

Discrimination and Harassment Policy and Procedure

Initially Adopted by President's Cabinet 9/25/12

Revisions Adopted by President's Cabinet 10-22-13

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Policy Statement: East Georgia State College affirms its commitment to keeping its workplace free of discrimination and harassment and maintaining an environment that recognizes the inherent worth and dignity of every person. College policy prohibits any employee, student, visitor or patron from harassing, threatening or physically or verbally abusing another individual with the intent or effect of unreasonably interfering with that person's work or academic performance or of creating an intimidating or hostile work or academic environment based on that person's membership in a protected group. Unlawful discrimination, harassment, and threatening conduct based on a victim's membership in one or more of the following protected classes race, color, sex, sexual orientation, national origin, religion, age, veteran status, or disability is prohibited.

Consistent with the College's commitment to equal opportunity, affirmative action, and academic freedom, this policy is intended to complement the College's Reaffirmation of the Equal Opportunity and Affirmative Action Policies, the Policy Prohibiting Sexual Discrimination, Sexual Harassment and Sexual Misconduct, the ADA Policies on Employment and Public Accommodation, and the College's Statement on Academic Freedom.

Reporting Procedure: Any employee, student, visitor or patron who believes he or she has experienced or witnessed discriminatory, harassing, or threatening behavior should report the incident(s) promptly by notifying any member of the College's administrative staff (Vice President, Dean, Department Head, supervisor or Director) or report the incident directly to the Title IX coordinator. Students may also notify a faculty member. In the case of violence or the threat of violence, Public Safety (Swainsboro: 289-2090; Statesboro: 478-455-1606; Augusta: 706-721-2911) or other appropriate local law enforcement agency should be notified immediately. Supervisors, administrative staff, and members of the faculty shall respond immediately to complaints of discrimination and harassment by notifying the Title IX Coordinator when they receive or otherwise become aware of such complaints. Prompt reporting of complaints is vital to the College's ability to resolve the complaint.

Filing a Complaint

East Georgia State College employees and students, applicants for employment or admission, and participants in any of the College's programs may file a complaint against other employees, other students, or against third parties on the basis of allegations of unlawfully discriminatory, retaliatory, threatening or harassing behavior, or noncompliance with state or federal antidiscrimination laws, or Board of Regents and College antidiscrimination policies. Such complaints may be filed by either a person who alleges that he or she personally suffered as a result of such behavior, or any person who has knowledge that an individual or any specific class of individuals has been subjected to such behavior. Supervisors, administrators, or members of the faculty to whom a report was made are required to forward complaints to the Title IX Coordinator. The complaint should be initiated as soon as possible from the date when the alleged behavior/action occurred or when the complainant first obtained knowledge of the facts of the allegation.

Complaint Investigation and Resolution

All complaints alleging unlawful discrimination, retaliation or harassment, including sexual harassment, sexual violence and sexual misconduct shall be filed with the Title IX Coordinator. The Title IX Coordinator is Tracy Woods, Director of Human Resources, East Georgia State College, and she can be contacted at 131 College Circle, Swainsboro, Georgia 30401; telephone 478-289-2035; email twoods@ega.edu. The Title IX Coordinator investigates all employee Title IX complaints and provides oversight for the college's Title IX

process. A record of each complaint and subsequent related actions, including all information required for compliance, will be maintained in the office of the Title IX Coordinator.

The Deputy Title IX Coordinator is Vicki Sherrod, Director of Student Life, Student Affairs, East Georgia State College, 131 College Circle, Swainsboro, Georgia 30401 telephone 478-289-2105; email vsherrod@ega.edu. Students who have been victims of sexual harassment, sexual misconduct or sexual violence should report the incidents to the Deputy Title IX Coordinator. Complaints will be investigated in a manner that protects the confidentiality of the parties and the facts of the case to the extent allowed by applicable law, including the *Georgia Open Records Act* and the *Family Educational Rights and Privacy Act (FERPA)*.

When authorized by the President, the Director of Student Conduct (student complaints) Title IX Coordinator (employee complaints) or the Chair of the Conflict Resolution Committee will initiate a fact-finding process and will explore whether Conflict Resolution (CR) could be used to resolve the complaint. Attempts will be made to resolve the complaint at the lowest level possible and to engage in CR before initiating the investigative procedures, if appropriate; however, CR will not be authorized to resolve complaints of sexual violence, which will be investigated by the Director of Student Conduct (student complaints) or the Title IX Coordinator (employee complaints). At the determination of the Title IX Coordinator, CR may also be introduced at other stages in an investigation if agreed to by both parties to the complaint. If both parties agree to mediation and to share confidential information with the mediator, the Title IX Coordinator will contact the Chair of the Conflict Resolution Committee to initiate the process as per established procedures. In CR, the mediator will not require the complainant to discuss a resolution directly with the respondent. The complainant has the right to terminate CR at any time and to proceed with the Title IX investigation.

