

BERRY COLLEGE SEXUAL MISCONDUCT POLICY

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.

I. POLICY STATEMENT

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

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.

A. Relationship to College's Policy Concerning Consensual Relationships between Employees and Students

College employees should be aware that any inappropriate personal interaction with students or subordinate employees could subject them to formal disciplinary action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility due to the inherent power differential that exists between them (see Berry College's Policy concerning Consensual Relationships between Employees and Students).

<https://vikingweb.berry.edu/ICS/icsfs/D2.00 Improper Relations Between Employees and Stu.pdf?target=b7e922b8-373d-41d2-8beb-9961a2461022>

B. Relationship to College's Policy on Academic Freedom.

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/icsfs/E Academic Policies.pdf?target=15438521-2ed3-45cc-a624-4ca779d37731>).

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 harassment, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals.

II. NOTICE OF NON-DISCRIMINATION UNDER TITLE IX

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 admission or employment at the College.

The College has designated a Title IX Coordinator to oversee the investigation and resolution of reports of sexual misconduct and the College's compliance with Title IX. The Title IX Coordinator is also responsible for coordinating and implementing campus-wide training and educational programs relating to sex discrimination and sexual misconduct. The Title IX Coordinator is Lindsey Taylor, Vice President for Student Affairs:

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Vice President for Student Affairs
P.O. Box 495009
Mount Berry, Georgia 30149-5009
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(706) 236-2207

The Title IX Coordinator, in conjunction with the Director of Human Resources, will oversee all matters relating to sexual misconduct on campus, including distribution of policies, educational programs, investigations, policy enforcement, and follow-up with complainants and respondents in investigations. The college has also designated the following individuals as Title IX officers:

Dr. David Slade, Dean of Academic Services
Ginger Swann, Assistant Director of Athletics and Senior Woman Administrator
Gary Will, Assistant Vice President for Campus Safety and Emergency Management
Wayne Phipps, Director of Human Resources
Lindsay Norman, Assistant Dean of Students
Katherine Powell, Director of First-Year Experience

III. DEFINITIONS

A. Sexual harassment:

Sexual harassment consists of, but is not limited to, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal or physical conduct or written communication of a sexual nature, and hostile or intimidating behavior motivated by another's gender. Sexual harassment may involve the behavior of either gender against a person of the same or opposite gender. Depending on the severity of the conduct, a violation of this policy may be found in a single act or episode, as well as in repeated behavior, and need not be sexual in nature, but may be based on conduct creating a hostile environment based on one's gender.

The following is a non-exhaustive list of behaviors that may constitute sexual harassment:

- a. Explicit or implicit threats or hints that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances, or may be improved by submitting to sexual advances;
- b. Implied or overt promises of preferential treatment with regard to an individual's employment or academic status;
- c. Pressure for sexual activity;
- d. Requests for romantic or social contact after a person has indicated no interest, or by a member of the faculty or another employee to a person who is a student or a subordinate employee;
- e. Unwelcome verbal expressions of a sexual nature, including sexual commentaries about a person's body, dress, appearance, or sexual activities;
- f. Unwelcome use of sexually degrading language, jokes, or innuendoes; suggestive or insulting sounds or whistles; sexually suggestive phone calls, emails, text messages, social media; or derogatory comments based on sex or gender;
- g. Pornographic objects, pictures, videotapes, audio recordings, computer communication or literature, placed in a work or study area, or sent electronically or posted to social media, that may embarrass or offend individuals;
- h. Stalking, which means any course of conduct in which the stalker directly or indirectly, by any action, device, or means, follows, surveils, communicates to or about, or engages in any act, without the consent of the other person, which interferes with the activities and educational pursuits of the other person, or would

otherwise place a reasonable person in fear for their safety, or causes a reasonable person actual emotional distress or mental anguish. Stalking may also be found when a person violates the terms and conditions of any judicially issued restraining order or no-contact order issued by the college administration.

- i. Unwelcome physical contact, which may include inappropriate hugging, patting or pinching, brushing or touching of another person's body;
- j. Threatened sexual assault.

Some acts of sexual harassment may also constitute violations of criminal law, e.g., sexual battery, indecent exposure, sexual abuse, etc. In such instances Berry College Campus Safety is to be notified immediately and will provide assistance to the victim and will initiate a criminal investigation.

