messages and other media, alert those who have been properly registered in the system. This initial alert will be augmented, if appropriate, by other forms of communication, including electronic mail, phone calls, activation of the Emergency Notification Outdoor Siren System and/or personal contact. The college will make every effort to confirm the validity of the emergency or dangerous situation.

However:

- If the Emergency Response Team has not yet gathered, the college President (or the senior administrative officer acting in his or her absence) or the Chief of Staff may authorize notification.
- In a critical emergency when safety concerns demand it, and there is not time to contact either the Emergency Response Team or the college president or Chief of Staff, the Chief of Campus Police (or designee) will make the notification.
- Notification will not be delayed simply because all information has not been gathered or fully confirmed. A notification in such cases may use wording that stresses that an incident has been "reported" and/or that there is not yet confirmation. What is most critical is that the awareness of those potentially affected, directed or indirectly, is heightened and that any appropriate safety precautions are taken without delay. The college will err on the side of notification, understanding that corrections can be made through subsequent communications.

The content of the notification will be only the information necessary to describe the nature of the threat or situation and the recommended actions, recognizing that the longer the message the more time it takes to absorb and act upon.

Usual components of such a message would be:

- The nature of the situation (to the extent known);
- The location of the situation (to the extent known);
- What action should be taken (if appropriate); and
- An indication of further information as it becomes known.

An example of such a message containing those components would be: "Fire reported in Cage Ctr. Evacuate that building. Others stay clear. More info to follow."

Individual and community safety is the paramount concern in any decision to notify the campus community of a dangerous or emergency situation. Safety may, in certain circumstances, require that notification be delayed, particularly when emergency or law enforcement personnel believe that such notification will compromise efforts to assist a victim or victims or frustrate efforts to respond to or mitigate an emergency. Due deference will be given to such considerations, but only in necessary circumstances will a decision be made to delay or avoid notification.

Emergency Management and Evacuation Policies (*Continued*)

Those responsible for carrying out this policy include members of the college Emergency Response Team:

- President (Campus Extension 2281)
- Chief of Staff (Campus Extension 2227)
- Chief of Police (Campus Extension 6906)
- Vice President for Student Affairs and Dean of Students (Campus Extension 2207)
- Vice President for Finance (Campus Extension 2265)
- Assistant Vice President Campus Safety and Land Management (Campus Extension 5674)
- Director of Physical Plant (Campus Extension 2231)
- Director of Food Services (Campus Extension 1701)
- Director of Residence Life (Campus Extension 2209)
- Vice President for Public Relations and Marketing (Campus Extension 7846)
- Director of Network Operations (Campus Extension 5099)
- Director of Health and Wellness (Campus Extension 5633)
- Director of Counseling (Campus Extension 2259)

After the campus community or affected portions of the campus community have been notified, the Emergency Response Team will coordinate the dissemination of emergency information to the larger community, both by means of media and through local emergency responders.

The Emergency notification, response, and evacuation procedures are tested at least once each calendar year, including at least one time when the college is in regular session and at least one time when the test is unannounced. Two tests per year are preferable. The Assistant Vice President for Campus Safety and Land Management shall keep a record of all such tests, noting the time, date, nature of the test, and whether it was announced or unannounced. Prior to each test of the system an electronic mail message to the campus community will explain the purpose of the Berry Alert system and its role in emergency notification, and how one can sign up for the Berry Alert system if one has not done so already.

Related Activities

2022

January 11, 2022 – McAllister Hall Evacuation Drill

February 19, 2022 – Mock Search and Rescue Drill

March 30, 2022 – Residence Hall Fire Evacuation Drills-Oak Hill Residences, East/West Mary, Clara

March 31, 2022 – Residence Hall Fire Evacuation Drills-Townhouses, Morgan, Deerfield

April 1, 2022– Residence Hall Fire Evacuation Drills- Dana, Thomas Berry, Friendship

July 11, 2022 – Berry College Elementary and Middle School Emergency Plan Review

August 8, 2022 – Distribution of Updated Berry College Emergency Response Plan Materials

August 9, 2022 – Berry Athletics Emergency Action Plan Full Scale Drill

September 8, 2022 - Mock Search and Rescue Scenario Exercise

September 28, 2022- Residence Hall Fire Evacuation Drills - East/West Mary, Dana

BERRY COLLEGE

October 20, 2022 - Mock Search and Rescue Exercise

October 23, 2023 – Residence Hall Fire Evacuation Drills – Friendship, Pilgrim, Thomas Berry, Centennial, Townhouses

December 7, 2022 – Berry College Police Department Mountain Campus Safety, Security and Evaluation Tabletop Exercise

Facilities

Most campus buildings and facilities are accessible to students, parents, employees, contractors, and guests during normal business hours, excluding official college holidays.

The dean responsible for a particular building regulates that academic building's hours. Most academic buildings are opened and closed by housekeeping or campus police officers. Non-academic buildings are controlled by the department director assigned to that building.

- All buildings have phones for reporting emergencies.
- As a general rule labs (biology, chemistry, etc.) will have a lab assistant during hours of operation. Hours of operation are effected by needs of faculty, special events and other scheduled activities.

After hours use of an academic building requires the approval of the academic dean for that particular building. Persons using buildings after hours should do so with a partner or let someone know where they will be and for how long.

Berry College **does not** operate any off-campus student housing. A limited number of homes are adjacent to or near the campus and are owned by the college, but are used only for faculty and staff housing.

Most facilities have fire alarm systems that report locally with an audible alarm and/or to the campus police dispatch center. There is an ongoing effort to upgrade all fire alarm systems. Some buildings are equipped with sprinkler systems.

Residence hall **exterior** doors are locked 24 hours per day with the exception of approved occasions when access may be opened for short periods of time. One example of such an instance is student move in. Electronic access has been added to most **exterior** residence hall doors. **Students are issued keys for their particular room.** Responsibility for the residence halls belongs to the **Associate Dean of Students (Campus Extension 2209)**.

Lighting has been installed around all buildings and parking lots. Additional lighting has been added near sidewalks and streets. Each summer, during all breaks and on daily patrol, officers make extensive surveys on lighting, locks and other physical safety matters. They submit work requests to the Physical Plant for repair on malfunctioning lights, locks and windows. Requests are also made on an as needed basis. Students, faculty, and staff are encouraged to report all safety related maintenance requests to the Physical Plant at campus extension 2231 or via e-mail to: facilitieservices@berry.edu

Keys to residence halls and all other campus buildings are regulated and issued through the college carpentry shop who reports to the director of the Physical Plant.

Knox-Box Rapid Entry System

The police department has implemented the Knox-Box Rapid Entry System (www.knoxbox.com). This system allows quick entry to a building during an emergency, crisis or disaster. Knox-Boxes are strategically placed around academic buildings and residence halls. Approximately eighty boxes have been installed at locations determined by our patrol officers. It is the goal of the department to install at least one Knox-Box at every major building on campus. The Knox-Box contains a set of keys to the building where it is located and, where appropriate, an attempt has been made to create key redundancy for the adjacent buildings. This helps insure the ability to immediate access all buildings by police and other emergency responders. All of the Knox-Boxes are keyed to a single master key. **Only Berry College Police personnel are issued a master key.**

Access to Campus (For additional information see the *Viking Code*)

After Hours Access to Campus

Under normal circumstances, the Main Entrance gate will remain closed and access will be via electronic passes that are issued and managed by the Berry College Police Department's Parking Services division. All visitor's that have not registered with Parking Services to receive an electronic pass will use the Visitor Entrance of the Welcome Center. Campus opens to the general public at 6am daily and closes to the public at 7pm. The Service Road gate is only accessible only via electronic passes.

Campus residents who expect guests after 7pm can assure minimal delay for their guests by providing Berry College Police Communications Staff with appropriate information (student name, visitor name, time of arrival, vehicle description) prior to their guest's visit. Please call 706-236-2262 to provide this information.

Student Access to Berry Property

Berry College's campus provides student opportunities to enjoy a distinctively unique area of natural resources. Students are encouraged to enjoy the beauty of the environment. For safety reasons and liability concerns, certain areas of campus property are considered restricted areas. All unpaved roads are restricted access as posted. The forestry areas are designated as either wildlife management or wildlife refuge areas. Hunting is allowed in the wildlife management areas, but not in the wildlife refuge areas and is monitored by Berry College Police and Georgia Department of Natural Resources. The wildlife refuge areas create a safety buffer zone around campus buildings and facilities. Under normal circumstances:

- Hiking and trail use is permitted during daylight hours only.
- Access at other times is by special permission only. Berry police officers have authority to declare any area unsafe and to further restrict access as necessary.
- Non-vehicular traffic is prohibited on Lavender Mountain Road. Please use the Viking Trail.
- Sunbathing is permitted in areas adjacent to residence halls.
- To preserve the unique beauty of the Mountain Campus, all sporting activities are limited to the athletic and intramural facilities in and around Henry Hall (WinShape Centre).
- The House o' Dreams is available by appointment for students, faculty and staff to visit. To make arrangements to go to the House o' Dreams, please contact 706-368-6789.
- All vehicles must stay on roads maintained for normal vehicular travel. Vehicles are not allowed on logging roads, trails, etc.
- Students are prohibited from areas marked off limits near the Winshape Retreat

Solicitation on Campus

Faculty, staff and students should refrain from soliciting on the campus. Solicitation for a humanitarian cause or with special merit may be conducted upon application to and approval of the Vice President for Student Affairs and Dean of Students. Except for the representatives of reputable textbook publishers, outside agents are not normally permitted to solicit on campus.

“Solicitation” is interpreted to refer to any door-to-door residential solicitation of employees or students at their places of work, in the dining hall, or elsewhere on the campus, including placing “flyers” on vehicle windshields, posting flyers on or in any campus buildings, or the use of any donation receptacles. Any student/group must have its solicitation approved by the Director of Student Activities and the Vice President for Student Affairs and Dean of Students.

Sex Offender Notification and Information (Megan's Law)

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act has been amended by the Campus Sex Crimes Prevention Act of 2000 to require sex offenders who are enrolled in or work at institutions of higher education to register with the State's sex offender registration program. The State in turn is obligated to notify the school's law enforcement unit as soon as possible. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Below are links to websites that list registered sex offenders:

- <https://gbi.georgia.gov/services/georgia-sex-offender-registry>

This website is operated by the Georgia Bureau of Investigation and allows you to search by offender name, city, county or zip code in Georgia.

- <https://www.nsopw.gov>

This website is operated by the United States Department of Justice and allows you to search by offender name, city, county or zip code of participating states.

Berry College Sexual Misconduct Policy

Effective August 14, 2020, Berry adopted a new Title IX policy in accordance with the U.S. Department of Education's new Title IX Regulations.

This policy is intended to define sexual misconduct for Berry students and employees. It is also intended to educate the members of our community (students, faculty, staff) about their responsibilities regarding the policy, procedures for reporting incidents of sexual misconduct, and remedies for resolution.

The College prohibits sexual misconduct by College faculty, staff, students and those who use College facilities. The prohibition applies regardless of the gender of the reporter or of the respondent and includes sexual relationships involving a status differential and those between peers, colleagues, and co-workers. This policy applies to all members of the Berry community as they interact with one another in both on- and off-campus settings. Acts of sexual assault by or against students, employees, visitors to the campus, or other persons who use college facilities will not be tolerated and will be pursued under the college's sexual misconduct policy without regard to whether they are pursued separately by law enforcement.

In the following sections you will find both the Comprehensive Sexual Misconduct Policy and the Sexual Misconduct Grievance Policy.

Berry College Sexual Misconduct Grievance Policy

Formal Grievance Policy
As Required by the U.S. Department of Education, 34 C.F.R. § 106.45,
Effective August 14, 2020

I. INTRODUCTION

This Policy addresses certain types of sexual misconduct via a process required by the U.S. Department of Education's new Title IX Regulations, effective August 14, 2020. The scope of this Policy is set forth in Section II, below. This Policy follows the requirements of the Regulations, and contains citations to the applicable Title IX Regulations throughout. Many of the citations are "links" which will take you directly to the actual text of the Regulations. See 34 C.F.R. Part 106.

The Formal Grievance Policy, along with the comprehensive Berry Sexual Misconduct Policy, are intended to define, address and remedy sexual misconduct for Berry students and employees.

Berry prohibits sexual misconduct by faculty, staff, students and those who use Berry facilities. The prohibition applies regardless of the gender of the individuals involved and includes sexual relationships involving a status differential and those between peers, colleagues, and co-workers. This Policy applies to all members of the Berry community, including students, faculty and staff.

This Formal Grievance Policy proceeds in four additional sections, summarized here. If you have questions regarding how the comprehensive Policy and this Formal Grievance Policy work, or need assistance regarding any of the defined terms or processes, please contact the Title IX Coordinator.

Section II defines what is covered by this Formal Grievance Policy. Under the new Title IX Regulations, sexual harassment (a subset of sexual misconduct) must be investigated and addressed according to the procedures set forth in this policy. Although the Regulations narrowly define sexual harassment, Berry remains committed to providing a higher education environment that is free from sexual discrimination, sexual misconduct, and gendered violence. Sexual misconduct that does not rise to the level of sexual harassment as defined by the U.S. Department of Education, or that does not meet Title IX's jurisdictional requirements, will still be investigated and addressed under the Berry Sexual Misconduct Policy.

Section III contains Berry's Formal Grievance Process. This section contains information on filing a Formal Complaint of sexual harassment, the investigation process, the role of the Title IX Coordinator, the live hearing requirements, the appeals process, and other topics. Students, faculty, and staff should consult this section to learn about the process Berry will use to investigate and address allegations of sexual harassment.

Section IV contains the U.S. Department of Education's statements regarding equitable treatment under the Title IX Regulations, which are required to appear in this Formal Policy. The concepts of equitable treatment include the provision of supportive measures and waiting until the grievance process concludes to make conclusions.

Section V explains that Berry does not allow or condone retaliation against any person based on that person's involvement in the Title IX process.

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Berry has designated a Title IX Coordinator to oversee the investigation and resolution of reports of sexual misconduct and Berry's compliance with Title IX. Any questions about this policy, Berry's processes under Title IX, or reports of alleged sexual misconduct should be directed to the Title IX Coordinator:

*Lindsay Norman, Associate Dean of Students, Title IX Coordinator
Hermann Hall 206
(706) 236-2207
lnorman@berry.edu*

The Title IX Coordinator, in conjunction with the Director of Human Resources, Deputy Title IX Coordinator for faculty and staff matters, will oversee all Berry matters relating to sex discrimination (including sexual harassment), including distribution of policies, investigations, educational programs, policy enforcement, and follow-up with complainants and respondents in investigations.

II. SCOPE OF POLICY

This Formal Grievance Policy will apply to "sexual harassment" alleged to have occurred in a Berry "education program or activity" against a person in the United States, per USDOE Regulations, effective August 14, 2020. 34 C.F.R. § 106.44(a).

A. Definitions

"Sexual harassment" is defined by USDOE to be conduct on the basis of sex that satisfies one or more of the following:

1. A Berry employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct ("quid pro quo");
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Berry's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking. (These terms are defined in the Berry Sexual Misconduct Policy.)

"Sexual misconduct" is a broader term that covers other sex-based conduct beyond the USDOE's "sexual harassment" definition. If alleged sexual misconduct does not satisfy the USDOE's definitional requirement, then it may be addressed under the Berry Sexual Misconduct Policy instead of this Policy.

The terms "Complainant" and "Respondent" are used throughout this Policy and the comprehensive Berry Sexual Misconduct Policy.

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment for purposes of this Formal Grievance Policy.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment for purposes of this Policy. (§ 106.30.)

Other terms, like Supportive Measures and Formal Complaint, are defined below.

All relevant terms, including Consent and Incapacitation, are defined in a separate attachment to the comprehensive Berry Sexual Misconduct Policy.

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B. Reports to Which This Formal Policy Applies

For any allegation of sexual harassment to come within the scope of this Formal Grievance Policy, it must fall within the scope of USDOE's rules, as stated above.

An "education program or activity" includes locations, events, or circumstances that Berry exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Berry. USDOE's Regulations exclude any "education program or activity" that does not occur in the United States. (§ 106.44(a).)

