Policy Overview:

1. Milligan College is committed to providing students, faculty, staff, visitors and all other members of the college community with a positive, healthy environment conducive to the promotion of the college’s core values of scholarship, community, and faith. Milligan College, as a private, Christian college, does not encourage nor promote nor condone sexual relations outside of marriage.

2. Title IX of the Educational Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs or activities—discrimination occurs when the individual’s ability to participate in or to receive benefits, services, or opportunities of the school’s program is denied or limited. Sexual harassment, including sexual violence, is a form of sex discrimination.

3. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Reauthorization Act of 2013 (VAWA) require institutions of higher education receiving federal funds to disclose policy statements addressing sexual assault, domestic violence, dating violence, and stalking (acts of sexual misconduct), programs to prevent acts of sexual misconduct, procedures followed by the institution when acts of sexual misconduct are reported, written information provided to victims of acts of sexual misconduct, and procedures for disciplinary action conducted when acts of sexual misconduct are reported.

4. Due to the college’s commitment to an educational atmosphere free of sexual harassment, including acts of sexual misconduct, and in accordance with the requirements set forth in Title IX and the Clery Act, all forms of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking are prohibited and will not be tolerated at Milligan College.

Policy Scope:

1. Title IX and this policy apply to all students, employees, applicants for admission or employment, and other relevant persons.

2. This policy applies to all forms of sexual misconduct and sex discrimination, including sexual harassment and sexual violence, occurring on the campus of Milligan College.

3. Because students often experience the continuing effects of off-campus acts of sexual misconduct in the educational setting, reports of acts of sexual misconduct occurring off-campus may be investigated to determine if the off-campus incident has created a hostile environment in the educational setting of the college.

Options for Assistance to Victims Following an Act of Sexual Misconduct:
1. For immediate, confidential response in a crisis situation, including information about obtaining necessary resources, assisting with facilitating medical treatment, explaining reporting options, and navigating the reporting process, victims can contact:

- Milligan College Counseling Office 423-461-8500
- Milligan College Office of Student Development 423-461-8760
- Milligan College Campus Minister 423-461-8748
- Sexual Assault Center of East Tennessee 423-202-6427
- Contact Ministries (Resource Center) 423-926-0144 or 211
- Sexual Assault Center of East Tennessee 24 Hour Hotline 865-522-7273
- Safe Haven Crisis Center 888-522-5244
- National Sexual Assault Hotline 800-656-HOPE
- National Domestic Violence Hotline 800-799-7233
- National Center for Victims of Crime– Stalking Resource Center 800-FYI-CALL

2. In the event of an emergency or to make an official report, victims should call 911 for medical and/or police assistance and campus security at 423-461-8734 (during business hours), 423-791-4292 or 423-791-6648 (after hours) to report the incident to the college.

3. Victims are encouraged to seek medical attention at a local hospital to identify any injuries and/or health concerns and to preserve evidence. Victims should understand that seeking medical attention at a hospital may lead to the notification of law enforcement authorities by the hospital. The victim can choose whether or not he or she wishes to talk to the authorities if they are contacted.

4. Counselors in the college counseling center and campus minister will maintain the victim’s confidentiality regarding a college or criminal investigation, except for cases involving minors, imminent harm to self and others, or to comply with state or federal laws and/or professional ethical obligations.

5. College employees designated “responsible employees” by Title IX are employees who have the authority to take action to redress sexual harassment/misconduct; who have been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX coordinator or other appropriate designee or who a student reasonably believes has this authority or duty. At Milligan, employees designated as responsible employees are all individuals working in campus security, all student development staff members, and the president and all members of the president’s cabinet (including all vice presidents of the college).

6. All other college employees including faculty, staff and administration are required to report acts of sexual misconduct to the Title IX Coordinator, though employees not designated responsible employees have the option to withhold personally identifiable information at the request of the person providing the information. Before the person providing information reveals any information to an employee, the employee is obligated to inform the person providing the information of the employee’s obligation to report acts of sexual misconduct. To
the extent possible, information reported will be shared only with the officials responsible for handling the college’s response to the report.

7. Whether or not a victim chooses to make an official report or participate in the institutional disciplinary process or a criminal investigation, the victim can receive ongoing counseling and support from the college counseling center and/or the campus minister.

8. When reasonably possible, the college will provide accommodation and protective measures to victims of sexual misconduct when the victims’ academic situations, living situations, transportation situations, and/or working situations are impacted by the incident or the victims’ needs after the incident.