B. Sexual assault:

Sexual assault includes attempted or completed rape, sexual touching of another person without his or her consent, and/or forcing a person who is unwilling or has diminished judgment or capacity to engage in sexual activity or consent to sexual activity. Sexual assault may be committed by a stranger or by an acquaintance, and may occur between members of the same or opposite sexes.

Sexual assault occurs when sexual acts are committed either by actual or implied force, coercion, threat, intimidation, or through the use of the reporter's mental or physical helplessness, including incapacitation from alcohol or drugs, of which the assailant was aware or should have been aware. The use of alcohol or drugs will not be accepted as justification for the actions of any person charged with a violation of this policy.

- C. Consent occurs in many different forms including verbal and nonverbal behaviors. Consent may be revoked at any time and this revocation may occur verbally or nonverbally.
- D. Reporter: An individual who alleges that another person violated this policy. The definition of reporter is not limited to Berry students, faculty, or staff.
- E. Respondent: A Berry College student, employee or vendor who has been accused of sexual misconduct.
- F. Responsible Employees: All Berry faculty, supervisory staff, and students in level 4 or 5 supervisory positions

IV. OVERVIEW OF PROCEDURES FOR REPORTING SEXUAL MISCONDUCT

A. Timeliness in Reporting and Responding

Berry College encourages the prompt reporting of violations of this policy to the college or the police. Prompt filing enables the College to investigate reports more effectively, to take appropriate action to ensure the safety and security of the campus community, and to resolve problems in an expeditious manner. Delays in reporting, however, will not deter the College from investigating and responding to a report. All reports of sexual misconduct will be investigated. A report may be made by any person with knowledge of the violation. Incidents of sexual misconduct or other violations of this policy may be reported to any of the Title IX officers or any Responsible Employee.

The Title IX coordinator will notify reporters of the progress and resolution of their complaint.

Reports may also be made to law enforcement including the Berry College Campus Safety Department and the Rome City or Floyd County Police Departments.

A reporter may inform both the college and law enforcement about an incident of sexual misconduct. The college reserves the right to conduct its own Title IX investigation and make a determination prior to the completion of and separate from the outcome of the criminal proceeding.

All cases involving a minor should be reported to Campus Safety at 706-236-2262.

B. Confidentiality

Conversations with Title IX Officers and other responsible employees are private but not confidential. The primary role of the Title IX Officer is to see that the College responds promptly and fairly to reports of sexual harassment. Title IX Officers are able to answer questions, provide guidance, discuss options, and, refer persons to other appropriate resources. Unlike a confidential counselor, Title IX Officers with knowledge of misconduct have a legal and institutional responsibility to report the incident promptly.

When investigating a complaint of sexual harassment, the College will proceed in such a manner as to maintain privacy and respect the confidentiality of the individuals involved to the extent practical under the circumstances. All parties to the report and witnesses interviewed during an investigation will be asked to keep the report and investigation confidential. The College's obligation to prevent and respond to reports of sexual misconduct, however, means that it must take appropriate action to address the misconduct. Therefore, the College cannot guarantee confidentiality or anonymity.

C. Counseling Options

Members of the Berry Community who want confidential information or counseling about sexual misconduct should contact the Counseling Center at Berry (706-236-2259). They may also contact the Sexual Assault Center of Northwest Georgia (706-802-0580). Discussions with representatives of these offices will not be considered reports of misconduct to the College and will not, without additional action by the reporter, result in intervention or corrective action.

Conversations with licensed mental health professionals or medical professionals give reporters the highest level of confidentiality. Such conversations are not disclosed to anyone (unless there is a clear and foreseeable threat to harm self or others or if a minor is involved) without the express permission of the person seeking advice. Members of the College community who wish only to discuss their experience should first seek the advice of a confidential counselor if they wish to ensure their conversation receives the maximum degree of protection from disclosure.

D. Protection of Reporter

When a report of sexual misconduct is received, the Title IX investigator will take immediate steps to ensure the safety of the reporter and the integrity of the investigative process. Reporters may request arrangements that include, but are not limited to, changes in class assignments as feasible, changes in housing assignments, or the temporary reassignment of an employee to another supervisor until a determination of fact and a resolution can be concluded. No contact orders will be initiated to protect the reporter and the respondent and the integrity of the investigation. Retaliation or threats of retaliation against a person making a sexual misconduct report or against a person who participates in an investigation or disciplinary procedures concerning sexual misconduct will be considered a violation of this policy and will be subject to discipline.