If a reported sexual misconduct does not satisfy the jurisdiction requirement, such as off-campus behavior alleged to have an on-campus effect, then it may be addressed under the comprehensive Berry Sexual Misconduct Policy instead of this Policy

III. FORMAL GRIEVANCE PROCEDURE

This portion of the Policy outlines the steps taken to initiate a grievance, as well as USDOE's procedural requirements for investigation and adjudication of Formal Complaints.

A. Formal Complaint

The submission of a Formal Complaint triggers the Formal Grievance Process described in this section when received by the Title IX Coordinator.

A Formal Complaint is defined as "a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment [as defined by the Title IX Regulations] against a respondent and requesting that [Berry] investigate the allegation of sexual harassment."

At the time a Formal Complaint is filed, "a complainant must be participating in or attempting to participate in the education program or activity." A Formal Complaint must be in writing and may be filed with the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the complainant's physical or digital signature, or some other indication that the complainant is the person filing it. (106.30.)

Berry strongly encourages complainants to file Formal Complaints to initiate the required Formal Grievance Process described in this Policy. If the alleged conduct meets the Regulations' definitional and jurisdictional requirements, the law now requires a Formal Complaint before Berry can pursue a full investigation or explore the possibility of an informal or early resolution, which occur before holding a disciplinary hearing or issuing sanctions.

If Berry receives a report of sexual misconduct that falls within this Formal Grievance Policy's scope (see Section II) but no Formal Complaint is filed, then the new Title IX Regulations prevent Berry from administering a formal grievance process that may impose disciplinary sanctions or other actions against a respondent. Supportive measures, however, may still be given. According to USDOE, the purpose of the Formal Complaint is to clarify that the complainant (or the Title IX Coordinator) believes that the school should investigate the allegations of sexual harassment against the respondent. 34 C.F.R. § 106.44(a); 34 C.F.R. § 106.45(b)(1)(i); see also 34 C.F.R. § 106.8(c).

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- i. After filing a Formal Complaint, a complainant may withdraw their Formal Complaint at any time by providing written notice to the Title IX Coordinator. That withdrawal will result in dismissal of the Formal Grievance Process unless the Title IX Coordinator elects to continue the process by signing a Formal Complaint.
- ii. A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Formal Grievance Process if necessary to fulfill the school's responsibility to not be deliberately indifferent to actual knowledge of sexual misconduct. Signing a Formal Complaint does not make a Title IX Coordinator a complainant or otherwise a party.
- iii. Berry may, but is not required to, consolidate Formal Complaints arising out of the same factual circumstances:
 - a. Where there is more than one complainant or respondent;
 - b. Where a complaint has also been filed by the respondent against the complainant. In such cases, the Formal Grievance Process for a later-filed complaint may be consolidated into an earlier-filed process rather than re-start from the beginning (e.g., the new charges may be considered in the course of a pre-existing investigation). (106.45(b)(4).)
- iv. Mandatory Dismissal (106.45(b)(3)(i, iii).)

If a Formal Complaint is filed, Berry will investigate its allegations. If the conduct reported does not meet the Formal Grievance Policy scope requirements for "sexual harassment", Berry MUST dismiss the Formal Complaint under this Policy. In such circumstance, the complaint will be transferred into the Berry Sexual Misconduct Policy for review and possible investigation and resolution. In such circumstance, Berry will promptly and simultaneously send written notice to each party of the dismissal of the Formal Complaint, the reasoning, and the transfer.

B. Responsibility of the Title IX Coordinator (106.44(a).)

Upon receipt of any report of alleged sexual misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and explain the process involved in filing a Formal Complaint. The Title IX Coordinator will inform the complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and will consider the complainant's wishes with respect to supportive measures.

Supportive measures will be assessed and may be offered as needed to complainants, respondents and other members of the Berry community who may have been affected by the alleged conduct. Supportive measures are discussed in Section XI of the comprehensive policy.

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The Title IX Coordinator may conduct a limited, threshold investigation prior to the Formal process:

1. to determine if the alleged conduct meets the Formal Grievance Policy scope requirements;
2. to determine whether the college's Title IX obligations require the Title IX Coordinator to "sign" a Formal Complaint if the Complainant does not file one; and
3. for other limited purposes provided that if a Formal Complaint is filed or signed, the Title IX Coordinator will fulfill the terms of this Formal Grievance Process, including the notice provisions immediately below and the more thorough investigation process described below even if it is somewhat duplicative of the threshold investigation.

The Title IX Coordinator may remove a respondent from the education program or activity on an emergency basis if the Title IX Coordinator conducts an individualized safety and risk analysis and determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifying removal.

The respondent must receive notice and an opportunity to challenge the decision immediately following such removal. (106.44(c).)

The Title IX Coordinator, or the Director for Human Resources for faculty and staff matters, may place a non-student employee respondent on administrative leave during the pendency of a Formal Grievance Process. (106.44(d).)

C. Communication of Complaint (106.45(b)(2))

Upon receipt of a Formal Complaint, Berry will provide written notice to known parties of Berry's Formal Grievance Process by providing access to this policy. The notice must be given as soon as practicable and with sufficient time to prepare a response before any initial investigation interview. The notice will also include the allegations potentially constituting sexual harassment, including sufficient details known at the time.

Sufficient details are defined in the Title IX Regulations to include:

- The identities of the parties involved in the incident, if known;
- The conduct allegedly constituting sexual harassment; and
- The date and location of the alleged incident, if known.

The following statements are also required to be included in the written notice:

- The respondent is presumed not responsible for the alleged conduct.
- A determination regarding responsibility is made at the conclusion of the grievance process.
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- The parties may inspect and review evidence.
- The parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If, at any point during the course of the investigation, Berry determines it is necessary to investigate additional conduct allegations not included in the original notice, it will provide supplemental notice of any additional allegations to the parties.

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D. Investigation Procedures

The Title IX Coordinator will appoint an Investigator, who will promptly investigate the allegations subject to the Formal Grievance Process. The investigation may include, among other steps, interviewing the complainant, the respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media and evidence.

The Investigator will attempt to collect all information and evidence relevant to the allegations. While the Investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the Investigator so that they may be considered during the investigation. As described below in Section III.E.ii., while all evidence presented at a hearing by the parties will be considered, the hearing panel may, in their discretion, grant lesser weight to last-minute information or evidence introduced at the hearing that was not previously presented for investigation by the Investigator.

The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the Investigator should not filter or exclude evidence or decide the weight or credibility of evidence, unless the evidence is clearly irrelevant.

When investigating a Formal Complaint and throughout the grievance process, Berry will:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties. This means that the college's decision-makers will use the preponderance standard. See also Subsection E below.
2. Provide an equal opportunity for the parties to present witnesses and relevant evidence.
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
 - a. Berry expects the parties to respect the sensitive nature of allegations of sexual misconduct and to respect other parties' sense of confidentiality.
 - b. While Berry cannot prevent a party from discussing the allegations under investigation, the Title IX Regulations and this Policy prohibit retaliation against any person because they participate or refuse to participate in any part of the school's sexual misconduct processes.
 - c. FERPA is a federal law that protects the confidentiality of student educational records. Records generated under this Policy, including those shared with the parties, are educational records covered by FERPA. Consistent with FERPA's prohibition on re-disclosure of confidential information, any person who receives another person's confidential information solely as a result of participation in any investigation or proceeding under this Policy, is prohibited from using or disclosing such information outside of such forums without express consent or for any improper purpose. This provision only applies to other people's confidential information, as a party is never restricted from discussing their own experience. This provision does not apply to any information learned outside of an investigation or proceeding under this Policy.

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4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to bring an advisor of choice (who may be, but is not required to be, an attorney) to any related meeting or proceeding. Berry will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, Berry will restrict the extent to which the advisor may actively participate in the proceedings, which will apply equally to both parties' advisors.

Advisors are not permitted to directly participate in any proceeding, except as specified in Section III.E.iii. below related to hearings. Advisors may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, hearing panel members, other parties, or witnesses in such proceedings.

5. Provide written notice to each party of the date, time, location, participants, and purposes of each Formal Grievance Process meeting at which they are invited to participate, with sufficient time for the party to prepare to participate:

- a. For all hearings, Berry will provide 10 days' notice;
- b. For all non-hearing investigative interviews or meetings to which a party is invited or expected at Berry's discretion, Berry will provide 5 days' notice.

Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The Investigator will not make any recommendation as to whether a Policy violation has occurred or potential sanctions.

E. Evidentiary Considerations

While investigating the allegations of any Formal Complaint of sexual harassment, the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true.

1. Standard of evidence

In assessing allegations of sexual harassment and conducting its Formal Grievance Process, Berry will use a preponderance of the evidence standard. This standard means determining whether the alleged sexual misconduct is "more likely than not" to have occurred. This standard will apply to all Formal Complaints of sexual harassment, regardless of whether the Formal Complaint is against a student or any employee, including faculty. (106.45(b)(1)(vii).)

2. Provide both parties an equal opportunity to inspect and review any evidence Berry obtained as part of the investigation, whether obtained from a party or other source that is directly related to the allegations raised in a Formal Complaint. The provision of such evidence is intended to help each party meaningfully respond to the evidence before the investigation concludes.

Parties may elect to submit certain records of medical examinations, treatment, or mental health services. Berry will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party voluntarily consents in writing to their use in a Formal Grievance Process. (106.45(b)(5)(i).)

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i. Investigative Report (106.45(b)(5)(vi-vii).)

Prior to completion of the investigative report, Berry will send to each party, and the party's advisor if any, a draft investigative report and any relevant evidence. Such evidence will be available at any hearing, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Berry retains discretion to elect to send such materials in an electronic format or a hard copy. The provision of such evidence may include data security safeguards that prevent it from being downloaded, printed or forwarded.

The parties will have 10 calendar days to submit a written response. The investigator will consider any such response prior to completion of the final investigative report. The investigator will then create a final investigative report that fairly summarizes the relevant evidence. The final investigative report will not make any recommendation as to whether a policy violation has occurred or potential sanctions. At least 10 days prior to a hearing, Berry will send the final investigative report to each party, and the party's advisor if any, for their review and written response. Any such response must be received by the Title IX Coordinator within five days of when the final investigative report was delivered to the party, so that the party's response may be available for consideration by the hearing panel. If warranted, the investigator may choose to update the final investigative report to take a party's response into account, in which case the hearing date may be postponed.

ii. Permissive Dismissal

At any time during the investigation or hearing, Berry may dismiss the Formal Complaint or any of its allegations if:

- a. A complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the Formal Complaint in whole or in part;
- b. The respondent is no longer enrolled in or employed by the school; or
- c. Specific circumstances prevent Berry from gathering evidence sufficient to reach a determination as to the Formal Complaint, in whole or in part. (106.45(b)(3)(ii).)

If a Formal Complaint is withdrawn, the Title IX Coordinator may choose in his or her discretion to sign the Formal Complaint to continue the Formal Grievance Process.

If the respondent is no longer enrolled or employed at the school, Berry may take such action it deems necessary to appropriately mark student or employment records regarding the departure during a disciplinary process without a determination as to responsibility, or reasonably restrict a respondent's access to campus.

If permissive dismissal is granted under this section, the Formal Grievance Process will cease. Per the Title IX Regulations, no further investigation will occur, and no disciplinary sanctions or actions can be imposed against the respondent.

In all such circumstances, supportive measures may be continued.

F. Resolution Procedures

Berry's Formal Grievance Process will then proceed to a live hearing before one or more hearing panel members, who will consider all evidence presented (subject to the terms below) and determine whether a respondent is or is not responsible for a violation of this Policy, based on the standard of a preponderance of evidence. Under that

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standard, the burden of proof is met, and a respondent may be found responsible for a policy violation, if the hearing panel determine that the evidence proves it is more likely than not that the respondent committed the conduct alleged. If the respondent is found responsible for a violation of this Policy, the respondent may be subjected to disciplinary action. (106.45(b)(6)(i).)

1. The hearing panel members will be selected by the Title IX Coordinator and may vary based on the enrollment or employment status of the respondent.
 - a. Student-respondent cases typically will be adjudicated by a three-member hearing panel of trained Berry faculty and/or staff. One of the three panel members will be designated as the chairperson. A separate hearing officer who is not a member of the three-member panel is also permitted to preside as a hearing officer and make evidentiary rulings at the hearing. Any such hearing officer will not play any active role in deliberations by the hearing panel, or the determination as to whether the Respondent is responsible for the conduct alleged.
 - b. Faculty-respondent cases typically will be resolved by the Provost.
 - c. Employee-respondent cases typically will be resolved by the Vice President for Finance.

The hearing panel members will not be the same person as the Title IX Coordinator or the Investigator.

2. At the request of either party, Berry will conduct the live hearing with the parties located in separate physical locations. Technology will be used to enable the hearing panel and parties to simultaneously see and hear the party or witness answering questions.
3. Berry will transcribe or record (audio or audiovisual) any adjudicative hearing. It will be available to the parties for inspection and review in compliance with FERPA.

i. Pre-hearing Procedures

1. The Title IX Coordinator will identify the hearing panel to the parties ten days in advance of the hearing. Either party may recuse a named hearing panel member if believed to have a conflict of interest or bias. A recusal must be delivered in writing to the Title IX Coordinator at least seven days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator has sole discretion to keep or replace the challenged hearing panel member, and if replaced, may postpone the hearing to allow for a replacement.
2. Five days in advance of the hearing, the parties will identify their expected attendees (including any advisor), their expected witnesses (including themselves), and the witnesses' expected sequence, via writing to the Title IX Coordinator, who will supply the disclosure to the other party so that they can be prepared. The parties will not be strictly bound to their disclosures, but they should be submitted in good faith.
3. Generally, parties will be in charge of choosing and supplying their own witnesses at the hearing. When necessary for fair resolution and to gather evidence sufficient to reach a determination, the hearing panel will have discretion to ask the Title IX Coordinator to request additional witnesses after receipt of the parties' witness lists; recognizing, however, that the school has no ability to compel any witness to attend. Any such requested witness will be disclosed to the parties.

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iii. Evidence

At the hearing, all relevant evidence will be objectively evaluated. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. (106.45(b)(1)(ii).)

The Title IX Regulations (34 C.F.R. § 106.45(b)(6)(i)) state that questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- a. "offered to prove that someone other than the respondent committed the conduct alleged" or
- b. "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." While all relevant evidence presented at a hearing by the parties will be considered, the hearing panel have discretion to grant lesser weight to last-minute information or evidence introduced at the hearing that were not previously presented for investigation by the Investigator.

iii. Cross-examination

Each party may be accompanied to the hearing by the advisor of their choice who may be, but is not required to be, an attorney. Advisors may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, hearing panel, other parties, or witnesses during the hearing, except for conducting cross examination.

At the hearing, each party's advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, verbally, and in real time by the party's advisor of choice, and never by a party personally. (106.45(b)(6)(i).) The hearing panel will typically ask questions before either advisor.

If a party does not have an advisor present at the live hearing, Berry will provide one without fee or charge to conduct cross-examination on behalf of that party. The advisor provided may be, but is not required to be, an attorney. (106.45(b)(6)(i).)

If a party does not have an advisor for the hearing, the party must notify the Title IX Coordinator no later than the party's pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed advisor may have less time to prepare for the hearing. Berry will provide a pool of potential advisors who have received applicable training in conducting such cross-examination.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a party or witness answers a cross-examination or other question, the hearing panel or hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party or witness does not submit to cross-examination at the live hearing, the hearing panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the hearing panel 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. (106.45(b)(6)(i).)

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iv. Resolution Procedures

The hearing panel will issue a written determination following the hearing. Based on the preponderance of the evidence standard, the hearing panel will decide if the respondent is responsible for engaging in the conduct alleged, and if so, what disciplinary action may be appropriate.

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the findings for each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the hearing panel imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to Berry's education program or activity will be provided to the complainant; and
 - d. Procedures and permissible grounds upon which the parties may appeal the determination. (106.45(b)(7)(ii).)

The written determination will be provided to the parties simultaneously.

Supportive measures also may be provided to the complainant that are designed to restore or preserve equal access to Berry's education program or activity, even if they are not listed in the written determination. Remedies and supportive measures that do not impact the respondent should not be disclosed in the written determination; rather, the determination should simply indicate that "remedies will be provided to the complainant." The Title IX Coordinator is responsible for effective implementation of any remedies and supportive measures. (106.45(b)(7)(iv))

v. Range of Sanctions and Remedies (106.45(b)(1)(vi))

Sanctions and discipline upon a finding of responsibility may include any and all actions as outlined in the Viking Code, up to and including, disciplinary probation, suspension or expulsion. A list of those actions can be found in here.

vi. Finality

The determination regarding responsibility becomes final either:

1. if an appeal is filed, on the date that Berry provides the parties with the written determination of the result of the appeal, or
2. if an appeal is not filed, the date on which an appeal would no longer be considered timely. (106.45(b)(7)(iii).)