9. Where applicable, college authorities will issue no contact orders to students reported to be involved in incidents of sexual misconduct. College authorities will also assist the victim in contacting the authorities to pursue restraining orders, at the victim’s request.

Title IX Coordinator:

1. The college’s Title IX Coordinator is responsible for coordinating the college’s response to all complaints involving sex discrimination, developing and disseminating the college’s sex discrimination policies and grievance procedures, thus ensuring the college’s compliance with Title IX in all areas.

2. While the Title IX Coordinator is responsible for ensuring the college’s grievance procedures are followed and effectively administered during Title IX investigations, other college officials may conduct investigations and disciplinary proceedings in accordance with this policy at the direction of the Title IX Coordinator.

3. Brent Nipper is the Title IX Coordinator and can be reached at 423-461-8740 or at wbnipper@milligan.edu. The Title IX Coordinator’s office is located in the Little Hartland Welcome Center, 1 Blowers Boulevard, Milligan College, TN 37682.

Definitions:

1. Sexual Harassment: Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

2. Hostile Environment: Situation in which sexually harassing conduct is sufficiently serious that it denies or limits an individual’s ability to participate in or benefit from the college’s programs, even if said harassment does not explicitly or implicitly condition a decision or benefit on submission to sexual conduct (quid pro quo).

3. Sexual Assault: physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or unable to give consent due to an intellectual or other disability. Sexual assault can include rape, sexual battery, and sexual coercion (incidents in which one party exerts an unreasonable amount of pressure upon another party to engage in sexual activity, and such pressure takes away the ability of the other party to choose freely to participate in the sexual activity).
4. Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Tennessee, or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws.

5. Dating Violence: 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: the length of the relationship, the type of relationship; and the frequency of interaction between the persons involved in the relationship.

6. Stalking: 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.

7. Retaliation: An attempt to intimidate, threaten, or take adverse actions against someone for bringing forward a good faith complaint of discrimination or harassment.

8. Intimidation: Intentional behavior that would cause a reasonable person to fear bodily injury or harm.

9. Consent: Agreement to engage in sexual activity, which is voluntary (consent is not possible when coercion, force, or threat is present), aware (consent is impossible when incapacitation occurs for any reason), clear (silence or absence of resistance does not imply consent), immediate (past consent does not imply future consent), continuous (consent can be withdrawn at any time), and specific (consent with one person does not imply consent with others).

10. Incapacitation: Inability to make a rational, reasonable judgment or appreciate the consequences of one’s decisions or actions, due to the victim’s use of drugs or alcohol or in ability to give consent due to an intellectual or other disability.

Reporting Policies and Protocols:

1. **Filing an official report with the college:** Filing a formal report with the college will result in an official investigation. Individuals filing reports of sexual misconduct (complainants) can request that their names not be disclosed to the alleged perpetrators (respondents) or that the school not investigate the incident or seek action against the respondent. The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. The College will inform the complainant that its ability to respond may be limited if disclosure of identity is not permitted. The Title IX Coordinator or other school official assigned to investigate the case must evaluate the request for confidentiality in the context of providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual misconduct. Therefore, requests for confidentiality or nondisclosure are strongly considered, but not guaranteed. The College will inform the complainant if it cannot ensure confidentiality. To file an official report with the college, incidents should be immediately reported to one of the following persons on campus:
2. **Filing a report with law enforcement authorities:** The victim also has the option, but is not required, to file a report with the Elizabethton Police Department. If the victim so chooses, campus authorities will provide assistance in notifying the EPD. If the victim chooses to report the incident to the police, the college will cooperate fully in any investigation and prosecution of offenders who will be subject to all applicable legal sanctions under local, state, or federal laws. In all cases, the college will conduct its own investigation into the incident, regardless of whether or not the incident is reported to the police.