E. Responsibility of Title IX Coordinator

The Title IX Coordinator, in collaboration with the Director of Human Resources, will oversee all matters relating to sexual misconduct on campus, including distribution of policies, educational programs, investigations, policy enforcement, and follow-up with reporters and respondents in investigations.

F. Criminal Complaints

Reporters may also choose to report sexual misconduct to the police for criminal or civil action, and the College encourages such reports for cases of sexual assault. Any student, faculty member, staff member, administrator, or visitor to the campus who has been sexually assaulted or who has witnessed a sexual assault on campus should report the assault to Campus Safety (706-236-2262). Assaults occurring off campus should be reported to the Rome City-Floyd County police by calling 911.

Those who have been sexually assaulted are also encouraged to call the Sexual Assault Center of Northwest Georgia (706-802-0580). 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.

In the event of a sexual assault, the college will also conduct its own investigation according to this policy and determine an appropriate college response separate from and often prior to the completion of criminal or civil legal proceedings.

Berry College Campus Safety will investigate concurrently all reports of sexual assault and will update those reporting sexual assault about the status of the criminal investigation on a regular basis (at least weekly). Campus Safety will immediately notify the Title IX Coordinator of any reports of sexual misconduct.

V. PROCEDURAL STEPS FOR REPORTING SEXUAL MISCONDUCT

A. Initial Report

A complaint may be made to the Title IX coordinator or any Title IX Officer. The college has designated several individuals as Title IX officers (see Section II of this policy for a list of names). These officers are all designated intake officers for complaints as well as advisors in understanding the policy and the available resources for both reporters and respondents.

The initial report does not have to be in writing. Reports come in a variety of forms including reports by the person affected, observations of misconduct by other students, faculty or staff, or a pattern of behavior reported to the college's Title IX officers.

Anonymous reports may also be made to a Title IX Officer. The College will attempt to investigate anonymous complaints but often cannot do so with the same rigor as signed complaints.

If a complaint is made to a responsible employee, or if a responsible employee learns of an incident of alleged sexual misconduct, that employee must report the information to the Title IX Coordinator or a Title IX Officer. Responsible employees should inform a reporter at the earliest opportunity that a report of alleged sexual misconduct cannot be kept confidential but must be reported to a Title IX officer (see section IV. B). Responsible employees should also make a reporter aware of available resources (section IV. C).

Employees working as counselors in the Counseling Center, the college chaplain, and medical staff in Health and Wellness Center are not required to report knowledge of misconduct if such knowledge was gained through their role as a counselor or medical provider. These employees will report the number of incidents of sexual misconduct for the federally mandated Clery Act Annual Security and Fire Safety Report but will not disclose details of the incident.

B. Initial Response of Title IX Officer

Upon receipt of a report of sexual misconduct or other violation of this policy, a Title IX Officer will conduct an initial review of the allegations and, if necessary, take the following measures to ensure the safety and well-being of the reporter, respondent, and the college community:

- Identify on- and off-campus medical, counseling and support resources for the reporter and respondent.
- Advise the reporter and respondent of available interim measures, such as the ability to modify housing, modify work schedules, change academic schedules, withdraw from or retake classes without penalty, and to access academic support.
- Inform the reporter of the right to notify law enforcement if the conduct may be of a criminal nature.
- Provide the reporter and respondent with information regarding the College's procedure for resolving reports of sexual misconduct and the College's policy against retaliation. Retaliation or threats of retaliation against a person making a sexual misconduct complaint or against a person who participates in an investigation or disciplinary procedures concerning sexual misconduct will be considered a violation of this policy and will be subject to discipline.

At the earliest opportunity, the Title IX Officer notifies the Title IX Coordinator. The Title IX Coordinator will, in collaboration with the Director of Campus Safety/Chief of Campus Police, determine if the reported conduct poses a threat to the health or safety of the Berry community and issue a timely warning if appropriate. In the event of a sexual assault report the Title IX Coordinator will inform Campus Safety. Any reported sexual misconduct that is deemed an alleged criminal act will be entered into the college's daily crime log.