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G. Appeal of Resolution

Both parties may appeal from a determination regarding responsibility, or from a dismissal of a Formal Complaint or any allegations therein, only on the following grounds: In order to be considered, appeals must meet one of four conditions:

1. The respondent's right to a fair hearing was violated. Procedural or process errors must be significant enough to have affected the outcome of the case in order for the fair hearing standard to have been violated a procedural irregularity, meaning an alleged failure to follow the process outlined in this Formal Policy, that affected the outcome of the matter;
2. New and significant information can be introduced that was not reasonably available at the time of the hearing or dismissal and could have affected the outcome of the case;
3. The Title IX Coordinator, Investigator, or hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The notice of appeal must describe specifically the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome.
4. Berry reserves the right to offer an appeal equally to both parties on additional grounds in its discretion. (106.45(b)(8)(i-ii).)

Appeals must be submitted in writing to the Title IX Coordinator within 10 days of the date that the written adjudication determination is provided to the parties. The written appeal must state the grounds for the appeal, include the name of the appealing party, and establish that it is submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such evidence and the reasons why it was not available. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

Upon receipt of an appeal, Berry will

1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the original determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that the decisionmaker(s) for the appeal has received the appropriate and necessary training;
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Berry will provide a copy of the appeal to the non-appealing party. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement. The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the deadline for submitting an appeal or the resolution of any appeal.

The appeals panel will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame following receipt of all appeals materials. The appeal will determine whether the hearing panel made an error on the grounds alleged in the appeal statement. The appeal is typically determined

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based on the existing record, but appeals panel will have discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both parties. (106.45(b)(8)(iii)(E-F).)

H. Informal Resolution

At any time prior to reaching a determination regarding responsibility, Berry may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Berry may not offer an informal resolution process unless a Formal Complaint is filed. Both parties must agree to participate in an informal resolution process, and if they do, the Formal Grievance Process stops. Either party may withdraw from the informal process and re-start the Formal Grievance Process at any time before an informal resolution is reached. Berry will not require the parties to participate in an informal resolution process, and will not require them to waive their rights to a Formal Grievance Process. (106.45(b)(9).)

Berry will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. (106.45)(b)(9)(iii).)

Prior to facilitating an informal resolution process, Berry will:

1. Provide written notice to the parties disclosing the following:

- a. The allegations;
 - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
 - c. The fact that, at any time prior to agreeing to an informal resolution, any party may withdraw from the informal resolution process and resume the Formal Grievance Process; and
 - d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. (106.45(b)(9)(i-ii).)

If the parties agree to a resolution during an informal resolution process, the Formal Complaint will be deemed withdrawn and the Formal Grievance Process will be terminated. However, the informal resolution will be considered final.

IV. USDOE STATEMENTS OF EQUITABLE TREATMENT

As required by USDOE's Regulations, Berry's Formal Grievance Process will "treat complainants and respondents equitably by [1] offering supportive measures ... to a complainant, and [2] by following a grievance process that complies with [the new Title IX Regulations] before the imposition of any disciplinary sanctions or other actions that are not supportive measures ... against a respondent." (106.44(a); 106.45(b)(1)(i).) Supportive measures also may be offered as needed to respondents and other members of the Berry community who may be affected by sexual misconduct.

The Title IX Regulations define "supportive measures" as "non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent." These measures are offered to support Complainants and Respondents, where appropriate, as a way to assist affected persons in dealing with the conduct alleged and to continue participating in the educational program (if possible), while proceeding through the process outlined in this Policy. They may be sought or provided before or after a Formal Complaint is filed, or where no Formal Complaint has been filed. "Such measures are designed to restore or preserve equal access to the [school's] education program or activity without unreasonably burdening the other

Berry College Sexual Misconduct Grievance Policy

party, including measures designed to protect the safety of all parties or the [school'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.

Berry will keep any supportive measures provided to the complainant or respondent confidential, to the extent possible. However, supportive measures that impact other members of the Berry community (e.g. mutual no-contact orders, where the other party must be informed of the order and its implications) may be disclosed in order to enforce them. The Title IX Coordinator will coordinate the implementation of supportive measures.

An individual's status as a respondent will not be considered a negative factor during investigation and consideration of the grievance. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct unless and until the grievance process concludes and a determination regarding responsibility is issued. Similarly, a person's status as a complainant, respondent, or witness will not determine whether or not they are deemed credible.

Berry's Formal Grievance Process will provide remedies to a complainant only if the grievance process described in this Policy results in a determination that the respondent is responsible for sexual harassment. Remedies are designed to restore or preserve equal access to the school's education program or activity, and they may include the same individualized services as supportive measures. Remedies may be disciplinary and punitive.

Title IX Coordinators, investigators, hearing panel members or decision-makers, and any person who facilitates an informal resolution process (Title IX administrators) will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or an individual complainant or respondent in the grievance process. Berry will provide necessary and appropriate training to each administrator involved in the Title IX process. Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment. (106.45(b)(1)(iii).)

V. PROHIBITION OF RETALIATION (34 C.F.R. § 106.71.)

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulation, or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. “Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this [Policy], constitutes retaliation.”

Berry will “keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted” by Title IX, FERPA, or as otherwise required by law, or to carry out Berry's Title IX procedures.

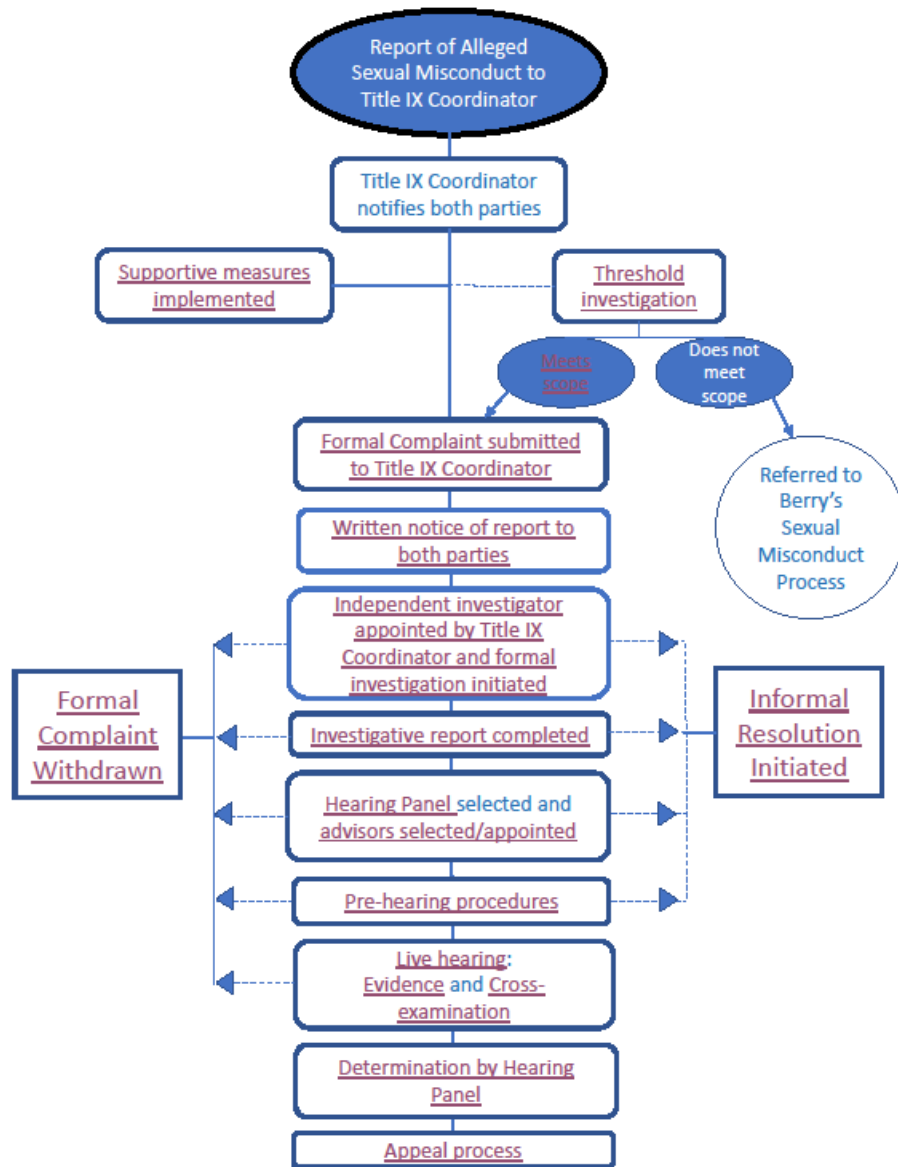
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The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a sexual misconduct grievance proceeding does not constitute retaliation. A determination regarding responsibility alone, however, is not sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging retaliation may be filed with the Title IX Coordinator and will follow grievance procedures either under this Policy or under the Berry Sexual Misconduct Policy.

In the event an individual alleges that the Title IX Coordinator retaliated against them, the individual may file a complaint with the Human Resources Director, who will follow the grievance procedures either under this Policy or under the Berry Sexual Misconduct Policy. The Title IX Coordinator will not oversee the investigation or adjudication of a complaint alleging that they engaged in retaliation.

Sexual Misconduct Policy Grievance Process



Berry College Comprehensive Sexual Misconduct Policy

Effective August 14, 2020

I. Opening Statement and Purpose

Berry College is a residential academic community that is grounded in relationships built on trust and respect. The College seeks to provide a learning and working environment conducive to thought, creativity, and growth, where individuals are free to realize their full potential. Sexual harassment, assault and other forms of sexual misconduct are fundamentally at odds with these goals and an affront to human dignity. In both obvious and subtle ways, sexual misconduct harms students, faculty, and staff, as well as the academic community as a whole.

Berry College will not tolerate sexual misconduct and will work diligently to prevent and eliminate sexual misconduct at the College.

Berry prohibits sexual misconduct by faculty, staff, students and those who use Berry facilities. The prohibition applies regardless of the gender of the reporter or of the respondent and includes sexual relationships involving a status differential and those between peers, colleagues, and co-workers. This policy applies to all members of the Berry community as they interact with one another in both on- and off-campus settings. Acts of sexual assault by or against students, employees, visitors to the campus, or other persons who use Berry facilities will not be tolerated and will be pursued under Berry's sexual misconduct policy without regard to whether they are pursued separately by law enforcement.

This Sexual Misconduct Policy serves as Berry's overarching policy against sexual misconduct and gender- or sex-based discrimination in all of its forms. The accompanying Formal Grievance Policy, which is linked here and is found below as Appendix A to this Sexual Misconduct Policy, covers a narrower sub-set of sexual harassment that must be addressed pursuant to a defined formal grievance process as required by the U.S. Department of Education under new Title IX Regulations, effective August 14, 2020. When sexual misconduct meets the criteria specified in the Title IX Regulations, it must be addressed under the Formal Grievance Policy, and not this overarching Sexual Misconduct Policy, to the extent the processes differ between the two policies. See 34 C.F.R. § 106.44-.45; see Sections I-II of each policy. Otherwise, this overarching Sexual Misconduct Policy will apply (e.g., the definitions in this Policy apply to the Formal Grievance Policy). Combined, Berry's policies and procedures are intended to ensure that all students impacted by an incident or complaint of sexual misconduct receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough and equitable manner.

Relevant terms are defined in Sections II below and XIII at the end of this Policy.

Nothing in this policy is to be construed to limit academic freedom and appropriately exercised free expression within the College (see statement on Academic Freedom in the Faculty/Staff Handbook

https://vikingweb.berry.edu/ICS/Berry_Community/Group_Management/Human_Resources/Human_Resources.jnz?portlet=Handouts

Written, auditory, or visual course materials which are used for educational purposes or which are part of academic or cultural programs, do not necessarily constitute sexual misconduct, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals. Berry will review, evaluate, and make any revisions or amendments to its policies on an ongoing and as-needed basis. This Policy and the accompanying Formal Grievance Policy shall apply to all Reports and Complaints of sexual misconduct received by Berry's Title IX Coordinator on or after August 14, 2020, regardless of the date of the alleged incident. These policies will not be applied retroactively. The prior iteration of this policy shall apply to Reports and Complaints received by the Title IX Coordinator prior to August 14, 2020.

Berry College Comprehensive Sexual Misconduct Policy

Inquiries about the application of this policy should be directed to Berry's Title IX Coordinator:

Lindsay Norman, Associate Dean of Students, Title IX Coordinator
Hermann Hall 206
(706) 236-2207
lnorman@berry.edu

II. Scope of Policy

A. Scope

This Policy, its supplemental procedural guidance, and the Formal Grievance Policy are intended to protect and guide individuals who have been affected by sex/gender discrimination and sexual misconduct, whether as a Complainant, a Respondent, or as a witness, and to provide fair and equitable procedures for investigation and resolution of Reports and Complaints.

As noted above, when sexual misconduct meets the criteria specified in new Title IX Regulations, effective August 14, 2020, it must be addressed under the Formal Grievance Policy, and not this overarching Sexual Misconduct Policy, to the extent the processes differ between the two policies. The Formal Grievance Policy applies to "sexual harassment" in a Berry "education program or activity" against a person in the United States. 34 C.F.R. § 106.44(a). "Sexual harassment" is defined in the Regulations (§ 106.30) to be conduct on the basis of sex that satisfies one or more of the following:

1. A Berry employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct ("quid pro quo");
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Berry's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking. (These terms are defined in the Definitions section below, Section XIII.)

"Sexual misconduct," which is addressed in this overarching Sexual Misconduct Policy, is a broader term that covers sex based conduct beyond the Title IX Regulations' "sexual harassment" definition. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Regulations' definition of "sexual harassment."

Additionally, the Title IX Regulations' jurisdictional criteria is narrower than this overarching Sexual Misconduct Policy. The Formal Grievance Policy applies to a Berry "education program or activity," which is defined by the Regulations to include locations, events or circumstances over which Berry exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Berry. Pursuant to the Regulations, it excludes any "education program or activity" that does not occur in the United States. (§ 106.44(a).)

If sexual misconduct is alleged to have occurred that does not satisfy the Title IX Regulations' jurisdictional criteria, such as off-campus sexual misconduct (including sexual harassment) alleged to have an on-campus effect or occurring during a study abroad program, then it may be addressed pursuant to this overarching Sexual Misconduct Policy. Berry retains the right to utilize different processes for certain Title IX cases. For example, cases meeting the criteria of the new Title IX Regulations will be governed by the accompanying Formal Grievance Policy. Cases that are reported during the non-academic year or that extend into the non-academic year may proceed under different processes in the discretion of the Title IX Coordinator as long as they do not conflict with Berry's policies. While

Berry College Comprehensive Sexual Misconduct Policy

the Formal Grievance Policy applies to alleged employee sexual harassment per the Title IX Regulations, this overarching Sexual Misconduct Policy does not apply to alleged employee sexual misconduct or discrimination that falls outside of the new Title IX Regulations; such alleged misconduct between employees or between an employee and a non-student are governed by the Employee Handbook, and Berry retains the right to apply modified processes for cases involving such alleged misconduct in which a student is a party if an employee or faculty member is also a party to the case.

B. Overview of Policy and Certain Key Definitions

Berry will investigate all reports received by the Title IX Coordinator of sex/gender discrimination and sexual misconduct (“Reports”). Berry is authorized under this Sexual Misconduct Policy and its accompanying Formal Grievance Policy to take certain actions to address or remedy sex/gender discrimination and sexual misconduct after receiving a Report, during an investigation, and after an investigation even if the matter does not proceed to a hearing or an informal resolution.

Anyone can report an incident of sex/gender discrimination and sexual misconduct to Berry under the procedure described in Section VIII of this Policy. For example, a “Reporter” can be any individual who reports to Berry that they are a victim or survivor of sex/gender discrimination or sexual misconduct or that they have been affected by sex/gender discrimination or sexual misconduct (sometimes referred to as a “First-Party Reporter”) or that they have knowledge of sex/gender discrimination or sexual misconduct happening to or affecting someone else (sometimes referred to as a “Third-Party Reporter”).