If CR is not appropriate or does not generate a satisfactory resolution, the investigator will begin investigative procedures within 7 days. The College reserves the right to charge the Title IX Coordinator with conducting an investigation of a complaint even when no formal complaint has been filed or when a filed complaint is subsequently withdrawn by the complainant. The investigator serves as fact finder and has authority to recommend, but not initiate or implement disciplinary action.

Investigative procedures begin with the written complaint of the complainant. A complainant who is unable to put a complaint in writing will be assisted in the process by the Director of Student Conduct or the Title IX Coordinator. The respondent will be notified of the specific nature of the charges, and the applicable state and federal laws, Board of Regents policies, or College policies he or she is alleged to have violated. The complaint will be investigated thoroughly, impartially and completed as expeditiously as possible, with a goal of completion of 60 days or less. The investigator will permit additional time upon request of either party and as necessary to ensure a thorough investigation. The complainant and the respondent(s) will be interviewed separately by the investigator, or her designee, during which time they should present any information in support of their respective positions. The investigator may interview other individuals to provide additional information relevant to the charge: witnesses named by either the respondent or the complainant. Both the complainant and the respondent will have equal opportunities to present witnesses and evidence with respect to their positions.

The Title IX Coordinator will advise the complainant of the availability of counseling and victim services that are available on campus and off campus, interim measures which may be available to ensure the safety of the victim, confidentiality and EGSC reporting options and of the right to file criminal charges or elect to file no charges, and the EGSC disciplinary procedures. The complainant will receive the "Information and Procedures for Victims of Sexual Assault, Stalking, Domestic Violence and Dating Violence" outlining this information.

Please see Section 8 at: http://www.ega.edu/offices/presidents_office/policies_and_procedures_of_the_college

Policy Prohibiting Retaliation

The ability of individuals to oppose discriminatory practices and to participate in investigations and proceedings is critical to ensuring equal educational opportunity in accordance with federal civil rights laws. Discriminatory

practices are often raised and remedied when students, parents, teachers, coaches, employees and others can report such practices to institution administrators without fear of retaliation. Individuals should be commended for raising concerns about compliance with federal civil rights laws, not punished for doing so. Retaliation includes intimidating, threatening, coercing or in any way discriminating against the individual because of the individual's complaint or participation in an investigation or proceeding concerning a potential civil rights violation. Retaliation is a violation of federal civil rights law.

East Georgia State College absolutely prohibits any retaliation, at any time, against the complainant or against those individuals participating in the investigation. The Director of Student Conduct or the Title IX Coordinator will advise both the complainant and the respondent of the prohibition of any retaliation, including retaliation by any individuals associated with the respondent, such as social friends and team members. Friends, colleagues, team members and others under the jurisdiction of the College that retaliate against the complainant or individuals participating in an investigation or proceeding concerning an alleged civil rights violation could be subject to disciplinary action as provided under the policies and procedures of the college.

Following the conclusion of a formal investigation, the investigator will prepare a written report and forward it to the Title IX panel within ten (10) business days. The panel is appointed annually by the President. The hearing panels for accused students will consist of one faculty member, one staff member, one student and the Director of Student Conduct. The hearing panel for an accused faculty or staff will consist of one faculty member, one staff member, and the Director of Student Conduct or Human Resource representative.

Attorneys may attend East Georgia State College student and employment investigation hearings as advisors, but will not be allowed to participate.

The respondent and the complainant have the right to a hearing advisor, a person with no formal legal training, to accompany them in the hearing and at meetings relevant to the proceeding. The panel will review the report, hear and consider evidence from the complainant, the respondent and any witnesses. The panel will apply the preponderance of the evidence standard in determining whether the respondent is responsible for sexual harassment, sexual discrimination and/or sexual misconduct and will issue a written determination to the President. All correspondence to the complainant and the respondent related to the complaint will originate from the Title IX Coordinator, Director of Human Resources or Director of Student Conduct, as appropriate.

The President has the option to accept the recommendation of the Title IX Panel, require further fact finding by the panel, or reject the recommendation. Within a reasonable time after receipt of the panel's recommendation, the President will notify the complainant, with a copy to the respondent, of the conclusion(s) reached and, if appropriate, any future course of action, including the taking of steps to prevent any recurrence of harassment or violence and to correct any adverse effects. If disciplinary action is to be taken, notification of such should be sent to the respondent with no copy to the complainant, unless the disciplinary action relates directly to the well being of the complainant, such as a no contact requirement, in which case the complainant will be notified of all provisions related to personal well being.

Every effort will be made to adhere to the above investigative steps and related time frame unless precluded by such circumstances as the unavailability of one or more of the participants in the investigation process. The complainant will be notified if such delays arise.

Appeal Procedure

The decision of the President will be the final institutional decision. Further appeals by either party are governed under the policies and bylaws of the Board of Regents of the University System of Georgia.