VI. INVESTIGATION AND RESOLUTION OF SEXUAL MISCONDUCT COMPLAINTS

A. Initial Investigation Procedures

If it is determined that the allegations, if proven, would constitute a violation of this policy, the Title IX Coordinator will designate a lead investigator to conduct an investigation and prepare a report of the findings. All Title IX Officers are eligible to serve as lead investigators.

The College will investigate every allegation of sexual misconduct in a timely manner. The investigation shall be appropriate to the allegation, taking into consideration its seriousness and the nature of the resolution the reporter desires.

The Investigator will investigate the report of sexual misconduct or other violations of this policy to compile as much relevant information as possible, including the nature of each incident, the time, place, actual or potential witnesses, any actions or other responses to the alleged misconduct already taken by the reporter, and other pertinent facts or allegations. In the event of a report regarding the conduct of a faculty or staff member, the vice president to whom the employee reports will be informed of the report and any interim accommodations provided.

Berry College Campus Safety will also investigate all reports of sexual assault and will update those reporting sexual assault as to the status of the investigation on a regular basis (at least weekly). Campus Safety will immediately notify the Title IX Coordinator of any reports of sexual assault.

B. Consent Resolution of Sexual Harassment Complaints

In cases of reported sexual harassment, the Title IX investigators have some discretion, working directly with the reporter, to resolve the complaint. This may include, but is not limited to, communication between the Title IX Investigator and the respondent, a letter to the respondent, or other actions or remedies to stop the inappropriate conduct. With the consent of both the reporter and the respondent, the matter may be resolved. The Title IX Coordinator is to be informed of the resolution and the nature of the resolution is to be recorded. The Coordinator will also provide additional remedies as needed.

C. Resolution Procedures for Contested Sexual Misconduct Complaints

1. Once an investigation is initiated, the Title IX investigator will move with all due diligence and resolve. The Title IX Investigator will (1) provide a copy of the report to the respondent, (2) receive a written response from the respondent that will be shared with the reporter, (3) solicit the names of potential witnesses from the reporter and the respondent, and (4) interview witnesses. The College will complete its investigation as quickly as possible with the intent to complete within 60 days.
2. The Title IX Investigator will issue a written investigative report that includes a review of the evidence, a determination of whether college policy was violated (based on the standard of preponderance of evidence), recommendations for the resolution of the complaint, and rationale for the determination and the recommended resolution. The reporter and the respondent have three (3) days to respond to the investigative report.
3. If the reporter and the respondent consent to the recommendations, the Title IX investigator will seek approval in writing by the Title IX Coordinator within 48 hours.
4. If an agreement is not reached, the investigative report, including findings and recommendations, will be provided to the Student Conduct Board (consisting of 4 faculty and staff members and 6 student members) for student respondents, to the Vice President for Finance for staff respondents or the Provost for faculty respondents.

The Student Conduct Board, Provost or Vice President for Finance will review the Title IX Investigator's report, will meet with the reporter and the respondent separately, determine if the respondent has violated the sexual misconduct policy, and take disciplinary action if the respondent is found in violation of the policy.

5. Sanctions for a violation of the policy may include but are not limited to written warning or reprimand, probation, a change of position or assignment, mandatory counseling or educational program, suspension, termination, expulsion and/or educational sanctions deemed appropriate.

Sanctions for a finding of responsibility depend upon the nature and seriousness of the misconduct and any record of prior discipline. In determining sanctions, consideration will be given to whether a particular sanction will bring an end to the behavior in question and whether the sanction is reasonably likely to prevent a recurrence of similar behavior. Whenever possible, the Student Conduct Board, Provost or Vice President for Finance, as applicable, will make all reasonable efforts to reach a decision quickly with the intent to reach a decision within 10 business days. A written report of the decision that includes the rationale for the decision will be provided to the reporter and respondent.

The Title IX Coordinator will keep the reporter fully informed of the implementation of any sanction until all terms are satisfied. The Coordinator will also review each case and provide additional remedies as needed.