A Report will become a “Complaint” if a First-Party Reporter files a written document with the Title IX Coordinator describing an incident of sex/gender discrimination or sexual misconduct and indicating that they want Berry to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. Berry can also convert a Report to a “Complaint” if Berry determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Berry Community, it must take further steps to address and resolve the matter. A Formal Complaint under the Formal Grievance Policy is a type of Complaint. See Formal Grievance Policy, Section IV.A., regarding Formal Complaints.

A “Complainant” refers to an individual who is alleged to have been subjected to an incident of sex/gender discrimination or sexual misconduct (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by sex/gender discrimination or sexual misconduct, or under the Formal Grievance Policy governing sexual harassment, an individual who is alleged to be the victim of conduct that could constitute sexual harassment). A Complainant has certain rights under this Policy, as discussed below. A Reporter who reports witnessing sex/gender discrimination or sexual misconduct happening to or affecting someone else (i.e., a Third-Party Reporter) can file a Report and request that it be treated as a Complaint, but that does not make them a Complainant. Similarly, the fact that the Title IX Coordinator may elevate a Report to a Complaint does not make the Title IX Coordinator a Complainant.

A “Respondent” refers to an individual who has been accused of conduct that could constitute sexual misconduct prohibited under this Policy (or, under the Formal Grievance Policy governing sexual harassment, an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment). A student Respondent has certain rights under this Policy, as discussed below, and under the Formal Grievance Policy when that policy is applicable.

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A “third party” refers to any other participant in the process, including a witness to the incident or an individual who makes a Report on behalf of someone else.

As used throughout this Policy, references to the “Title IX Coordinator” shall include any Deputy Title IX Coordinator and any other person expressly designated by the Title IX Coordinator to act on their behalf.

Additional definitions are contained in Section XIII at the end of this Policy.

III. Title IX and Nondiscrimination

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits use of federal money to support sex discrimination in education programs and provides individuals effective protection against such practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs and activities. In addition to traditional education institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

Consistent with Title IX, as well as Title VII of the Civil Rights Act of 1964 and any related federal, state, and local laws, Berry prohibits all unlawful discrimination, harassment and retaliation on the basis of sex, gender, gender identity, gender expression, or sexual orientation in any employment decision, education program or educational activity. This policy applies to all members of the Berry Community. As required by Title IX of the Education Amendments of 1972, Berry does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs and activities, or in the context of admissions or employment at the College.

As part of its commitment to maintaining a community free of discrimination, and in compliance with Title IX’s mandate, Berry will address allegations of sexual misconduct or harassment in a timely and effective way, provide resources as needed for affected persons (Reporters, Complainants, Respondents and third parties within the Berry Community), and not tolerate retaliation against any person who reports sex/gender discrimination or sexual misconduct. Any individual designated by Berry to have the duty to report alleged sex/gender-based discrimination, sexual harassment and/or retaliation (known as a “Mandatory Reporter”) and who fails to report such conduct may be subjected to sanctions by Berry.

Inquiries about the application of Title IX should be directed to Berry’s Title IX Coordinator. Additional information can be found on Berry’s website: <https://www.berry.edu/student-life/dean-of-students/title-ix>. Inquiries about the application of Title IX also can be directed to the U.S. Department of Education’s Office for Civil Rights.

IV. Retaliation, Misuse of Confidential Information, and False Accusations

Berry expressly prohibits retaliation against anyone who: 1) in good faith, reports what they believe is discrimination or sexual misconduct, 2) participates in any investigation or proceeding under this Policy, or 3) opposes conduct that they believe to violate this Policy. Retaliation includes intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses.

Consistent with FERPA’s prohibition on re-disclosure of confidential information, any person who receives another person’s confidential information solely as a result of participation in any investigation or proceeding under this Policy, is prohibited from using or disclosing such confidential information outside of such forums without express consent or for any improper purpose. This provision only applies to other people’s confidential information, as a party is never restricted from discussing their own experience. This provision does not apply to any information learned outside of an investigation or proceeding under this Policy.

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Berry will not only take steps to prevent retaliation, but it will also take strong corrective action if it occurs. Anyone who believes they have been the victim of retaliation should immediately report it to the Title IX Coordinator, who shall treat it as a Report. Any individual found to have retaliated against another individual will be in violation of this Policy and will be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students. Anyone who knowingly makes a false accusation of unlawful discrimination, harassment, or retaliation of any form will be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students.

V. Time Considerations for Reporting and Filing Title IX Complaints of Sex/Gender Discrimination and Sexual Misconduct

There is no time limit for reporting incidents of Sex/Gender Discrimination or Sexual Misconduct under this Policy, although Berry encourages reports to be made as soon as possible. Any individual who has been subjected to, or who knows of or has witnessed, an incident of Sex/Gender Discrimination or Sexual Misconduct is encouraged to report the incident or file a Complaint immediately in order to maximize Berry's ability to obtain information and conduct an adequate, thorough, prompt, and impartial investigation into the incident. A delayed Report of alleged Sex/Gender Discrimination or Sexual Misconduct may result in the loss of relevant information, evidence, and reliable witness testimony, and may impair Berry's ability to fully investigate the incident.

VI. Medical Assistance Policy for Alcohol and Illegal Drug Use Violations for Individuals Who Report Incidents of Sexual Misconduct

Berry strongly encourages individuals who have been involved in, or who know of, or have witnessed, incidents of Sex/Gender Discrimination or Sexual Misconduct to report such incidents as soon as possible. Berry recognizes that students involved (e.g. as witnesses, bystanders, third parties, or Complainants) who may have violated drug and alcohol laws or policies may be hesitant to report out of fear of sanction. Therefore, in order to encourage reporting in all situations, anyone who reports or experiences Sex/Gender Discrimination or Sexual Misconduct may be granted reprieve for any violation of Berry's drug and alcohol policies that occurred in connection with the reported incident. Berry intends to grant such amnesty for all but the most egregious violations of its drug and alcohol policies; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Other Viking Code policy violations discovered during a Title IX process may be referred to the appropriate Berry office(s).

VII. Available Resources and Recommended Immediate Steps Following An Incident of Sex/Gender Discrimination and/or Sexual Misconduct

LAW ENFORCEMENT

Berry College Police Department 706-236-2262

City of Rome Police Department: 706-238-5111

Floyd County Police Department 706-235-7766

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HOSPITALS

Berry College Police Department Emergency Assistance: 706-236-2262

Atrium Health Floyd Medical Center 304 Turner McCall Blvd. 706-509-5000

Advent Health Redmond Hospital 501 Redmond Rd. 706-291-0291

For additional off-campus support services, contact the Sexual Assault Center of Northwest Georgia at (706) 292-9024.

Berry is aware that an individual who has been subjected to, or who knows of or who has witnessed a sex offense may experience physical, mental and emotional trauma as a result of the incident. A victim of sexual violence (e.g., sexual assault, dating violence, domestic violence, stalking) is encouraged to follow these procedures immediately following the occurrence, when possible:

1. Get to a safe place immediately and call someone you trust.
2. If sexual contact and/or penetration occurred, do not wash, shower, bathe, use the toilet or change clothing or bedding. Preserve any evidence. Examples of such evidence include:
 - Clothing worn during the incident, including but not limited to undergarments; • Sheets, bedding, and condoms, if used;
 - A list of witnesses with contact information;
 - Text messages, emails, call history, and social media posts; and
 - Pictures of any injuries.
3. You are encouraged, but not required, to call the appropriate law enforcement agency. To contact the City of Rome Police Department, call (706) 238-5111. Berry College Police Department, (706) 236-2262, can assist any student with reporting a crime to the City of Rome Police Department. Even if you do not intend to pursue a criminal investigation immediately, you may wish to speak with law enforcement resources or sex assault counsellors about preserving evidence. This may allow you to proceed at a later time with a criminal complaint, if you later decide to do so.
4. Get medical attention. Berry College Police will assist you in calling Emergency Medical Services (911) if you ask them to. Berry also encourages you to go, or have someone else take you, directly to a medical facility or medical provider of your choice. Any medical provider should be instructed to collect and preserve relevant evidence, or if they are not experienced in doing so themselves, to contact the Sexual Assault Center of Northwest Georgia at (706) 292-9024. For additional off-campus support services, contact the Sexual Assault Center of Northwest Georgia at (706) 292-9024. The Center has individuals who will provide support and, if desired, will accompany victims of sexual assault to Floyd Medical Center or Redmond Regional Hospital and will stay with them while they receive medical treatment.
5. Berry will assist an individual who has been subjected to, who knows of, or who has witnessed an incident of sexual misconduct in obtaining the services of counseling professionals, if requested. Berry encourages you to seek support services. For on-campus student counseling services, contact the Counseling Center at (706) 236- 2259. For off-campus counseling and advocacy services, contact the Sexual Assault Center of Northwest Georgia at (706) 292-9024. Berry will provide as much assistance as possible but cannot assume financial responsibility for such services.

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6. All members of the campus community are encouraged to seek resources and support related to sex/gender discrimination and sexual misconduct proceedings, including Respondents, witnesses and bystanders. For more information, see Berry's Title IX website at <https://www.berry.edu/student-life/dean-of-students/title-ix>.

VIII. Options and Procedures for Reporting or Disclosing Title IX Incidents of Sex/Gender Discrimination or Sexual Misconduct

A. Options for Reporting to Berry Under This Policy

Anyone can report an incident of sex/gender discrimination or sexual misconduct to Berry (a "Report"). A Report can be made by any individual who is a victim or survivor of sex/gender discrimination or sexual misconduct, who has been affected by sex/gender discrimination or sexual misconduct, or who has knowledge of sex/gender discrimination or sexual misconduct happening to or affecting someone else. A Report may be made anonymously. Berry strongly encourages all individuals to report incidents of sexual misconduct and sex/gender discrimination even if the individual does not intend to pursue a Complaint. Even if Berry does not have jurisdiction over the Respondent, Berry may take prompt action to provide supportive measures for the safety and well-being of any affected person and the broader Berry community. No person should assume that an incident has already been reported by someone else or that Berry already knows about a particular situation.

In order to make a Report to Berry, a reporting individual may do one or more of the following:

Report the incident to the Title IX Coordinator via email to lnorman@Berry.edu, in person, by mail, or by phone. See Section I for the Title IX Coordinator's contact information. Reporters are encouraged, but not required, to direct their Reports to the Title IX Coordinator. Reports may also be made to the Deputy Title IX officer listed below:

Meredith Johnson, Assistant Dean of Students, mjohnson@berry.edu

Report the incident to any faculty or staff member. It is important to know that, with the exception of the "confidential resources" staff listed below in Section VIII.B., all Berry faculty and staff are Mandatory Reporters and are required by Berry to report any knowledge they receive of possible violations of this Policy to the Title IX Coordinator. Mandatory Reporters must relay all known information about any reported policy violation, including but not limited to: the names of involved individuals, the nature of the incident, and the time and location of the incident.

All Resident Assistants are Campus Security Authorities under the Clery Act and are required to report any knowledge of possible violations of the policy for Clery purposes. No other students are obligated to report knowledge they may have of sexual misconduct, including student employees of Berry who are considered students and not staff for purposes of this Policy and are not Mandatory Reporters.

Once the Title IX Coordinator learns of any Report of alleged sex/gender discrimination or sexual misconduct, whether from a direct Report or from a Mandatory Reporter, they will implement supportive measures as needed and initiate an investigation into the alleged incident. The form of the investigation may vary, particularly if the conduct alleged is governed by the U.S. Department of Education's Title IX Regulations, in which case Berry's Formal Grievance Policy at Appendix A will apply. Following an investigation, the Title IX Coordinator has

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authority to resolve a Report, including the implementation of any supportive measures, and close the case if the Report does not constitute or become a Complaint.

After making a Report, an individual may choose to file or request a Complaint and pursue resolution (under this policy or the Formal Grievance Policy, as applicable) or, if applicable, an Informal Resolution involving the Respondent; may choose to be involved or not be involved in Berry's investigation and any related proceedings; or may choose to end involvement in the process.

B. Options Utilizing Confidential Resources

Rather than making a Report, individuals can confidentially discuss incidents of sex/gender discrimination and sexual misconduct with one of the following Berry "confidential resources":

- Health Center staff - Ladd Center – (706) 236-2267
- Counseling Center staff – Ladd Center – (706) 236-2259
- College Chaplains- Krannert Center – (706)236-2217
- Michael McElveen – Cage Center- (706) 365-5633
- Ashley Demonbreun-Chapman – Ladd Center – (706) 238-7957

Disclosures made to these confidential resources will be held in strict confidence, and will not constitute a Report to Berry under this Policy. These confidential resources may assist individuals with making Reports or filing Complaints if, and only if, the Complainant requests that they do so or if there is an emergency in which the Complainant cannot report the alleged sexual misconduct.

Additionally, in order to assist Berry in collecting data and identifying potential patterns or systemic problems related to sexual violence on and off campus, the "confidential resources" staff will convey general and non-personally-identifiable information about the incident (i.e. nature, time and location of the incident) to the Title IX Coordinator. Because such communications will necessarily lack any personally-identifying information, they will not constitute Reports and generally will not be investigated unless a pattern or systemic problem is discovered. Again, Berry strongly encourages all individuals to report incidents of sexual misconduct to the Title IX office, including with the assistance of confidential resources, if they wish for the incident to be investigated; otherwise, Berry fully respects the confidential resources' strict confidence when the Reporter chooses not to report.

C. Options for Notifying Off-Campus Law Enforcement Authorities

Individuals can, but are not required to, notify off-campus law enforcement authorities about any incident of alleged sex/gender discrimination and sexual misconduct, including by dialing (911), calling the City of Rome Police Department at (706) 238-5111, and/or calling the Sexual Assault Center of Northwest Georgia at (706) 292-9024. Individuals can also contact other law enforcement agencies, depending on the location of the incident. Notifying off-campus law enforcement authorities will not constitute a Report to Berry under this Policy, but it may or may not result in such authorities reporting relevant information back to Berry which Berry will investigate. Individuals can request assistance from Berry faculty and staff in notifying appropriate law enforcement authorities, which Berry will encourage them to provide. Requesting such assistance from a Mandatory Reporter will constitute a Report as described above.

D. Option to Not Report

Individuals can choose not to notify Berry or any law enforcement authorities about an alleged incident of sex/gender discrimination or sexual misconduct.

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IX. Filing a Complaint of Title IX Sex/Gender Discrimination or Sexual Misconduct

If an individual wishes to pursue an incident of Title IX sexual misconduct or sex/gender discrimination beyond simply reporting it, they may file a Complaint. The filing of a Complaint means that the individual is asking Berry to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. Any Complainant (i.e., an alleged victim or survivor or someone who has otherwise been directly affected by sex/gender discrimination or sexual misconduct) may file a Complaint, and Berry will treat it as such. Any Third-Party Reporter may request that Berry treat their Report as a Complaint, but that would not make the Third-Party Reporter into a Complainant, and Berry shall have discretion on whether to treat the Third-Party Report as a Complaint.

In order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Berry Community, Berry may convert a Report into a Complaint if Berry determines that it must take additional steps to protect the Berry Community.

Depending on the conduct alleged and the location of the incident, a Complaint will be governed by either this Policy or the accompanying Formal Grievance Policy. A Formal Complaint under the Formal Grievance Policy is a type of Complaint. (See Formal Grievance Policy, Section IV.A., regarding Formal Complaints, and Sections I-II of each policy for descriptions of the scope of each respective policy.)

A. Filing a Complaint

Anyone seeking to file a Complaint of individual or institutional Sex/Gender Discrimination or Sexual Misconduct may do so with the Title IX Coordinator. Complaints must be in writing and include all information that the filer believes to be relevant (e.g., time, location and nature of incident, names of individuals involved in or witnesses to the incident, names of other persons affected by the incident, etc.). Alternatively, an individual can also file a Complaint by meeting with the Title IX Coordinator and providing a verbal description of the Sex/Gender Discrimination or Sexual Misconduct, which the Title IX Coordinator will use to draft a written document that the individual will review, verify and sign to constitute a Complaint.

B. Action Following the Filing of a Complaint

Berry will investigate all Complaints of Sex/Gender Discrimination or Sexual Misconduct. A Complaint meeting the criteria of the Formal Grievance Policy (a “Formal” Complaint) will proceed according to that Policy instead of the provisions below.

