

MILLIGAN SEXUAL HARASSMENT POLICY: RIGHTS AND OPTIONS

Milligan University is committed to providing students, faculty, staff, visitors and the University community with a positive, healthy environment conducive to the promotion of the University's core values of scholarship, community, and faith. Incidents of any type of sexual harassment, including sexual assault, dating and domestic violence, and stalking are strictly prohibited.

What to Do If You Have Experienced Sexual Trauma or Assault

- **Go to a safe place**
- **Talk to someone you trust:** family member, friend, counselor, Frontier Safe House Hotline (423-306-5169)
- **Preserve all physical evidence:** to assist in proving an alleged offense occurred and/or obtaining an order of protection
- **Seek medical care:** Johnson City Medical Center, 400 N State of Franklin Rd, Johnson City, TN 37604
- **Seek counseling:** Milligan Counseling Center (423-461-8500) or Campus Minister (423-461-8760)
 - These resources **are not** required to report incidents disclosed to them to campus authorities
 - **All other University employees** (faculty and staff) **are** required to report incidents disclosed to them to campus authorities
- **Consider Reporting Options**
 - **Report to Police:** Elizabethton Police Department (911 or 423-542-4141)
 - **Report to Campus Authorities:** Campus Security (423-461-8911), Title IX Coordinator (423-461-8740), Dean of Students (423-461-8760), or Residence Life Staff
 - Victims have the right to choose when and to whom incidents are reported or to decline to report incidents
 - Campus Authorities will assist victims who choose to report to law enforcement and wish to be assisted

Available Resources

- **Supportive Measures:** Changes in academic, living, transportation, or working situations and/or the implementation of protective measures such as no contact orders facilitated by Title IX Coordinator (423-461-8740) or designee
- **Orders of Protection:** Law enforcement authorities or University officials will assist the victim in contacting the authorities to pursue orders of protection, at the victim's request. For information about pursuing orders of protection without assistance from law enforcement or campus authorities, contact the Carter County Clerk's Office at 423-542-1825 during business hours or the Carter County Sheriff's Office-Judicial Commissioner at 423-542-1850 after business hours.

Victim Services: Counseling, health, legal assistance, visa, and immigration assistance, financial aid

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| Milligan Counseling Center | 423-461-8500 |
| Milligan Campus Minister | 423-461-8760 |
| Frontier Health Safe House 24-Hour Hotline | 423-306-5169 |
| Safe Passage Domestic Violence Shelter 24-Hour Hotline | 423-926-7233 |
| Contact Ministries (Resource Center) | 423-926-0144 or 211 |
| 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 |
| Milligan Financial Aid Office | 423-461-8968 |
| Legal Aid of East Tennessee | 423-928-8311 |

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Grievance Process for Cases of Sexual Harassment Allegations