D. Appeal Of Resolution

Following the decision of the Student Conduct Board, Provost or the Vice President for Finance, as applicable, either party has 10 days to appeal in writing to the Title IX Coordinator. In order to be considered, appeals must meet one of three conditions:

1. New and significant information can be introduced that was unavailable at the time of the hearing and could have affected the outcome of the case.
2. There is reason to believe the sanction is not consistent with the seriousness of the behavior.
3. 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.

The right to appeal does not entitle the reporter or the respondent to a full rehearing of the case. The appellate board or appeals officers review the full case materials only if sufficient and appropriate grounds for appeal exist.

Appeals brought by student respondents, or by student reporters in cases involving student respondents, are heard by the Student Appeals Board (an appeals panel that consists of three persons: one faculty, one staff, one student). The decision of the Student Appeals Board is final. The Student Appeals Board will provide written rationale for its decision to the reporter and the respondent.

Appeals brought by employees or by student reporters involving employee respondents are made to the President. Within two weeks of the notification of appeal the President will decide the case and inform both parties in writing of his or her decision. The decision of the President is final. The President will provide rationale for his/her decision to the reporter and the respondent.

The Title IX Coordinator will keep the reporter fully informed of the implementation of any sanction until all terms are satisfied. The Coordinator will also review each case and provide additional remedies as needed.

E. Supporters, Advisors, and Attorneys

The reporter and the respondent are each permitted to select one supporter, advisor, or attorney to accompany them to meetings and other proceedings regarding the investigation. Their role is to support the reporter or the respondent and as such are not permitted to speak in investigative meetings or hearings, question witnesses, or disrupt any proceedings.

F. No Recording of Proceedings

No proceedings may be recorded by a party to the investigation (a reporter, respondent, or witness) or his or her supporter, advisor, or attorney.

G. Conflict of interest

In the event the report creates a conflict of interest for any of the responsible college officials, that person has the responsibility to recuse themselves from a decision making role. Responsibilities will be transferred to another Title IX officer or vice president after consultation with the president. In the event that a complaint is filed against a senior college official, outside counsel may be retained to investigate the incident.

H. False Reports of Sexual Misconduct

The College encourages and seeks to facilitate reporting of all instances of sexual misconduct. It is important to remember that making a false report of sexual misconduct, or providing false evidence in support of a report, is a violation of College policy, and could result in sanctions at the College and/or civil or criminal liability. Any person who is found to have knowingly or recklessly made, or participated in making, a false report of sexual misconduct or who knowingly or recklessly provides false testimony or other evidence in support of a report of sexual misconduct, will be subject to disciplinary action. Students will be held accountable under the Viking Code of Student Conduct. Faculty members will be referred to the Provost. Staff members will be referred to the Vice President for Finance.

VII. EDUCATIONAL PROGRAMS

Promoting awareness of the definition and consequences of sexual misconduct is an important part of this policy. Notification of this policy will be distributed to all current faculty, staff and students and to all new members of the College community and the full policy will be posted on the Berry College website. The College will also conduct regular, on-going training programs to educate members of the College community about the seriousness of this offense, and inform all persons who participate in College programs and activities about their obligations to bring complaints of misconduct and the procedures for doing so. The Health and Wellness Committee will assist in these efforts under the direction of the Title IX Coordinator and the Director of Human Resources.

All individuals who serve as Title IX officers or investigators or who serve as decision-makers for incidents or appeals in cases of sexual misconduct will receive regular and on-going training.

VIII. RECORD KEEPING

The Title IX Coordinator and the Director of Human Resources will maintain records of all sexual misconduct complaints. Records will include information concerning the receipt of the report, the notification of the respondent and his or her response, interim relief or accommodations provided, the steps taken to investigate the report, and whether the report was substantiated. All written statements obtained, as well as summaries of witness interviews, will be included in the documentation. If the report is substantiated, the records will document actions taken to stop the misconduct and to remedy its effects, as well as disciplinary actions taken and the written notification to the reporter of the resolution of the case.

Records will be kept in employee personnel files or students' files only if a report of sexual misconduct is substantiated and disciplinary action is taken. Student records are protected from disclosure under the Family Education and Privacy Rights Act.

Records of reports, including anonymous complaints, will be kept confidential and will be used for the annual Clery Act Security and Fire Safety Report and to document that the College responded to the complaints. The Director of Human Resources and the Vice President of Student Affairs will regularly review records of reports to determine if a pattern of misconduct exists that would warrant an investigation.