For a Complaint that does not meet the criteria of the Formal Grievance Policy, Berry’s process will typically involve an investigation phase and then proceed to a Resolution Hearing before a Sexual Misconduct Hearing Board to determine whether the Respondent is responsible or not responsible for having violated this Policy, except in the circumstances described below. In some instances, an Informal Resolution also may be an option for resolving a Complaint.

C. The Title IX Coordinator shall have discretion to resolve a Complaint without a Resolution Hearing in the following circumstances:

1. if Berry lacks jurisdiction;

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2. if a case involves a Berry employee (faculty, staff member or contract services employee), the Title IX Coordinator shall coordinate with the Chief Human Resources Officer about appropriate processes and/or resolution;
3. if the allegations could not constitute a Policy violation under any alleged circumstances;
4. if the Complaint is eligible for the Informal Resolution process;
5. if the Complaint was requested by a Third-Party Reporter who reported witnessing sex/gender discrimination or sexual misconduct happening to or affecting someone else, the Title IX Coordinator shall have discretion to resolve the Complaint or to provide modified hearing procedures, particularly to account for the alleged victim's wishes (e.g., if they do not wish to pursue the Complaint as a first-party Complainant);
6. if the Complainant and Respondent both consent to an alternative resolution, with such consent obtained independently from each person by the Title IX Coordinator to avoid a risk of coercion;
7. for matters that do not involve Berry employees (faculty, staff member or contract services employee), if either Complainant or Respondent, or both, are not Berry students, or cease to be Berry students prior to final resolution of the Complaint (e.g., a student withdrawal), the Title IX Coordinator shall have discretion to resolve the Complaint or to provide modified hearing procedures;
8. or, if the Respondent admits responsibility for a violation, the Title IX Coordinator shall have discretion to resolve the Complaint or to provide modified hearing procedures to help the Hearing Board decide appropriate sanctions.

In all circumstances, the Title IX Coordinator shall have authority to impose supportive measures and make accommodations consistent with Section XI below and take other measures consistent with the Berry Student Handbook; and for employee matters, the Director of Human Resources shall have authority to take action consistent with the Berry Employee Handbook.

D. A person may withdraw a Complaint. If a Complaint is withdrawn, Berry will treat the withdrawn Complaint as a Report and proceed accordingly.

X. Confidential and Anonymous Reporting

As discussed above in Section VIII.B., individuals can confidentially discuss incidents of sex/gender discrimination and sexual misconduct with Berry's "confidential resources" staff. Those discussions will remain confidential and not be considered a Report to Berry.

Anonymous reports may also be made to the Title IX Coordinator. Berry will attempt to investigate anonymous reports but often will be inhibited without being able to collect evidence from and ask follow up questions to a complainant; thus, supportive measures and the potential for resolution may be diminished.

A Reporter can make a Report disclosing their name but requesting confidentiality. An affected person who is the subject of a Third-Party Report can also request confidentiality. In such instances, if they also request that no investigation or disciplinary action be pursued, the Title IX Coordinator will respect the request for confidentiality as long as only personal supportive measures are requested and grounds do not exist to convert the Report into a Complaint. A request for confidentiality cannot be fulfilled in the case of a Complaint. Further, in some instances, Berry may deny or modify a request for confidentiality when weighed against Berry's obligation to provide a safe, non-discriminatory environment for all students, considering many factors, including:

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- The seriousness of the alleged misconduct;
- Whether there have been other reports of Sex/Gender Discrimination or Sexual Misconduct against the Respondent known by Berry;
- Whether the Respondent has allegedly threatened further misconduct or violence;
- Whether the alleged misconduct was committed by multiple perpetrators;
- Whether the alleged misconduct involved use of a weapon;
- The age of the individual subjected to the alleged misconduct;
- Whether Berry possesses other means to obtain relevant evidence of the alleged misconduct;
- Whether the Report reveals a pattern of misconduct at a particular location or by a particular individual or group of individuals; and
- The accused individual's right to receive information about the allegations if the information is maintained by Berry as an "education record" under the Family Educational Rights and Privacy Act (FERPA), if applicable.

In an instance where Berry determines it must deny or modify a request for confidentiality, the Title IX Coordinator will inform the requesting individual prior to making the disclosure to anyone beyond necessary school officials. Any such disclosure will be limited to only individuals with a need to know such information. Consistent with FERPA's prohibition on re-disclosure of confidential information, any recipient is prohibited from using or disclosing other people's confidential information, learned as a result of participation in any investigation or proceeding under this Policy, outside of such forums without express consent or for any improper purpose. In all instances, members of the Berry Community should understand that Title IX prohibits retaliation against anyone reporting a potential Title IX incident, and that Berry officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

In all cases of alleged gender/sex discrimination or misconduct under this Policy reported to the Title IX Coordinator, Berry will investigate and implement supportive measures. Please note that Berry's ability to investigate and respond fully to an incident may be limited because of requests for confidentiality or to not proceed with disciplinary action.

XI. Supportive Measures

In cases of reported alleged Sex/Gender Discrimination or Sexual Misconduct involving students, Berry may implement supportive measures immediately or at any time that Berry determines such measures are necessary. The Title IX Coordinator shall have responsibility for determining such supportive measures. Some of these supportive measures also may continue in effect after an investigation is closed or as post-hearing sanctions or accommodations, depending on the outcome of the investigation and hearing. Examples of supportive measures that Berry may consider and elect to implement include, but are not limited to:

- facilitating leaves of absence for impacted parties, to the extent practicable;
- implementing a mutual "no contact" order to govern, and attempt to avoid, interaction between affected individuals;
- providing a campus safety escort to ensure a Complainant can move safely between buildings, classes, dining halls, and activities on campus;
- ensuring that the Complainant and the Respondent do not attend the same classes, seminars, functions, meetings, etc.;
- offering to provide or facilitate the provision of medical, counseling and mental health services, but not necessarily covering the cost of such services;
- providing education regarding gender discrimination, sexual misconduct, alcohol and drug use, incapacitation and consent, etc.;
- reviewing any academic challenges or any disciplinary actions taken against the Complainant to see if there is a causal connection between the events that may have impacted the Complainant;

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- changing on-campus living arrangements, when reasonable;
- providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred;
- limiting the access of the individual accused of the misconduct to certain Berry facilities until the matter is resolved, including the possibility of an interim suspension if warranted;
- Berry may also, upon request, arrange for the re-taking, changing, or withdrawing from classes, and in such instances, Berry will make every reasonable effort to mitigate any academic or financial penalty for providing such arrangements; and
- Berry may also request for the extension of deadlines or other course-related adjustments through the Provost's Office.

Supportive measures shall be balanced based on the facts collected, seriousness of the allegations, and the potential safety risks posed to the Berry Community. Supportive measures are designed to restore or preserve equal access to Berry's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Berry's educational environment, or deter sexual misconduct. Berry will maintain as confidential any personal supportive measures provided to only the Complainant or only to the Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the supportive measures (e.g., not applicable to mutual no contact orders).

Berry may also consider and take supportive measures that affect the broader Berry Community and which are aimed to eliminate occurrences of Sex/Gender Discrimination or Sexual Misconduct and to promote academic and employment environments free of such conduct.

If a Respondent student withdraws from Berry while a Complaint is pending, supportive measures may be continued. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by Berry or a student organization that is officially recognized by Berry, or if they otherwise seek to attend any Berry education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed. The Respondent's student records also may be marked to indicate their departure during a disciplinary process (which may resume if they return to Berry), but shall not indicate that such Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure.

XII. Investigation and Resolution Processes For Cases In Which Both Parties Are Students

This Section describes Berry's investigation and resolution processes for cases in which both parties are students and in which the conduct alleged does not trigger the Berry Formal Grievance Policy.

A. Investigation

Berry will investigate all Reports of sex/gender discrimination and sexual misconduct reported to the Title IX Coordinator regardless of whether the Report becomes a Complaint. The investigation and adjudication procedures (if needed) shall be prompt, fair, and impartial. The process typically will begin with intake meetings conducted by the Title IX Coordinator. The investigation phase may include interviewing the Complainant/ First-Party Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student files; and gathering and examining other relevant documents and evidence.

For Reports, the Title IX Coordinator or their designee will conduct an initial investigation. If that initial investigation demonstrates that the case may implicate Berry's Title IX obligations to provide a safe and nondiscriminatory environment for the broader Berry Community, the Title IX Coordinator will/may treat the Report as a Complaint and follow the Complaint processes outlined. If the Title IX Coordinator determines that the

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Report does not implicate Berry's Title IX obligations, then after the Title IX Coordinator's investigation, implementation of any supportive measures, and finalization of any investigation memo, the Title IX Coordinator will be authorized to close the matter.

For Complaints, the Title IX Coordinator will appoint an investigator to handle the investigation. This Investigator will be a different person than the Title IX Coordinator. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The report will be delivered to the Title IX Coordinator, who will analyze the report to ensure that the investigation was prompt, fair, impartial, thorough, and consistent with this policy. The Investigator will not make any recommendation as to whether a policy violation has occurred or potential sanctions. Depending on how the Complaint proceeds, the investigation report and other materials related to the investigation may be presented at a Resolution Hearing and/or may be presented during an Informal Resolution process.

Berry will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under this Policy. Berry will respect the privacy of the parties and any witnesses in a manner consistent with Berry's obligations to investigate the alleged incident, and take appropriate interim and/or corrective action. The Title IX Coordinator will keep the parties reasonably informed of the status of the investigation.

Both Complainants and Respondents may utilize Advisors and Supporters throughout the investigation process, including to accompany them to any hearing, meetings, or related disciplinary proceeding. Neither Advisors nor Supporters are permitted to directly participate in Resolution Hearings or Informal Resolution meetings; they may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, the Hearing Board, other parties, or witnesses.

B. Informal Resolution

For Complaints with a student Respondent, at the discretion of the Title IX Coordinator, the parties may opt to pursue an Informal Resolution as an alternative to a Resolution Hearing. An Informal Resolution involves a remedies-based, nonjudicial process designed to eliminate or address potential sexual misconduct. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Berry will not compel face-to-face confrontation between the parties or participation in any particular form of Informal Resolution.

The Title IX Coordinator will make an initial decision about whether a case qualifies for an Informal Resolution, and if both parties then agree to pursue that path, Berry will halt any investigation or scheduled Resolution Hearing so that the parties can explore the possibility of informal resolution. Participation in an Informal Resolution is voluntary, and either party can request to end the Informal Resolution process at any time and return the investigation or proceeding to a resolution hearing. Agreements reached in an Informal Resolution are final and not subject to appeal.

C. Resolution Hearing

A Resolution Hearing is Berry's disciplinary proceeding through which a Sexual Misconduct Hearing Board evaluates evidence related to a Complaint to determine whether a student Respondent is responsible or not responsible for a violation of this Policy, based on the criteria of "a preponderance of evidence." Under this standard, the burden of proof is met and a Respondent may be found responsible for a Policy violation if the Sexual Misconduct Hearing Board determines that it is more likely than not that the Respondent committed the violation. If the Respondent is found in violation of the Policy, the Respondent may be subjected to disciplinary action.

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The Sexual Misconduct Hearing Board will consist of three trained faculty and/or staff members. None of the members of the Sexual Misconduct Hearing Board will be the same as either the Title IX Coordinator or the Investigator.

The parties will be provided notice of the date, time and location of the hearing. At least ten (10) business days prior to a hearing, both parties and the Sexual Misconduct Hearing Board will be provided access to a hearing packet containing the investigation report and other information pertinent to the hearing. The hearing may consist of testimony by the parties, witnesses and the Investigator, and may include the presentation of other evidence. Hearings, including those that occur during the non-academic year, may be conducted via video conference and/or teleconference, as needed. The Sexual Misconduct Hearing Board will be allowed to question each witness who appears, and the parties will be allowed to ask questions through the Sexual Misconduct Hearing Board. Live, verbal, and direct cross-examination of a party or witness is not permitted under this Policy by a party or that party's Advisor (unlike in the Formal Grievance Process required for addressing defined sexual harassment). The parties will be provided notice of the outcome of the Board's deliberations, including the determination of whether the Respondent was found responsible or not responsible for the alleged violation(s) and applicable sanction(s). Decisions made in a Resolution Hearing may be appealed. The Title IX Coordinator will be authorized to delay sanctions pending appeal and/or make further accommodations that are consistent with the Sexual Misconduct Hearing Board's decision.

D. Appeals

Either Complainant or Respondent may appeal any Sexual Misconduct Hearing Board decision within five (5) business days of delivery of the Hearing Board's determination. Appeals can only be raised on one or more of the following grounds: (1) a procedural irregularity that affected the outcome of the matter; (2) to consider new facts or information that were not known or knowable to the appealing party before or during the time of the hearing and that were sufficient to alter the decision; (3) the Title IX Coordinator, Investigator, or adjudicator(s) had a conflict of interest or bias based on gender or against the appealing party that affected the outcome of the matter; (4) that the decision reached was not supported by a preponderance of evidence; or (5) the sanctions were disproportionate to the findings. The appeal will be reviewed and determined by an Appeals Board, based on the grounds contained in the appeal statement. Appeals decisions are final and not subject to further review.

XIII. Definitions Please also refer to Section II.B. for more information about certain key definitions.

Advisor: Refers to an attorney or a non-attorney advisor who can provide assistance to the Complainant or the Respondent during Resolution Hearings, Informal Resolution conferences, and any other stage of the processes covered by this Policy, although they are not permitted to directly participate. Berry will provide a list of faculty and staff who have received training to serve as Advisors, but parties retain the right to select their own Advisor if they so choose. **Affirmative Consent:** Means an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The presence or absence of consent is determined by evaluating the relevant facts and circumstances. All five of the following elements are essential in order to have affirmative consent. If one or more of the following is absent, there is no affirmative consent.

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- A. **Consists of Mutually Understandable Communication:** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to an erroneous conclusion as to whether consent was sought or given. Verbal communication is the best way to ensure all individuals are willing and consenting to the sexual activity.
- B. **Informed and Reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- C. **Freely and Actively Given:** Consent cannot be obtained through the use of force, coercion, threats, or intimidation, or by taking advantage of the incapacitation of another individual.
- D. **Not Unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.
- E. **Not Indefinite:** Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Berry prohibits romantic, sexual, and exploitative relationships between college employees and students. (See Berry Handbook - Fraternalization Policy For Faculty and Staff.)

Appeals Board: Refers to a group of trained Berry faculty and staff members that hears and decides appeals of findings and sanctions imposed by the Sexual Misconduct Hearing Board (defined below). The Appeals Board will consist of three members (one of whom will be designated as the board’s chairperson), selected from a pool of trained faculty and staff who have had no prior involvement in the case. This Appeals Board is authorized to affirm, alter, or reverse the original findings and/or sanctions recommended by the Sexual Misconduct Hearing Board. Once issued, the Appeals Board’s decision is final.

Coercion: Means the use of pressure to compel another individual to initiate or continue activity against their will, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to threatening to “out” someone based on sexual orientation, gender identity, or gender

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expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone's prior sexual activity to another person and/or through digital media.

Complaint: Refers to a written complaint filed with the Title IX Coordinator alleging any action, policy, procedure or practice that would be prohibited by Title IX, such as Sex/Gender Discrimination or Sexual Misconduct, and indicating that they want Berry to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. A Complaint may be filed by a Complainant. A third-party who knows of or witnessed an incident of Sex/Gender Discrimination or Sexual Misconduct but who did not suffer such misconduct themselves may request that Berry treat their third-party Report as a Complaint. Berry can convert a Report to a Complaint if Berry determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Berry Community, it must take further steps to address and resolve the matter. A Formal Complaint under the Formal Grievance Policy is a type of Complaint. See Formal Grievance Policy, Section IV.A., regarding Formal Complaints.

Complainant: Refers to an individual who is alleged to have been subjected to an incident of Sex/Gender Discrimination or Sexual Misconduct (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by sex/gender discrimination or sexual misconduct, or under the Formal Grievance Policy governing sexual harassment, an individual who is alleged to be the victim of conduct that could constitute sexual harassment). A Reporter who reports witnessing sex/gender discrimination or sexual misconduct happening to or affecting someone else (i.e., a Third-Party Reporter) can file a Report and request that it be treated as a Complaint, but that does not make them a Complainant. Similarly, the fact that the Title IX Coordinator may elevate a Report to a Complaint does not make the Title IX Coordinator a Complainant.

Consent: See Affirmative Consent above.

Dating Violence: See Sexual Harassment below, Subsection B.

Domestic Violence: See Sexual Harassment below, Subsection C.

Formal Complaint: See Complaint above. See also Formal Grievance Policy, Section IV.A.

Formal Grievance Process: The process described in the Formal Grievance Policy for addressing and resolving a Formal Complaint, as required by the new Title IX Regulations, effective August 14, 2020.

Incapacitation: Means the lack of ability to make rational, reasonable judgments as a result of alcohol consumption, other drug use, sleep, the taking of any so-called "date-rape" drug, unconsciousness, or blackout. An incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, or how of their sexual interaction. Incapacitation is a state beyond drunkenness or intoxication, in which alcohol, drugs, or other factors render one unable to make fully informed judgments or have an awareness of consequences. While incapacitation may be caused by drugs or alcohol, it also includes the state of being asleep, during which time a person is unable to provide affirmative consent.

Informal Resolution: A process intended to allow the Complainant and the Respondent to provide information about the alleged incident(s) of discrimination or harassment, and to reach a mutually agreeable resolution. An Informal Resolution process may take many forms upon the agreement of the parties and the Title IX Coordinator. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

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Investigator: Refers to an official(s) designated by the Title IX Coordinator to conduct an investigation of alleged Sex/Gender Discrimination or Sexual Misconduct. The Investigator will be a trained individual who objectively collects and examines the facts and circumstances of potential violations of this Policy and documents them for review. The Investigator will be neutral and will not have a conflict of interest or bias based on gender or against the Complainant or Respondent. The Investigator may act as a witness in the event of a Resolution Hearing.

Mandatory Reporter: Refers to an individual who is obligated to report any knowledge they may have of Sex/Gender Discrimination and Sexual Misconduct. If a Mandatory Reporter observes, is informed of, or otherwise learns of an act of sexual misconduct, they must report it to the Title IX Coordinator. Berry defines all faculty and staff as mandatory reporters except certain “confidential resources” staff. (See Section VIII above.)

Non-Consensual Sexual Contact: See Sexual Misconduct below, Subsection A.

Non-Consensual Sexual Penetration: See Sexual Misconduct below, Subsection B.

Preponderance of Evidence: Refers to the standard by which it is determined at a hearing whether or not a violation of this Policy has occurred, and means that an act of sex discrimination is “more likely than not” to have occurred. This standard applies for all claims of sex discrimination, including sexual harassment and other sexual misconduct.

Report: Refers to any communication that puts Berry on notice of an allegation that sex/gender discrimination or sexual misconduct occurred or may have occurred. Anyone can report an incident of sex/gender discrimination and sexual misconduct to Berry under the procedure described in Section VIII of this Policy. Notice may be given directly to the Title IX Coordinator (“actual notice”) or to any Mandatory Reporter who has a duty to report such information to the Title IX Coordinator. Once the Title IX Coordinator learns of any Report of alleged sex/gender discrimination or sexual misconduct, whether from a direct Report or from a Mandatory Reporter, they will implement supportive measures as needed and initiate an investigation into the alleged incident. The form of the investigation may vary, particularly if the conduct alleged is governed by the U.S. Department of Education’s Title IX Regulations, in which case Berry’s Formal Grievance Policy at Appendix A will apply. Following an investigation, the Title IX Coordinator has authority to resolve a Report, including the implementation of any supportive measures, and close the case if the Report does not constitute or become a Complaint.

After making a Report, an individual may choose to end their involvement in the process; may choose to be involved or not be involved in Berry’s investigation and related proceedings; or may choose to file or request a Complaint and pursue resolution (under this policy or the Formal Grievance Policy, as applicable) or, if applicable, an Informal Resolution involving the Respondent.

Berry strongly encourages all individuals to report incidents of sexual misconduct and sex/gender discrimination even if the individual does not intend to pursue a Complaint.

Reporter: Refers to an individual who notifies the Title IX Coordinator or a Mandatory Reporter of an alleged violation of this Policy. A Reporter can be any individual who reports to Berry that they are a victim or survivor of sex/gender discrimination or sexual misconduct; that they have been affected by sex/gender discrimination or sexual misconduct; or that they have knowledge of sex/gender discrimination and sexual misconduct happening to or affecting someone else.

Resolution Hearing: Refers to Berry’s disciplinary proceeding through which the Sexual Misconduct Hearing Board evaluates evidence related to a Complaint to determine whether a Respondent is in violation of this Policy, based on the criteria of a preponderance of evidence. This process differs from the Formal Grievance Process for sexual harassment required by the new Title IX Regulations, effective August 14, 2020.

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Respondent: Refers to an individual who has been accused in a Report or Complaint of conduct that could constitute sexual misconduct prohibited under this Policy (or, under the Formal Grievance Policy governing sexual harassment, an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment).

Sex/Gender Discrimination: Refers to the unequal treatment of an individual based on their sex, gender or sexual orientation in any employment decision, education program or educational activity receiving Federal financial assistance. Such programs or activities include, but are not limited to, admission, hiring and recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. The prohibition on sex discrimination also covers unlawful discrimination based on gender identity, sexual orientation, pregnancy, termination of pregnancy, childbirth or related conditions. Also prohibited as sex discrimination is any act which is based on parental, family, or marital status and which is applied differently based on sex.

Sexual Assault: See Sexual Harassment below, Subsection A.

Sexual Exploitation: See Sexual Misconduct below, Subsection C.

Sexual Harassment: “Sexual harassment” is defined in the new Title IX Regulations (34 C.F.R. § 106.30), effective August 14, 2020, to be conduct on the basis of sex that satisfies one or more of the following:

1. A Berry employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (“quid pro quo”);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Berry’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.
 - A. **Sexual Assault:** An act of sexually-motivated physical contact directed towards another person when the other person does not consent or is incapable of giving consent. This includes but is not limited to rape, sodomy, sexual battery, fondling, incest, and statutory rape. See Title IX Regulations, which cite to 20 U.S.C. § 1092(f)(6)(A)(v).
 - B. **Dating Violence:** The term “dating violence” is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(10), which defines the term as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
 - C. **Domestic Violence:** The term “domestic violence” is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(8), which defines the term as felony or misdemeanor crimes of violence committed between:
 1. individuals who are current or former spouses or intimate partners,
 2. persons who share a child in common,
 3. persons who currently live together or have formerly lived together as spouses or intimate partners,

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4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the school's jurisdiction, or
5. 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 school's jurisdiction.

D. Stalking: The term "stalking" is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(30), which defines the term as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Types of stalking could include, but are not limited to:

- Following the targeted person;
- Approaching or confronting that person in a public place or on private property;
- Persistent and unwelcome attempts to contact the person by phone, electronic communication (including via the internet and cellphones), or regular mail, either anonymously or non-anonymously;
- Vandalizing the person's property or leaving unwanted items for the person;
- Persistently appearing at the person's classroom, residence, or workplace without that person's permission or other lawful purpose;
- Cyber-stalking, in which a person follows, observes, monitors, or surveils another person through the use of electronic media such as the Internet, digital media networks, blogs, cell phones, texts or other similar devices; and
- Using visual or audio recording devices or hidden or remote cameras used without the subject's consent. It is important to note that the Title IX Regulations' use of federal definitions of sexual assault, dating violence, domestic violence, and stalking may differ from state law. Accordingly, any criminal proceeding brought by state or local law enforcement authorities may use different definitions.

Sexual Misconduct: Is a broad term that includes "sexual harassment" defined by the Title IX Regulations and also encompasses other sexually-motivated or gender-biased misconduct beyond sexual harassment. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Regulations' definition of "sexual harassment."

Additionally, if sexual misconduct is alleged to have occurred that does not satisfy the Title IX Regulations' jurisdictional criteria, such as off-campus sexual misconduct (including sexual harassment) alleged to have an on-campus effect or occurring during a study abroad program, then it may be addressed pursuant to this overarching Sexual Misconduct Policy. Such off-campus sexual harassment may be referred to as Non-Consensual Sexual Contact ("NCSC") or NonConsensual Sexual Penetration ("NCSP") (defined below) to avoid confusion between charges brought under this Policy and its procedures as compared to the Title IX Regulations' "sexual harassment" definitions and requirements, which are governed by Berry's Formal Grievance Policy (following this policy).

Sexual misconduct is conduct that is unwanted or unwelcome and is sexual in nature. Experiencing sexual misconduct may interfere with a Berry community member's ability to perform a job, participate in activities, and/or participate fully in Berry's education programs. Sexual misconduct is demeaning to others and undermines the integrity of the employment relationship and/or learning environment by creating an intimidating, hostile or offensive working or academic environment through verbal or physical conduct of a sexual nature. Sexual misconduct is prohibited regardless of whether it occurs between or among members of any sex. Sexual misconduct may also consist of inappropriate gender-based comments and gender stereotyping, even if the acts do not involve conduct of an overtly sexual nature.

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- A. Non-Consensual Sexual Contact: “Sexual contact” includes the intentional touching of another person's intimate parts, or the intentional touching of the clothing covering the other person's intimate parts, for the purpose of sexual arousal or gratification. Such contact is non-consensual if done without the other person's affirmative consent (see definition above).
- B. Non-Consensual Sexual Penetration: “Sexual penetration” includes sexual intercourse, oral-genital contact, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of any other person’s body. Such contact is non-consensual if done without the other person's affirmative consent (see definition above).
- C. Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
- Non-consensual video or audio-taping of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;
 - Non-consensual dissemination of video, photographs, or audio of sexual activity or other private activity, including dissemination by a third party or a person not involved in the original conduct;
 - Exceeding the boundaries of consent (such as, permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom or engaging in other private activities);
 - Engaging in voyeurism, exposing one’s breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals without affirmative consent;
 - Prostituting another person;
 - Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease or infection (STD or STI) and without informing the other person of such disease or infection; and
 - Sexually-based stalking and/or bullying.

Sexual Misconduct Hearing Board: Refers to the three-member decision-making body, composed of trained Berry faculty and/or staff, which considers cases brought under this Policy. One of the three Board members will be designated as the chairperson. The Hearing Board hears the facts and circumstances of an alleged policy violation as presented by the Investigator, a Complainant, a Respondent and/or witnesses at a Resolution Hearing. This body is responsible for determining if a policy violation has occurred and whether/what sanctions are appropriate.

Stalking: See Sexual Harassment above, Subsection D.

Supporter: Refers to any person, regardless of their association with Berry, who a Reporter, Complainant, or Respondent may want to support them through a portion of or the entire process. A Supporter is not required, but is encouraged to help the party with emotional and personal support. When present during interviews, hearings, and appeals, the Supporter cannot take an active role. A supporter can be a friend, family member, or any trusted person who can provide needed care to a party.

Title IX: Refers to a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits the use of federal money to support sex discrimination in education programs and provides individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to

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traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

Personal Safety and Crime Prevention

Personal safety and property security at Berry College are everyone's responsibility. The Berry College Police Department urges all members of the Berry community to participate in making our campus as safe as possible.

If you develop good security habits, you can assist in safeguarding your property and the college's property. In the event of suspicious or criminal activity, promptly call the Berry College Police Department at 706-236-2262 or Campus Extension 2262. Officers are also available for educational programs. To develop good safety habits, follow these security tips:

Residence Hall Safety

- Lock your door when you leave the room, even if you will be gone only for a short time. It takes about eight seconds for someone to walk into an open room and remove an item.
- Notify police promptly of any suspicious persons loitering in the vicinity of your building or room.
- Never leave purses, wallets, jewelry and other valuables unattended in laundry rooms, showers, kitchen areas, or other common areas.
- Mark your valuables for identification purposes, make photos of valuable property, and record serial numbers, makes, and models.

Safety in Your Car

- Always lock your car.
- Check the back seat before you get in.
- Have your keys in hand so you don't have to linger before getting in, especially at night.

Safety Outside and at Night

- Walk confidently, directly, at a steady pace.
- Walk on the side of the street facing traffic.
- Stay in well-lit areas as much as possible.
- Never work alone in an office or classroom on campus at night
- Arrange a buddy system with someone with whom you work or study.
- While sun-bathing stay within designated areas near the residence halls.
- Stay alert to your surroundings. Trust your instincts.
- When walking be mindful of distractions like phones and earphones.
- When you feel you are in danger, attract attention any way you can.

The college does not maintain a formal escort service, but if you ever feel uncomfortable in any situation on campus call the Berry College Police Department at 706-236-2262 or Campus Extension 2262 and an officer will be dispatched to your location to give you a ride. Please be aware that all calls are prioritized based on the level of emergency and severity. The Department will do everything possible to minimize delay to your request.

Hazing

Berry College does not condone hazing in any form. Berry defines hazing as any action taken or situation created intentionally to produce physical discomfort, embarrassment, harassment, or ridicule. Any individual, student group or organization that is found in violation of this policy will be subject to disciplinary action. (For additional information see the *Viking Code*)

Personal Safety and Crime Prevention (*Continued*)

The college provides the following services and programs to improve safety on campus and to educate the community about security issues:

Students, staff, and faculty are encouraged to walk with others when possible and to choose paths that are well lit.

Personal Safety

Sessions on personal safety, crime and violence prevention, crisis and emergency management planning, active shooter response, residence hall safety, rape prevention, self-defense, fire safety, and first aid/CPR are offered regularly on campus by various departments and groups. Please contact Berry College Police Department at 706-236-2262 or Campus Extension 2262 for assistance in locating these programs.

New Student Orientation

Crime prevention materials are provided and questions are answered during new student and parent orientation meetings.

Bicycle Registration

The bicycle registration program is a free service for students. Upon registration, a numbered decal will be affixed to your bike. Your registration information will be kept on file for at least four years. If the bike is stolen and recovered, the owner can be traced through the registered decal number. To register your bike, contact Berry College Police Department in person with Parking Services (Located at the Welcome Center) or complete the form located on VikingWeb.

Crime Education Material

Brochures and posters related to substance abuse, personal safety, motor vehicle and bicycle theft prevention, residence and office security and many other topics are available at the BCPD office.

Community Outreach

Upon request, Berry College Police Officers are available for departmental or group training covering a variety of topics including personal safety, crime reporting, drug and alcohol awareness, active shooter response, etc. Please contact the Berry College Police Department at 706-236-2262 or Campus Extension 2262 to discuss your specific training needs.

Vehicle Registration

All faculty, staff and students who operate and/or park a motor vehicle on campus are required to register them with Parking Services (Located in Berry College Welcome Center). *Also, see Access to Campus guidelines in proceeding pages for further information regarding access and visitation policies.*

A common theme of all crime prevention and awareness programs is to encourage students and employees to be aware of their responsibility for their own security and the security and safety of others.

Missing Student Investigations and Protocol

As a requirement of the Higher Education Opportunity Act and in an effort to assist in ensuring the safety of our residential students, Berry College has established a missing student notification protocol that requires the college to alert an emergency contact designated by the student and/or the student's parents as well as local law enforcement if the student has been missing for more than 24 hours. This protocol is established in compliance with Section 485(f) of the Higher Education Act, as amended by section 488(g) of the Higher Education Opportunity Act. This protocol must be included in the Annual Security Report. This act and amendment requires institutions that maintain an on-campus student housing facility to establish, for students who reside in an on-campus student housing facility, both a missing student notification policy that allows students to confidentially register a contact person, and procedures for notifying a missing student's contact person.

Students, employees and others may report a missing student to one of the following college officials:

- Chief of Campus Police (706-236-2262 or Campus Extension 2262)
- Dean of Students (706-236-2207 or Campus Extension 2207)
- Associate Dean of Students for Residence Life (706-236-2209) or Campus Extension 2209)

After normal business hours, Monday-Friday 8-5 excluding holidays, such reports should be made immediately to Berry College Police Department at 706-236-2262 or Campus Extension 2262.

Procedure for Designation of Confidential Emergency Contact Information

All residential students have the opportunity to identify an individual to be contacted no later than 24 hours after the time that the student is determined to be missing, hereafter referred to as an emergency contact. The emergency contact designation will remain in effect until changed or revoked by the student. This emergency contact information is confidential and will be available only to the officials at the Berry College Police Department and Dean of Students leadership team.

Designation of Emergency Contact Information

1. Students age 18 and above and emancipated minors: Students will be given an opportunity during the annual registration process to designate an emergency contact. The individual designated as the emergency contact will be contacted for the purpose of locating the student no more than 24 hours after the time the student is determined to be missing. The individual designated as the emergency contact will remain in effect until changed or revoked by the student.
2. Students under the age of 18: If a student under the age of 18 is determined to be missing, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing.

Procedure

A student is determined to be missing when a report comes to the attention of the college and the college determines the report to be credible. Circumstances may include, but are not limited to establishing that:

- a student is out of contact after reasonable efforts to reach that student by phone calls, emails, text messages and/or in-person attempts to establish contact
- circumstances indicate an act of criminality is involved, even lacking twenty-four (24) hours in time;
- circumstances indicate that physical safety is in danger, even lacking twenty-four (24) hours in time;
- circumstances become known that medicine dependence may threaten life or health, even lacking twenty-four (24) hours in time;

Missing Student Investigations and Protocol

- existence of a physical/mental disability indicates that the student's physical safety is in danger, even lacking the twenty-four (24) hours in time.

Any report of a missing student should be immediately directed to the Berry College Campus Police Department, telephone number (706) 236-2262. An investigation will be initiated to determine the validity and credibility of the missing person report.

Cooperative efforts may include

1. The Berry College Police Department with assistance of the Residence Life staff will investigate and gather information about the missing student from the reporting person and other individuals who may provide information that will assist with the investigation. These cooperative efforts may include:
 - Conducting a health and wellness check on the student,
 - Attempt to make contact via cellular phone, email, or other means to the student,
 - Determine activity of card access (if applicable), meal plan usage, and class attendance
 - Identify other students who may be aware of the missing student's whereabouts (i.e. roommate(s), friends, classmates, etc.).
2. No later than 24 hours after determining that a Berry College student is missing, the Dean of Students, or designee, will notify the individual identified by the missing students as the emergency contact (for students 18 and above and emancipated minors) or the parent/guardian (for students under the age of 18 and not emancipated) that the student is believed to be missing.
3. If search efforts are unsuccessful in locating the student in a reasonable amount of time the Berry College Police Department will continue with the investigation including the collaboration with other law enforcement agencies and utilizing all resources available.

In conjunction with Campus Police, Dean of Students and Information Technology, an on-line reporting feature has been added to VikingWeb. In addition to registering a general emergency contact, students have the option to identify confidentially an individual to be contacted by Berry College in the event the student is determined to be missing for more than 24 hours.

Accessing the Emergency Contact/Missing Persons Contact Forms

(1) Access the Berry College VikingWeb portal by using the link:

<https://vikingweb.berry.edu/ICS/>

(2) Sign in using your assigned **username** (Berry College Identification Number) and **password** in the appropriate spaces located in the top right corner of the page.

(3) Once Logged in **Select the Students Tab** at the top of page.

(4) From the list, located on the left side of the page, **Select the Forms and Reports Tab**



Accessing the Emergency Contact/Missing Persons Contact Forms (*Continued*)

- (5) From the Student Affairs Online Forms list, located on the right side of the page, **Select the Emergency Contact and Missing Persons Forms Tab**

Student Affairs Online Forms

[Student Health Insurance Information](#) Provide private health insurance information.

[Service Activity Entry Form](#) Complete this form to enter participation in service activities.

[Emergency Contact and Missing Persons Forms](#) Provide a list of contacts to be notified in the event of an emergency or a missing persons investigation.

[RCR Check-In Form](#) This form allows you to fill out a Room Condition Report within three days of check-in.

- (6) Follow the Form Instructions

Form Instructions:

At least one emergency contact is required for the Emergency Contacts Form.

Please only use numeric characters for phone number fields.

- * Indicates a required field.
- * Either a home number or an office number must be provided for each contact.

To submit a Missing Persons Contact Information, please click the below link.

Submitting a Missing Persons Contact Information Form does not require the submission of an Emergency Contacts Form, and one form may be submitted without submission of the other.

[Missing Persons Contact Information](#)

Accessing the Emergency Contact/Missing Persons Contact Forms (*Continued*)

- (7) If you wish to add a Missing Persons Contact, **Select the Missing Persons Contact Information** link and **Complete the Required Fields**

Missing Persons Contact Information

Please identify an individual to be notified if you are determined to be missing. If you are determined missing, Berry College will also notify the appropriate law enforcement agency not later than 24 hours after the time you are determined missing. In addition, if you are under 18 years of age and not an emancipated individual, Berry College is also required to notify your custodial parent or legal guardian if you are determined to be missing.

If you register a contact person, you are also providing permission for law enforcement personnel to contact the identified individual for the purpose of a missing student investigation.

Contact information may be accessed only by authorized campus officials, who may disclose the contact information only to law enforcement officials and only for the purpose of a missing student investigation.

Vice President, Student Affairs
Associate Vice President, Student Affairs
Assistant Dean of Students, Residence Life
Assistant Vice President, Campus Security
Director/Chief, Campus Police
Assistant Director/Major, Campus Police

Please check this box if you are under 18 and are not an emancipated individual.
(An "emancipated individual" refers to a minor who is self-supporting and independent of parental control, usually as a result of a court order.)

Contact First Name:

Contact Middle Initial:

Contact Last Name:

Contact Relationship:

Alcohol and Other Drug Policies and Educational Policies

Possession or Use of Alcoholic Beverages (For Additional Information see the *Viking Code*)

No alcohol is permitted on the Berry College campus. **Any student on the campus who is in possession of or under the influence of alcohol will be charged with a violation of college policy and/or state law.** The minimum legal drinking age in Georgia is 21 years old (*Georgia Criminal Code 3-3-21.1*).

Possession, Sale, and/or Consumption of Narcotics, Depressants, Stimulants, Hallucinogens or Solvents (For Additional Information see the *Viking Code*)

The college does not permit the possession, consumption, ingestion, injection, or inhalation (without prescription or medical authorization) of substances that have the capacity to change a person's mood, behavior, or mind, or modify and relieve pain, such as, but not limited to marijuana, opiates, amphetamines, barbiturates, hallucinogens, psychedelics, or solvents. Any student or students found to be in conflict with the above will be referred to the dean of student's office where the process defined in the *Berry College Code of Student Conduct* will be followed. The sanction may result in suspension or expulsion from Berry and/or referral to the criminal process. **Any student or students found to be in violation of local, state, and federal narcotics laws will be subject to arrest and prosecution through the proper criminal process.**

Drug Abuse (*Faculty and Staff Handbook*)

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Berry College. Further, consistent with the Drug Free Work Place Act of 1988, the college has incorporated the requirements that, as a condition of employment, all employees must abide by Berry's policy against drug abuse and must notify the college within five days of any conviction for violating any criminal drug law by an action in the workplace. Violation of Berry's Drug Abuse Policy will be considered cause for termination of employment. Berry' Drug Abuse Policy notice is distributed annually by the Human Resources Office.

Parent Notification for Drug and Alcohol Violations (For Additional Information see the *Viking Code*)

In accordance with the Higher Education Amendments of 1998 to the Family Educational Rights and Privacy Act (FERPA) of 1974, Berry College may notify a parent or legal guardian of a student under 21 years of age when the student has been found guilty through disciplinary channels of violating any Berry College rule regarding alcohol or illegal drugs. Notification decisions will be based on the severity of the incident and any prior incidents involving alcohol or drugs.

Alcohol and Drug Related Resources and Community Support

Counseling Center (For Additional Information see the *Viking Code*)

<https://www.berry.edu/student-life/life-on-campus/counseling-center/>

The Counseling Center assists students with their personal development, social adjustment, and mental health. Personal information shared in counseling is kept confidential, and the counselors strive to offer understanding and genuine feedback in a warm, accepting relationship. In addition to individual counseling, services include outreach programs, referral consultation, and testing as needed. The Counselors are licensed mental health professionals who specialize in serving college students. The Counseling Center is located in the Ladd Center. Counseling appointments can be made in person or by calling extension 2259 or (706) 236-2259.

All enrolled students are eligible for services at the center. Counseling is confidential according to state and professional guidelines. There are no additional fees for service.

For more information, call 706-236-2259 (Campus Extension 2259) or go to the reception area in the west wing of the Ladd Center.

Peer Education Program (For Additional Information see the *Viking Code*)

<https://www.berry.edu/student-life/life-on-campus/counseling-center/peer-educators>

The Counseling Center supervises a peer education program in which a select group of specially trained students provide educational programs to student and community groups for the promotion of low-risk, high enrichment choices and activities related to drugs and alcohol and mental health. The Peer Educators serve as consultants for students who want to research prevention-related issues, and they can direct them to many published resources as well. Often collaborating with other offices and campus groups, the Peer Educators promote discussion and awareness through speakers, film, publications, and other creative methods to engage students in promoting healthy lifestyles.

The Health and Wellness Concerns Committee

The Health and Wellness Concerns Committee consists of faculty, staff, and students who plan educational activities for the prevention of health problems including drug and alcohol abuse. The committee invites speakers each year to raise campus awareness of issues related to drugs and alcohol, and they work with the Peer Educators to coordinate Drug and Alcohol Awareness Week in the fall and Safe Spring Week. The Counseling Center and the Dean of Students Office assist high-risk students in obtaining services in the local community.

Health and Wellness Center Activities

<https://www.berry.edu/student-life/life-on-campus/health-center/>

Annual Health Information Fair

An Annual Health Information Fair is held each spring which brings health information and resources from the community that students can utilize during their college life and beyond. Customary events at the health fair include activities such as massages, body fat analysis, door prizes, eye exams, AIDS testing, dermatologic, blood pressure services, osteoporosis evaluations and an opportunity to give blood. For more information campus extension 2267

Weapons Policy (For Additional Information see the *Viking Code*)

Berry College is committed to maintaining a safe and secure environment in which to conduct educational activities and house its students. This policy is one step towards reducing the risk of injury or death associated with intentional or accidental use of weapons.

Firearms, fireworks, explosives or explosive devices, including hoax devices, or weapons are not permitted on campus, including storage in automobiles. The term “weapon” is defined as any object or substance designed to inflict a wound, cause injury or incapacitate, and may include, but is not limited to all firearms, pellet guns, paintball guns, crossbows, bows and arrows, martial arts devices, switchblade knives or knives with a blade three (3) inches or longer, electronic shocking devices and clubs. The possession of ammunition is also prohibited.

All members of the College community, including faculty, staff, and students, as well as visitors to Berry College, are prohibited from possessing firearms or explosives on the premises of the College or in any building under college control or at any college-sponsored event without the explicit authorization of Berry College, whether or not a federal or state license to possess the same has been issued to the possessor. This policy extends to the storage of weapons in personal automobiles.

2022 : Ongoing Educational Programs for Students and Employees

Health and Wellness		
Name of Program	Program Sponsor/Presenter	Date Held
Counseling Center Newsletter	Counseling Center	01/18/2022
Emotional Wisdom: Healthy Habits	Counseling Center	01/26/2022
Emotion Wisdom: Toolkit for Depression	Counseling Center	02/02/2022
Soothing and Self Care	Counseling Center	02/09/2022
Emotional Wisdom: Test Anxiety	Counseling Center	02/16/2022
Mental Health Resiliency	Counseling Center	02/21/2022
Self Compassion/Perfectionism	Counseling Center	02/23/2022
QPR Instructor Training	Counseling Center	02/25/2022
Improving Distress Tolerance	Counseling Center	03/02/2022
Toolkit for Social Anxiety	Counseling Center	03/16/2022
Health Fair	Human Resources	
Communications in Relationships	Counseling Center	03/23/2022
Self Confidence	Counseling Center	03/30/2022
Stress Management	Counseling Center	04/06/2022
Mental Toughness/Motivation	Counseling Center	04/13/2022
Counseling Center Newsletter	Counseling Center	04/20/2022
Counseling Center Newsletter	Counseling Center	09/06/2022
Suicide Prevention Training	Counseling Center	09/13/2022
Suicide Awareness Month: Mental Health Screening	Counseling Center	09/21/2022
Covid Booster and Flu Shot Clinic	Human Resources	09/23/2022
Counseling Center Newsletter	Counseling Center	10/04/2022
Suicide Prevention Training	Counseling Center	10/14/2022
Counseling Center Newsletter	Counseling Center	10/19/2022
Counseling Center Newsletter	Counseling Center	11/15/2022
Suicide Prevention Training	Counseling Center	11/16/2022
Counseling Center Newsletter	Counseling Center	12/05/2022
Diversity		
Counseling Center Newsletter	Counseling Center	01/18/2022
Counseling Center Newsletter	Counseling Center	02/1/2022
Counseling Center Newsletter	Counseling Center	02/14/2022
Lakasha Moore Exhibit		02/14/2022-03/17/2022
Rome Mural Colab Discussion	Office of Diversity and Belonging	02/21/2022
Counseling Center Newsletter	Counseling Center	03/01/2022
Fireside Chat: Diverse Learning Environments Survey Results	Office of Diversity and Belonging	03/03/2022
When “Islam is one whimsical religion” Race, Faith, and Gender in American Muslim Comedy		03/15/2022
Counseling Center Newsletter	Counseling Center	03/15/2022
Berry African American Alumni Chapter Student Picnic	BAAAC	03/19/2022

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Disability, Diversity, and Medicine		03/16/2022
Women’s Studies Newsletter	Women’s Studies	03/21/2022
U.N.I.T.Y. Carwash Fundraiser	U.N.I.T.Y	03/25/2022
Women’s Studies Newsletter	Women’s Studies	04/11/2022
Something to Talk About: Affirming LGBTQ+ Christians		04/14/2022
Berry College Poor Peoples Campaign		04/14/2022
“Her Name was Hester”	Office of Diversity and Belonging	04/25/2022
“Blackish” Importance of Juneteenth	Office of Diversity and Belonging	06/17/2022
Women’s Studies Newsletter	Women’s Studies	09/13/2022
Solidarity Week	Office of Diversity and Belonging	09/18/2022-09/23/2022
Volunteer Appreciation Night	Office of Diversity and Belonging	09/18/2022
Morgan Harper and Racial Empathy	Office of Diversity and Belonging	09/19/2022
Creating Safe Spaces	Office of Diversity and Belonging	09/20/2022
Trials and Tribulations of an Undocumented/DACA Student	Office of Diversity and Belonging	09/20/2022
Community Celebration	Office of Diversity and Belonging	09/20/2022
Inclusive Sexual Health	Office of Diversity and Belonging	09/20/2022
What you Don’t Know About Being a Black Man	Office of Diversity and Belonging	09/20/2022
Interfaith Gathering: How Different Religious Perspectives Practice Good Neighbor Culture	Office of Diversity and Belonging	09/21/2022
Disability and Neurodiverse Allyship	Office of Diversity and Belonging	09/22/2022
Faith and Sexuality	Office of Diversity and Belonging	09/22/2022
Community Celebration- Hispanic and Latinx	Office of Diversity and Belonging	09/22/2022
What is Diversity, Equity, Inclusion, and Belonging	Office of Diversity and Belonging	09/22/2022
Solidarity March	Office of Diversity and Belonging	09/23/2022
History of the King Center	Office of Diversity and Belonging	09/29/2022
Be the Bridge Training	Office of Diversity and Belonging	09/30/2022
Women’s Studies Newsletter	Women’s Studies	10/24/2022
Latasha Moore Be the Bridge Speaking Event	Office of Diversity and Belonging	11/01/2022
Good Neighbor Civic Dinner	Office of Diversity and Belonging	11/17/2022
Women’s Studies Newsletter	Women’s Studies	11/22/2022
Personal Safety		
Name of Program	Program Sponsor/Presenter	Date Held
After Hours on Call and Mental Health Emergencies	BCPD Res Life Counseling Center	01/10/2022
Women’s Seld Defense	BCPD	02/17/2022
Campus Lighting Walk	BCPD SGA	02/02/2022
Cyber Security Awareness Training		March 2022
Sexual Assault Response Training	BRAVE BCPD	03/09/2022

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BRAVE Coffee Social	BRAVE	03/22/2022
Victim Centered Response	BRAVE BCPD	04/21/2022-04/22/2022
Spare Stalker Training	BRAVE BCPD	05/2023
Winshape Camp Staff Safety	BCPD	06/01/2022
SOAR Leader Safety Discussion	BCPD	06/03/2022
Sexual Assault Team Training	BRAVE BCPD	06/06/2022-06/08/2022
Admissions Staff Safety Training	BCPD	08/10/2022
Bonner Scholars Safety Discussion	BCPD	08/16/2022
Women's Self Defense	BCPD	08/30/2022
BRAVE Sexual Assault Training	BRAVE	09/28/2022-09/30/2022
Winter Weather	EMA	12/05/2022
Winter Weather Terminology	EMA	12/06/2022
Winter Weather Preparedness	EMA	12/07/2022
Winter Weather Driving	EMA	12/08/2022
Winter Weather Outlook	EMA	12/09/2022

Fire Safety

Student Housing Facility Fire Safety Systems

Fire alarms systems are monitored 24 hours/day, seven days/week by the Berry College Police Department. Information on specific residential buildings is posted in the chart on following pages. A majority of college buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at BCPD.