- **Initial assessment:** The Title IX Coordinator will meet with the complainant to discuss available supportive measures and options for further action including receiving supportive measures only, filing a formal complaint, and the availability of informal resolution (upon the filing of a formal complaint) when appropriate and agreed to by both parties.
- **Informal Resolution:** Informal resolution cannot be required by the University and must be determined appropriate by the Title IX Coordinator based on the content of the report. When determined to be appropriate and agreed to voluntarily by both parties, written notification will be provided disclosing the allegations, the requirements of the informal resolution process including requirements precluding the pursuit of a formal complaint arising from the same allegations, and notice that any party may choose to end the informal resolution process and resume the formal grievance process.
- **Formal complaint:** The complainant files a formal complaint in writing. The Title IX Coordinator then initiates Title IX Grievance Process, unless an appropriate, agreed upon informal resolution is to be pursued or the Title IX Coordinator determines the allegations do not fall under Title IX and the University Title IX Sexual Harassment Policy, in which case the allegations will be referred to the appropriate University conduct policy.
- **Requirements of Grievance Process:** The grievance process is conducted according to 10 core Title IX requirements: equitable treatment, objective evaluation, training and impartiality of key participants, presumption of non-responsibility, prompt timeframes, identified sanctions and remedies, defined standard of evidence, established procedures for appeal, identified supportive measures, and respect of legal privilege.
- **Notice of Allegations:** Upon receipt of a formal complaint, the Title IX Coordinator provides written notice of the Title IX Grievance Process including informal resolution, detailed allegations of sexual harassment in the complaint, presumption of non-responsibility of the respondent, ability of complainant and respondent to have an advisor of their choice, and prohibition of knowingly submitting false information.
- **Investigation of a Formal Complaint:** The Title IX Coordinator assigns an investigator who conducts an investigation using seven required elements of Title IX investigations: burden of proof resting on the University, equal opportunities for parties to present witnesses and evidence, parties not restricted to discuss allegations under investigation or gather evidence, provide same opportunities to have advisor participate in any proceedings, provide written notice of any hearings, interviews or meetings, provide opportunities to inspect and review any directly related evidence, opportunity to review and respond to investigative report.
- **Hearing:** At the conclusion of the investigation, the Title IX Coordinator will schedule a hearing before an assigned decision-maker. Hearings must be live (in person or virtual) and allow for the cross examination of complainant, respondent and witnesses by each party's advisor of choice or an advisor assigned by the University for the purpose of cross examination if either party does not have an advisor of choice with questions ruled to be relevant by the decision-maker.
- **Determination of Responsibility:** At the conclusion of the hearing, the decision-maker will issue a written determination of responsibility, provided to the parties simultaneously, including identification of the allegations, a description of procedural steps taken throughout the grievance process, findings of fact supporting the determination, conclusions regarding the application of University policy to the facts of the case, statements of and rationale for the result as to each allegation, the determination of responsibility, any disciplinary sanctions to be imposed, any remedies provided to restore or preserve equal access to the University's educational program or activity, and the procedures for and permissible bases of appeal.
- **Opportunity to Appeal:** After the determination of responsibility is issued, both the complainant and respondent will have the opportunity to appeal to a separate decision-maker on the following bases: procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time of the determination of responsibility, and bias or conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker. Both parties will be simultaneously notified in writing when an appeal is filed and have the opportunity to submit a written statement in support of or challenging the outcome, and both parties will be simultaneously notified of the result of and rationale for result.

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Prohibition of Retaliation: The University or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or University policy or because an individual made a report or complaint or participated in a grievance process.

Confidentiality: The University will keep confidential the identity of any individual who makes a report or complaint of any form of prohibited sex discrimination, including reporters, complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or to carry out the purposes of Title IX and University policy including investigations, hearings or other proceedings.

Sexual Harassment Offenses

As defined by Title IX and the University Title IX Sexual Harassment Policy, sexual harassment offenses include unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (hostile environment sexual harassment), an employee of the University conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment), sexual assault, domestic violence, dating violence, or stalking.

Consent is the 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). Understanding consent is an essential part of engaging in healthy relationships and the prevention and awareness of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

To Learn More

For more information on University safety and security policies and procedures and crime reporting, including the full sexual misconduct policy, please see the links below or the Title IX Coordinator. The Title IX Coordinator for Milligan University is: Brent Nipper, (423) 461-8740, wbnipper@milligan.edu. The Title IX Coordinator's office is located upstairs in the Little Hartland Welcome Center.

Milligan University Safety and Security: <https://www.milligan.edu/student-life/#safety-security>

Milligan University Title IX Sexual Harassment Policy: <https://www.milligan.edu/wp-content/uploads/2018/09/sexual-misconduct-policy.pdf>

Definitions of sexual assault, domestic violence, dating violence and stalking in Title IX, Clery Act/VAWA, and Tennessee state law: <https://www.milligan.edu/wp-content/uploads/2014/07/tca-definitions.pdf>

Milligan University Title IX and Nondiscrimination Information: : <https://www.milligan.edu/student-life/#safety-security>