3. **Confidential disclosure:** If the victim wishes to speak to someone confidentially, without initiating a college investigation into the incident, he or she should contact the Milligan College Counseling Center (461-8500) or the Campus Minister (461-8748). While these professional and pastoral counselors may maintain the victim’s confidentiality regarding a college investigation, they may be required to report the incidents in cases involving minors, imminent harm to self and others, or to comply with state or federal laws. In cases in which the victim chooses to maintain confidentiality, the college will likely be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

4. **Reporting to other college employees:** All college employees including faculty, staff and administration- except for individuals serving in the capacity of college counselors in the college counseling center or the campus minister- are required to report acts of sexual misconduct to the Title IX Coordinator. Employees not designated responsible employees by Title IX (see item 5 under “Options for Assistance” above) have the option to withhold personally identifiable information at the request of the person providing the information. College employees designated responsible employees are required to make a full report including all pertinent information. Before the complainant reveals any information to an employee, the employee is obligated to inform the complainant of the employee’s obligation to report acts of sexual misconduct. Employees designated as responsible employees have reporting responsibilities as well as the authority to take action in addressing the complaint. To the extent possible, information reported to a responsible employee will be shared only with the officials responsible for handling the college’s response to the report.

5. **Crime statistics reporting:** The college is required by the Clery Act to disclose statistics relating to all crimes reported on campus. All reports of sexual misconduct are statistically included in Clery Act reporting obligations and the college’s annual security report. However, statistical reporting does not include any personally identifiable information so does not impact confidentiality, with very rare exceptions in which persons might be identifiable based on the dates and locations included in crime reports.
6. **College response to retaliation:** Retaliation against anyone reporting or participating in a college investigation into acts of sexual misconduct is strictly prohibited. Any acts of retaliation directed at the complainant, respondent, witnesses, reporting party, college officials conducting the investigation or disciplinary proceedings, or the Title IX Coordinator will be met with strong responsive action from the college, possibly including disciplinary action and/or criminal prosecution.

**Investigation Procedures and Protocols:**

1. Mediation between the complainant and the respondent may be used to resolve some types of sexual harassment complaints. The complainant will be notified of the right to end the informal process any time and begin formal stage of complaint process. Mediation is not an option in cases involving allegations of sexual assault.
2. The Title IX Coordinator is responsible for coordinating the college’s response to all complaints involving acts of sex discrimination including sexual harassment and sexual violence. Upon receiving a report of an act of sex discrimination, the Title IX Coordinator will initiate an investigation, engaging other staff members, as appropriate.
3. The College will obtain consent from the complainant before beginning an investigation, except for cases in which not conducting an investigation could result in a substantial threat to public or campus safety.
4. When necessary the college will take immediate steps to protect complainants pending the final outcome of an investigation into a potential violation of the sexual misconduct policy. Possible accommodations include a change in housing (a new room assignment in the residence halls), class assignment (a change to a different section of a course), internship or work study placement (a change to a different internship site or work study job) or transportation so that the student will be removed from the influence of the respondent. Academic relief, including requests for a grade of “incomplete” in a course or taking a course as an independent study, may also be appropriate.
5. All investigation, hearing, and disciplinary actions shall be conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent. Either party may raise issues related to the potential conflicts of interest of such individuals.
6. All investigations of complaints will be conducted by officials who receive annual training on issues related to sexual harassment and sexual violence including domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Both parties will be given the same opportunity to present witnesses and evidence.
7. The investigation may include, but is not limited to, interviews with the complainant, respondent, and witnesses; interviews with other individuals with knowledge of the incident being investigated, a review of previous reports or disciplinary files of individuals involved in the incident, and a thorough review of all evidence pertaining to the incident.
8. The complainant and respondent shall be provided with the same opportunities to have others present during interviews with the investigator and/or any further proceedings, including the opportunity to be accompanied by the advisor of their choice.

9. The standard of proof used in all investigations and determinations of findings regarding incidents of sexual misconduct will be the preponderance of the evidence standard (it is more likely than not that a policy violation occurred).

10. At the conclusion of the investigation, the Title IX Coordinator or assigned investigator(s) will prepare a report of findings including any disciplinary action or other resolution determined by the investigation. The complainant and respondent have the option to accept the findings of the report or request a hearing before the Sexual Misconduct Review Board (review board).

11. The complainant and respondent will be simultaneously notified in writing of the findings of the investigation, the institution’s procedures for the complainant and respondent to appeal the findings, any change in the findings that occurs prior to the time the findings become final, and when the findings become final.

12. All investigations will include a prompt, fair and impartial investigation and resolution. Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) days.

13. In cases in which the complainant requests that his or her name not be disclosed to the respondent or that the school not investigate the incident or seek action against the respondent, and in which the Title IX Coordinator or other school official assigned to investigate the case has determined the request can be honored while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual misconduct, the college may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school’s policies on sexual misconduct; and/or conducting climate surveys regarding sexual misconduct.