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are closed for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open. DO NOT obstruct sprinkler heads with materials like clothing hanging from the piping. Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of college policy. **Smoking is NOT PERMITTED in any Berry College building or on any Berry College property.**

Reporting a Fire

Persons reporting a fire are encouraged to call 706-236-2262 or Campus Extension 2262. If there is a fire in your area and the alarm has not sounded, you should immediately activate the closest fire alarm pull station.

Evacuation of Student Housing Facilities in the Event of Fire

- Remain calm and close the windows in the room.
- Take only clothing that will be needed for the type of weather conditions that exists. Do not try and collect personal items to take with you.
- Turn off any electrical items you may have on at the time, including lights and a stove/oven.
- Stay low if you are going through smoke or toxic fumes.
- Leave by the nearest exit. When a fire alarm is active any door to the building may be used to exit so long as it is safe to do so.
- Do not use elevators. Use only the stairs.
- Never attempt to go back into the building even if the alarm stops sounding. Wait until Berry College Police personnel have cleared the building and given permission to re-enter.
- In an actual emergency if you are trapped and not able to exit a room or the building, yell for help and call BCPD at 706-236-2262 or Campus Extension 2262 using a phone in the building or your cellular phone. Be sure you can give your location in the building as best as you can so an officer can locate and assist you.

Fire Safety Improvements and Upgrades

Berry College Police Department, Physical Plant, the Office of Residence Life, and the Dean of Students Office annually review the fire systems in our residence halls and will make upgrades, repairs or revisions when problems are identified. Berry College constantly seeks to improve the quality of our Fire Safety Systems through upgrades and expansion.

Health and Safety Checks

Berry College believes that residence halls should be a clean and safe environment in which to live. In an effort to minimize chances of health problems, fire and/or bodily injury, health and safety checks will be conducted by Residence Life staff to focus on potentially hazardous situations within the residence halls. Normally, these checks are conducted when the residence halls are closed for breaks.

Fire Safety: Education and Training

Fire Drills in Student Housing Facilities

Fire drills are held at least once a year for each residence hall. Fire drills include a mandatory supervised evacuation of a building such as would be necessary during an actual fire. Fire drills are scheduled by the Office of Residence Life with assistance provided by the Berry College Police Department when requested.

Fire Safety Training

All Residence Assistants receive fire safety related training at the start of each school year. Physical Plant employees receive fire safety training as part of their on-going OSHA training. Other employees may receive fire safety training through the designated building coordinator.

Fire Safety Education

All residence halls are equipped with fire detection and firefighting equipment. All residents should familiarize themselves with the emergency escape plan for their residence hall, the location of all alarm pull stations, and the locations of all extinguishers.

Throughout the year fire alarm systems will be tested to ensure they are in working order. When an alarm sounds all occupants must vacate the facility for their own safety and so fire fighters may work undisturbed.

In the event of an actual fire, the local fire department and/or Berry College Police Department personnel will notify residents when it is safe to re-enter a building.

Students should treat all alarms as actual emergencies and respond accordingly. Students should never re-enter a building until the area has been properly cleared and declared safe by a Fire Department official or Berry College Police Department personnel.

Fire Safety: Items Prohibited in Residence Halls

Items not Allowed in Residence Halls (*Viking Code*)

While the Office of Residence Life reserves the right to make determinations about the appropriateness of items within the residence community, in general, students are prohibited from possessing or using the following items in the residence halls or on the Berry College campus unless otherwise authorized:

- Candles, candle warmers, or incense
- Cigarettes, chewing tobacco, or any other tobacco products
- Empty and/or displayed alcohol-related containers, funnels
- Dangerous and/or other flammable chemicals
- Hookahs, E-cigarettes, vapors
- Household items that include but are not limited to: Halogen lamps, sun lamps, space heaters (including Pelonis fan type units), hot plates, clothes washers and dryers, external antennas, and water beds
- Kitchen appliances/items. This includes, but is not limited to: Toasters and toaster ovens (note: these items are permitted in residence hall rooms that are equipped with full kitchens), electric skillets, George Foreman-style grilling machines, portable stove burners, non-thermostat controlled coffee makers, open heating element appliances, and refrigerators larger than 4.5 cubic feet
- Non-U.L. approved power-strip extension cords
- Pets (other than fish in a 20-gallon or smaller aquarium) this does not apply to pet-friendly housing.
- Stolen property (e.g. traffic signs, construction lights, traffic lights and other items)
- Weapons. This includes, but is not limited to: Firearms, switchblade knives or knives (blades longer than three inches), martial arts weapons, bows and arrows, crossbows, pellet guns, paintball guns, electronic shocking devices, including tasers, clubs or life-like replica weapons
- Cooking on cottage porches poses a fire hazard and can set off an alarm; therefore, grills may not be used or stored on cottage porches.
- Built-in outdoor grills are located around campus for resident use.
- No other grills or fire pits should be used or stored within 50 feet of a college building (including Townhouses and cottages).

Substance Free

Berry College has historically chosen to be alcohol-free and has chosen to be a substance free campus. We continually strive to be a college that teaches respect and care for each other as a core value of the campus community. We believe that a commitment to be free of alcohol, tobacco, and the non-medical use of drugs provides an environment where students can thrive academically and socially. We also believe this policy promotes healthy living and healthy relationships and reduces the individual and second-hand consequences of substance use and abuse.

Use of tobacco products including cigarettes, cigars, chewing tobacco, e-cigarettes, and vapors is not permitted anywhere, indoors or out, on Berry's campus.

Fire Safety: Right-to-Know

Disclosure of Fire Safety Standards and Measures

Annual Fire Safety Reports on Student Housing required

Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including:

- (1) Statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:
 - the number of fires and the cause of each fire;
 - the number of injuries related to a fire that result in treatment at a medical facility;
 - the number of deaths related to a fire; and
 - the value of property damage caused by a fire;
- (2) A description of each on-campus student housing facility fire safety system, including the fire sprinkler system
- (3) The number of regular mandatory supervised fire drills;
- (4) Policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and
- (5) Plans for future improvements in fire safety, if determined necessary by such institution.

Beginning October 1st, 2010 and annually thereafter Berry College has published an annual fire safety report to be included within the annual Campus Safety Report (Clery Report), which will include information with respect to the campus fire safety practices and standards established by Berry College. Information for this report will be solicited from the Campus Police Department, Physical Plant, and Residence Life Office. This report shall be titled the Berry College Annual Security and Fire Safety Report: An Institutional Report.

Report to the Secretary

Each eligible institution participating in any program under this title shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (l)(A). **The Chief of Police will be responsible for submitting these statistics to the Secretary of Education.**

Current Information to Campus Community

Each eligible institution participating in any program under this title shall:

- Make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and
- Make annual reports to the campus community on such fires.

Responsibilities of the Secretary

The Secretary shall:

- (1) Make the statistics submitted under paragraph (l) (A) to the Secretary available to the public; and
- (2) in coordination with nationally recognized fire organizations and representatives of institutions of higher education; representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students:
 - Identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire

Fire Safety: Right-to-Know

- detection, prevention, and protection technologies in student housing, dormitories, and other buildings;
- disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;
- make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and
- develop a protocol for institutions to review the status of their fire safety systems.

Rules of Construction

Nothing in this subsection shall be construed to:

- (1) Authorize the Secretary to require particular policies, procedures, programs; or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;
- (2) affect section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996;
- (3) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
- (4) establish any standard of care.

Compliance Report

The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education including an up-to-date report on the Secretary's monitoring of such compliance.

Evidence

Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in a proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

Campus Crime and Arrest Statistics

The information below provides context for the crime statistics reported as part of compliance with the Clery Act.

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Berry College submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. In addition, a daily crime log is available for review upon request at Berry College Police Department Headquarters (located at Oak Grove Cottage). The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from the Berry College Police Department (BCPD) and other Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A designated campus authority includes, but is not limited to university deans, directors, and department heads, residence life staff, and counselors. A written request is also sent annually to representatives of the Rome City Police Department, Floyd County Police Department, Georgia Department of Natural Resources, and appropriate agencies in locales where Berry College students/faculty participate in international studies programs for relevant statistical information.

Figure 1: Annual Clery Report: Criminal Offenses

This chart includes offenses that were reported to the Berry College Police Department, law enforcement agencies other than the Berry College Police Department, and to any official of Berry College who has significant responsibilities for student and campus activities. Those offenses are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The table below lists nine categories of crime. Each category is subdivided by where the criminal incident took place: On-Campus, In a Residence Hall, on a Non-Campus Property, or on adjoining Public Property.

Criminal Offenses	On-Campus Residence Halls			On-Campus Buildings/Property			Non-Campus Building or Property			Public Property			Totals		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	2	2	1	4	3	0	0	0	0	0	0	1	4	3
Unfounded Reports	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Fondling	0	4	3	0	6	3	0	0	0	0	0	0	0	6	3
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BERRY COLLEGE

Criminal Offenses	On-Campus Residence Halls			On-Campus Buildings/Property			Non-Campus Building or Property			Public Property			Totals		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	1	0	3	4	0	0	0	0	0	0	0	3	4	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BERRY COLLEGE

Criminal Offenses	On-Campus Residence Halls			On-Campus Buildings/Property			Non-Campus Building or Property			Public Property			Totals		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Motor Vehicle Theft	0	0	0	0	1	1	0	0	0	0	0	0	0	1	1
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	1	3	0	0	0	0	0	0	0	1	3
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	2	5	1	3	5	0	0	0	0	0	0	1	3	5
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	2	1	0	3	3	0	0	0	0	0	0	1	3	3
Unfounded Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Figure 2: Annual Clery Report: Arrests and Referrals

This chart includes offenses that were reported to the Berry College Police Department, law enforcement agencies other than the Berry College Police Department, and to any official of Berry College who has significant responsibilities for student and campus activities. Those offenses are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Arrest statistics for three offense categories for 2020, 2021, and 2022 are listed below. “Liquor violations” primarily consist of underage possession or consumption of alcoholic beverages, and do not include driving while impaired or under the influence of alcohol, or public drunkenness. The college is also required to report referrals for campus disciplinary proceedings for alcohol, drug, and weapons law violations in these statistics. Referral Statistics count each student involved, *regardless of disciplinary outcome*.

Number of Arrests / Referrals for Selected Offences	On- Campus Residence Halls			On-Campus Buildings/Property			Non-Campus Building or Property			Public Property			Totals		
	2010	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Offence Type (included attempts)															
Liquor Law Violations															
Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral	17	42	23	17	42	23	0	0	0	0	0	0	17	42	23
Drug Law Violation															
Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral	7	11	8	7	11	8	0	0	0	0	0	0	7	11	8
Weapons Law Violation															
Arrests	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Referral	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0

Annual Clery Report: Hate Crimes

Hate Crime: A criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity; also known as a bias crime.

The hate crime statistics are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias.

Berry College Reportable Hate Crimes

2022

In 2022 there was one incident of graffiti (criminal trespass to property/vandalism) reported on the Berry College campus. This graffiti contained images that could be associated with anti-Christian beliefs, with some referencing criticism for the connected organization's stance on gender identity and sexual orientation. The suspects were identified and denied any bias as their motivation for the trespass and were charged through student conduct.

2021

In 2021 there were no Reportable Hate Crimes

2020

In 2020 there were no Reportable Hate Crimes

Figure 3: Residence Hall Fire System List

RESIDENCE HALL FIRE SYSTEM LIST			
Residence Hall	Fire Alarm Notification System to Dispatch Center	Sprinkler System Installed	Maximum Housing Capacity
Catherine Cottage	Yes	No	9
Dana Hall	Yes	Yes	341
East Mary Hall	Yes	Yes	120
West Mary Hall	Yes	Yes	144
Lemley Hall	Yes	No	99
Clara Hall	Yes	Yes	116
Townhouses	Yes	No	185
Centennial Hall	Yes	Yes	125
Morton Hall	Yes	No	95
Thomas Berry Hall	Yes	Yes	72
Friendship Hall	Yes	No	52
Pilgrim Hall	Yes	No	72
Morgan Hall	Yes	Yes	186
Deerfield Hall	Yes	Yes	162
Rollins Apartment	Yes	Yes	8
East Gunby	Yes	No	6
West Gunby	Yes	No	6
Sunshine	Yes	Yes	10
Julia	Yes	Yes	25
Poland	Yes	No	15
Elmwood	Yes	No	13
Emily	Yes	No	11
Hope	Yes	No	7
Louise	Yes	No	7
Dogwood Cottage	Yes	No	6
Oak Hill Residences	Yes	No	86
Cedarwood	Yes	No	3
Edgewood	Yes	No	5

Berry College Reportable Residence Hall Fires

2022

In 2022 there were two stovetop fires reported. Both were contained within cooking vessels and extinguished promptly with fire extinguisher deployment. No injuries were sustained and damages were limited to \$100.00 per incident. During both events, all fire safety systems functioned properly.

2021

In 2021 there were no reported fires in Campus Residence Halls.

2020

In 2020 there were no reported fires in Campus Residence Halls.

Frequently Asked Questions

Does the Berry College Police Department have powers of arrest or are they just a security department?

Our officers are duly sworn officers empowered by Georgia Statute to enforce laws within our jurisdiction. This means our officers have virtually the same powers as police officers in your town or city. Please remember, safety is our number one priority.

How safe is the campus?

We think that our campus is very safe, but we realize that incidents can occur. No community is totally crime free. We are no exception. We take every reasonable measure to insure that all members of our community are safe and our community is violence free. The thing to remember is that crime prevention on campus is everyone's responsibility. Every community member should take proactive steps to become prepared for campus living.

What services does BCPD provide?

In addition to providing a full range of law enforcement services, the department provides programs in crime prevention and personal safety. We provide safety and risk management programs. We provide limited motorist assistance that includes portable jump start kits. While we do not offer a formal escort service, we are happy to assist members of the community with this need upon request and officer availability.

What about the officers, what is their training and experience?

All of our officers are required to receive training and maintain certification in compliance with the requirements of the State of Georgia. This training is an ongoing process through yearly updates and continuing education. Some officers have previously worked in municipal, state, or military policing, while others have experience on college campuses prior to joining our department. Officers are trained in many specialty areas such as emergency medical response, hazardous materials, anti-terrorism, active shooter response and drug recognition. Some of our officers are instructors in different specialties and teach for various state and local departments.

What are the most prevalent crimes on campus?

Theft is the number one crime on *most* college campuses. The majority of the thefts are related to unattended property and rooms left unlocked. Alcohol related crimes compose a significant portion of each year's crime report. Underage possession of intoxicating beverages and public drunkenness make up the highest number of alcohol related incidents.

What happens if I am arrested or get in trouble?

All persons on college property, including students, faculty, staff and visitors, are subject to the same laws and regulations. When BCPD officers issue citations, utilize arrest warrants or make on-view arrests, all procedures appropriate to the Georgia Criminal code will be followed. Incidents on campus involving students may also be referred through the Dean of Student Affairs Office. (For Additional Information see the *Viking Code*)

When should I contact BCPD and why?

Berry College Police officers and communications staff are on duty 24 hours a day, 365 days a year and should be contacted to report any suspicious or criminal activity. They must also be notified of any emergencies occurring on campus. Questions regarding motor vehicle regulations or laws, parking issues or traffic control needs should be directed to BCPD.

To report Crimes or Emergencies please call 706-236-2262 or Campus Extension 2262



BERRY COLLEGE

*An institutional report in compliance with the Jeanne Clery Disclosure of
Campus Security Policy and Campus Crime Statistics Act, the 2008 Higher
Education Opportunity Act, and the Violence Against Women
Reauthorization Act of 2013 (VAWA)*