IX. PERIODIC POLICY REVIEW

The Title IX Coordinator and the Director of Human Resources will report annually to the President a statistical summary of the number of sexual misconduct reports they received (including formal, informal, and anonymous complaints), the number of cases investigated, the number of substantiated and unsubstantiated cases, and all disciplinary action taken by the College.

The Title IX Coordinator will analyze this information and identify any areas of concern related to sexual misconduct on campus and will provide the President with a recommendation regarding needed amendments to this policy or its enforcement, broad remedies designed to improve campus culture, or targeted educational programs to ensure student and employee understanding of this policy.

SUMMARY

A. Available Resources:

The college provides resources for addressing the health and safety of our students and employees through the various individuals and procedures identified in this policy. There are additional resources available as well.

B. Important Reminders to Victims of Sexual Assault

In the event of a sexual assault:

Go to a safe place.

Preserving evidence for criminal prosecution

The College encourages and supports reporting any instance of sexual assault to law enforcement for prosecution. While the College realizes an assault victim may suffer shock following an attack, he or she should make every effort to report the assault and preserve any evidence necessary for prosecution of the alleged perpetrator as soon as possible. Contact should be made with outside agencies such as the NWGA Sexual Assault Center or a local hospital ER, which are trained to conduct post-assault examinations. In order to preserve evidence from contamination or degradation, it is generally recommended that victims and others should not alter the scene of the attack and should not change clothes, take a bath, brush teeth, eat, drink, smoke, urinate or defecate before calling the police, being assisted by the Sexual Assault Center, or going to the emergency room for an exam. If clothes are removed, they should be placed in a paper bag. Bedding or other items which may contain hair, skin, or other biological material should be preserved in a paper bag. Victims should also write down everything they can remember about the sexual assault.

Making a report: Any student, faculty member, staff member, administrator, or visitor to the campus who has been sexually assaulted or who has witnessed a sexual assault on campus should report the assault to Campus Safety (706-236-2262). Assaults occurring off campus should be reported to the Rome City-Floyd County Police by calling 911.

Those who have been sexually assaulted are also encouraged to call the Sexual Assault Center of Northwest Georgia (706-802-0580). The Center has individuals who will provide support and, if desired, will accompany victims of sexual assault to Floyd Medical Center and will stay with them while they receive medical treatment. Students or employees who are victims of sexual assault also should report any incident of sexual assault to one of the Title IX Officers. This will initiate an immediate investigation and may prevent another assault. Faculty and staff who learn that a student has been sexually assaulted are required to report the alleged assault to Campus Safety and/or a Title IX officer. Those who have been assaulted or who are aware of sexual assault may make an anonymous report to any Title IX officer. The College will record and will attempt to investigate anonymous reports but may not be able to do so with the same rigor as signed reports.

C. Counseling and health services

Confidential counseling for sexual assault is available on campus at the Counseling Center (706-236-2259) and off campus at the Sexual Assault Center of Northwest Georgia (706-802-0580) and Floyd Medical Center and Redmond Hospital Emergency Rooms. Health services are available at the Health and Wellness Center (706-236-2267). Counseling and health services are also available in the community at the Floyd County Health Department (706-295-6123) and from counselors, psychotherapists, and doctors practicing privately in the area. The Sexual Assault Center can make referrals for individual counseling and support groups.

D. Requests for Accommodation

Individuals who have been sexually harassed or assaulted may request changes in their work, academic, or living situations by contacting a Title IX officer. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available. Campus police can assist students in obtaining other relief, including a police escort, a protective order directing the accused not to have any further contact with the complainant, and a ban from campus of non-students alleged to have committed sexual assault on campus.

E. Additional resources for filing complaints

Members of the College community whose reports are not resolved to their satisfaction through these procedures may file a sexual misconduct complaint under federal law. Sexual harassment of employees is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. Complaints under Title VII may be filed with the U.S. Equal Employment Opportunity Commission (www.eeoc.gov). Sexual harassment of students is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Complaints under Title IX may be filed with the Office of Civil Rights of the U.S. Department of Education (<http://www.ed.gov/offices/OCR/>).

The complete Berry College policy on Sexual Misconduct may be found under the Berry Community tab of Viking Web, then under Human Resources.