Appeal to the Sexual Misconduct Review Board:

1. The review board will consist of three college administrators and/or faculty who receive training on issues related to sexual harassment and sexual violence including but not limited to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Unlike the Discipline Committee that hears appeals of violations of the general student conduct guidelines, the board will not include students, as the presence of a student with whom the complainant and/or respondent interacts or may interact in the future may lead to emotional distress and discourage either party from their right to appeal the findings of the Title IX investigation, thus limiting their ability to participate in this benefit of the college’s program protected by Title IX. For the same reason, faculty members currently teaching classes including either party to the
claim or teaching in the primary area of study of either party will not participate on the review board.

2. Should either the complainant or respondent in a sexual misconduct investigation desire a hearing regarding the findings of the investigation, he/she shall request such hearing in writing to the Title IX Coordinator or designated employee within three (3) business days of the receipt of the report of findings. The Title IX Coordinator or designated employee, upon receipt of a written hearing request, shall set a hearing date within three (3) business days following such hearing request, providing at least twelve (12) hours notice of the time of the hearing to the complainant and respondent and the members of the review board. Should either or both parties not make a timely hearing request then it shall be presumed that the both parties accept the findings of the investigation and the resolution of the findings will be carried out as specified.

3. The Title IX Coordinator or investigator assigned to the investigation of the complaint shall first present such evidence as desired to support the findings of the investigation. Thereafter, the appealing party may present any evidence challenging the investigation or findings. The review board may limit the number of witnesses giving repetitious evidence or the number of character witnesses. The review board may reschedule such hearing, from time to time, to receive any additional evidence.

4. The complainant and respondent shall be provided with the same opportunities to have others present during the hearing.

5. The review board shall rule on the admissibility of all evidence. Neither the complainant nor the respondent is required to give evidence against himself or herself, but if either party chooses to present evidence to support the challenge to the findings of the investigation, he or she may be required to answer any question related to the inquiry. The review board shall permit the presentation of all relevant testimony by the appealing party, subject to the restriction set forth above.

6. The review board shall adjourn to executive session to make its decision, which shall be made by a majority vote. The executive session shall be closed to the public. The review board, in executive session, may recall the investigator, complainant, and/or respondent into the executive session for any purpose. The review board shall render its written decision within twenty-four (24) hours of the close of the hearing. The review board’s decision may be to uphold the findings of the investigation, overturn the findings of the investigation, or modify the findings of the investigation.

7. The complainant and respondent will be simultaneously notified in writing of the decision of the hearing, and the institution’s procedures for the complainant and respondent to appeal the decision.

8. Should either party choose to appeal the decision of the hearing board to the President of the college, the appeal shall be made in writing to the President within forty-eight (48) hours of the receipt of the decision of the review board by the appealing party. Said appeal shall set forth, specifically, the reason the appealing party believes the decision is erroneous, what witnesses or evidence is believed to support the appealing party, and shall be signed by the appealing party. Copies of said appeal shall be delivered to the Title IX Coordinator, review board and the
President. The President may decide the appeal on the record developed in the hearing or may request a further hearing or private conference with the appealing party, Title IX Coordinator, or review board. Any further hearing by the President need not be recorded, unless requested by the President or the appealing party.

9. The President shall render a decision on the appeal within a reasonable time following receipt of same. The President may affirm the review board’s decision, reverse the decision, modify the same, including the disciplinary action, or may send the matter back to the review board for further hearing and/or decision.

The College will take steps to prevent recurrence of any harassment and to correct discriminatory effects on complainants and others, as appropriate.

Prevention and Education:

1. Education and training are important aspects to the existence of a positive environment free of sexual harassment and misconduct. Milligan College’s programs regarding the prevention of sexual harassment and misconduct include dissemination of information pertaining to crime prevention via campus email and printed literature, displays and information at the college wellness fair and other college events, programs for students, faculty and staff including residence hall programs and faculty and staff meetings, joint activities with student activities organizations and staff, and other opportunities throughout each school year. New students, faculty and staff are provided with information and/or training regarding the sexual harassment and misconduct as part of annual orientation activities.

2. The college conducts educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty which include the college’s sexual misconduct policy, the definitions of domestic violence, dating violence, sexual assault, and stalking, the definition of consent in reference to sexual activity, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior.