Title IX Policy Establishing a Procedure for Discrimination and Complaints

Initially Adopted by President’s Cabinet 9/25/12
Revisions Adopted by President’s Cabinet 10-22-13
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I. Policy Statement: East Georgia State College affirms its commitment to keeping the college’s living, learning and working environment free of discrimination and harassment and maintaining an environment that recognizes the inherent worth and dignity of every person. College policy prohibits any member of the college community (employee, student, volunteer, independent contractor retained by the college, 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 complainant'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.

II. Reporting Procedure: Any member of the college community 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.

III. 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 a member of the college community 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.

The Title IX Coordinator is Tracy Woods, Director of Human Resources, East Georgia State College, 131 College Circle, Swainsboro, Georgia 30401; telephone 478-289-2035; email twoods@ega.edu. The Title IX Coordinator receives and 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. The Title IX Coordinator and the Deputy Title IX Coordinator receive annual training on Title IX.

For an up-to-date copy, visit the policies and procedures page on the EGSC website.
IV. Processing, Investigating and Resolution of Complaints

A. Processing

The college’s complaint process is the procedure to be used to investigate complaints or reports of discrimination and harassment, to end any discrimination and harassment found, to remedy the effects of discrimination and harassment, and to prevent any recurrence.

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).

Information obtained during the course of the complaint process will be shared only to the extent necessary to conduct a thorough, fair and impartial investigation. Cabinet level supervisors will be informed of Title IX complaints filed against an employee within his or her unit. The President will be informed of Title IX complaints filed against a Cabinet member.

College employees identified as witnesses are required to fully cooperate with an investigation. Any member of the college community who willfully disregards, delays or thwarts an investigation or makes false statements during an investigation will be found in violation of this policy and subject to disciplinary action under this policy.

B. Imminent Threat and Interim Measures Analysis

The Title IX Coordinator upon receiving a complaint will conduct an initial assessment to determine if an imminent threat exists for the complainant or for the campus community such that a timely warning, temporary suspension of the respondent, and/or interim protective measures for the complainant are necessary. The Title IX Coordinator may conduct such assessment with assistance from appropriate college officials (Director of Student Conduct, Human Resources, Public Safety) as necessary to evaluate the circumstances and implement the procedures necessary to provide for the safety and security of the complainant and the campus.

The Title IX Coordinator may impose interim protective measures before the final outcome of the investigation if failure to take the interim measures would constitute a threat to the safety and well-being of the complainant or members of the college community or to ensure equal access to the college’s education programs and activities. Imposing interim protective measures does not indicate that a violation of this policy has occurred. Interim measures may include, but are not limited to: change in a college housing assignment, issuance of a “no contact” directive, restrictions or bar to entering certain college property, changes to academic or employment arrangements, schedule or supervision, interim suspension, and other measures designed to promote the safety and well-being of the parties. The Title IX Coordinator will attempt to minimize the burden on both the complainant and respondent when imposing interim measures.

The Title IX Coordinator will advise the complainant of the availability of counseling and victim services that are available on campus and off campus, 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

Title IX Coordinator may recommend that the complainant and the respondent attempt to resolve their differences through conflict resolution (CR). However, CR will not be authorized to resolve complaints of sexual violence. The Title IX Coordinator or Deputy Coordinator will resolve complaints of sexual violence.

Procedures under this policy may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of specific actions will be made by the Title IX Coordinator based on the status of the evidence and other relevant case factors. These procedures do not replace the right of the complainant to file complaints or seek remedies available under state or federal law.

C. Investigation
If CR is not appropriate or does not generate a satisfactory resolution, and after an assessment of interim measures and imminent threat are completed and resolved, the Title IX Coordinator will begin investigative procedures within 7 days of the receipt of the initial complaint. 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 Title IX Coordinator 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 Title IX Coordinator. The Title IX Coordinator will provide a copy of this policy to the complainant. The Title IX Coordinator will determine if the complaint falls under the policy; and if not, refer to the appropriate college resource. The Title IX Coordinator will notify the respondent 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, and provide a copy of this policy to the respondent. All parties will be advised of the college’s policy prohibiting retaliation. 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. Retaliation by any individuals associated with the respondent, such as social friends, colleagues, team members and others under the jurisdiction of the College 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.

The Title IX Coordinator will investigate the complaint thoroughly, impartially and will complete the investigation as expeditiously as possible, with a goal of completion of 60 days or less. The Title IX Coordinator 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 Title IX Coordinator, or her designee, during which time they should present any information in support of their respective positions. The investigation may extend to interviews with 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 identify witnesses and evidence with respect to their positions. The respondent and the complainant have the right to an advisor, a person with no formal legal training, to accompany them at meetings relevant to the proceeding. Attorneys may attend East Georgia State College student and employment investigation meetings as advisors, but will not be allowed to participate. Interviews with the Title IX Coordinator constitute the hearing. The Title IX Coordinator will collect and maintain appropriate documentation and disclose appropriate information to others only on a need-to-know basis consistent with federal and state law. The Title IX Coordinator will use the preponderance of evidence standard in making a finding in the investigative report indicating whether this policy was violated by the respondent. The Title IX Coordinator will inform the supervisors/administrators/faculty at the conclusion of the investigation, and seek input from them as appropriate when implementing any resolution or discipline. When the findings require further action by the college, the Title IX Coordinator will make recommendations of actions needed to end any discrimination and harassment found, to remedy the effects of discrimination and harassment, and to prevent any recurrence.

D. Resolution

Following the conclusion of the formal investigation, the Title IX Coordinator will prepare a written investigative report and forward it to the Title IX Review Panel within ten (10) business days. The Title IX Coordinator will provide notice of the outcome of the investigation to the complainant and the respondent. The Review Panel is appointed annually by the President and consists of one faculty and two staff members trained in Title IX policy and procedure.

The Review Panel will review the investigative report, weigh the evidence from the complainant, the respondent and any witnesses, and apply the preponderance of the evidence standard in determining whether the respondent is responsible for sexual harassment, sexual discrimination and/or sexual misconduct.

The Review Panel has the option to accept the findings and recommendation of the Title IX Coordinator, require further fact finding, or reject the findings and recommendation. Within 15 days after receipt of the investigative report, The Review Panel will make a finding. If a finding of a Title IX policy violation, the Review Panel will instruct the Title IX Coordinator to refer the matter to the appropriate disciplinary authority to determine the sanction. Sanctions for
disciplinary action for an employee will be referred to Human Resources, and sanction for disciplinary action for a student will be referred to the Director of Student Conduct. If the Review Panel makes a finding of no Title IX policy violation, but finds that other college policies were violated, the Review Panel will refer the matter to the appropriate disciplinary authority for determining a sanction, or when appropriate, for further investigation.

All correspondence to the complainant and the respondent related to the complaint will originate from the Title IX Coordinator. The Title IX Coordinator will notify the complainant, with a copy to the respondent, of the Review Panel’s decision 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.

V. Appeal Procedure

The decision of the Title IX Review Panel and the sanction may be appealed to the President within 10 days of the panel’s finding. The appeal will consist of a review of the record only; no new information may be presented. An appeal to the President will be decided within 5 days of receipt of the appeal by the President.