

# MILLIGAN SEXUAL MISCONDUCT POLICY: RIGHTS AND OPTIONS

## Policy Purpose

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.

## Prohibited Conduct

Sexual misconduct offenses generally involve unwelcome conduct of a sexual nature and can include, but are not limited to:

1. **Hostile Environment Sexual Harassment** (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)
2. **Quid Pro Quo 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)
3. **Sexual Assault**, including rape, fondling, incest, and statutory rape.
4. **Dating and Domestic Violence**
5. **Stalking**

## Reporting Options

### 1. Report to Law Enforcement:

- Elizabethton Police Department (911 or 423-542-4141)

The complainant has the option, but is not required, to file a report with the police. If the complainant so chooses, campus authorities will provide assistance in notifying the EPD. If the complainant chooses to report the incident to the police, the University 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.

### 2. Report to Campus Officials:

- Title IX Coordinator: Brent Nipper (423-461-8740; [wbnipper@milligan.edu](mailto:wbnipper@milligan.edu))
- Dean of Students: Kit Dotson (423-461-8760; [tpjones@milligan.edu](mailto:tpjones@milligan.edu) )
- Vice President for Business and Finance: Jacqui Steadman (423-461-8686; [jrsteadman@milligan.edu](mailto:jrsteadman@milligan.edu))
- Residence Life Staff
- Area Vice President for incidents involving employees

In addition to directly reporting to these campus officials, all university employees other than the campus minister and counselors in the Milligan counseling center when acting in a counseling capacity are required to report disclosures of incidents of sexual misconduct made to them during the course of their employment to the Title IX Coordinator or their supervisor. Reports received from these mandatory reporters do not automatically cause a formal complaint or disciplinary process to be conducted.

## Medical Care/Preserving Evidence

Victims of sexual assault are encouraged to seek **medical attention** as early as possible after an assault occurs. By seeking medical attention, victims can receive medical care as needed and **preserve evidence** by undergoing a medical exam. Preserving evidence is important in cases of sexual assault and may prove that a criminal offense occurred and may be helpful in preserving orders of protection, if the victim chooses to pursue further action after the assault. Victims are encouraged to seek medical care at the Johnson City Medical Center, 400 N State of Franklin Rd, Johnson City, TN 37604.

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## Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services which are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are maintained as confidential by the University to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator (423-461-8740; [wbnipper@milligan.edu](mailto:wbnipper@milligan.edu)) or individuals designated by the Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to:

- Counseling
- Academic and/or work accommodations
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

## On and Off Campus Services for Victims

### Counseling Services:

- Milligan Counseling Center (423-461-8500) or Campus Minister (423-461-8760) on campus

### Victim Advocacy Services:

- Family Justice Center of Washington County (423-722-3720)
- Frontier Health Safe House Sexual Assault Hotline (423-306-5169)
- Frontier Health Safe House Domestic Violence Hotline (423-926-7233)

### Legal Assistance

- Legal Aid of East Tennessee (423-928-8311)
- TN Coalition to End Domestic & Sexual Violence Legal Clinic (615-386-9406)

### Visa and Immigration Assistance

- TN Coalition to End Domestic & Sexual Violence Immigrant Legal Clinic (615-386-9406)

### Student Financial Aid Assistance

- Milligan University Financial Aid Office (423-461-8968)

## Orders of Protection

- Carter County Clerk's Office (423-542-1825) during business hours
- Carter County Sheriff's Office-Judicial Commissioner (423-542-1850) after business hours

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## Reporting Process

- **A report is received from an RA, professor, coach, or other staff member.** Disclosures to anyone on campus other than confidential resources like the counseling center or campus minister, require that person to contact the Title IX Coordinator.
- **The Title IX Coordinator contacts the victim.** Contact is usually made by email requesting a meeting. Responding to this initial contact is not required and meeting with the Coordinator does not mean further action has to be taken.
- **The Title IX Coordinator will explain rights, reporting options and resources,** including information about supportive measures, counseling services, local advocacy organizations and how and to whom to make a formal complaint, if wanted.
- **In almost all cases, the complainant can decide if and how to proceed.** Possible next steps include a formal campus investigation, reporting to the police, and in some cases informal resolution between the parties involved.

## Grievance Process for Formal Complaints

- After the **initial assessment** meeting, a formal complaint will be made by either the victim or the Title IX Coordinator in cases in which an ongoing threat to campus is identified.
- Formal complaints meeting the parameters of the Title IX Sexual Harassment Policy will be addressed through the **Title IX Grievance Process** below. All other complaints will be addressed through the appropriate student or employee conduct processes.
- A **notice of allegations** is made to the respondent (reported perpetrator).
- An **investigation** is conducted, including evidence gathering, evidence review by parties, investigation report and second review by parties.
- A **hearing** will be conducted by a decision maker(s), including cross examination of the complainant, respondent, and witnesses conducted by each parties' advisors.
- A **determination of responsibility** will be made by the decision maker, including a finding of responsible or not responsible of a policy violation and sanctions imposed on the respondent and remedies available to the complainant when a determination of a policy violation is made.
- An **appeal** of the determination of responsibility may be made by either party if the reason for appeal meets policy parameters for appeal.
- In addition to the formal grievance process, the option to pursue an **informal resolution** is possible if both parties and the Title IX Coordinator agree to pursue.

## Additional Information about the Grievance Process

- Complainants and respondents may be accompanied to any meeting or proceeding by an advisor of their choice.
- Parties will be provided with written notice of dates, times, and purpose of any aspect of the proceedings to which they are invited or expected to attend.
- All individuals conducting any aspect of the proceedings will not have conflicts of interest or bias for or against complainants or respondents generally or individual complainants or respondents.
- The burdens of proof and evidence gathering rests on the University, not the parties.
- The standard of proof used in the determinations of findings will be the preponderance of evidence standard (it is more likely than not that a policy violation occurred).

## 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 Title IX/Sexual Misconduct Policy section of <https://www.milligan.edu/life/student-services/campus-safety/> or the Title IX Coordinator. The Title IX Coordinator for Milligan University is: Brent Nipper, (423) 461-8740, [wbnipper@milligan.edu](mailto:wbnipper@milligan.edu). The Title IX Coordinator's office is located upstairs in the Little Hartland Welcome Center.

# MILLIGAN SEXUAL MISCONDUCT POLICY: RIGHTS AND OPTIONS

## Policy Definitions (Prohibited Conduct)

**Quid Pro Quo Sexual Harassment:** Conduct on the basis of sex in which an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct

**Sexual Harassment (Hostile Environment):** Unwelcome conduct of a sexual nature 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

### Sexual Assault

- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes Rape, Fondling, Incest, and Statutory Rape.
  - Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
  - Incest is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
  - Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

### 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, the frequency of interaction between the persons involved in the relationship.

### Domestic Violence

- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction within which the institution operates, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

### Stalking

- Engaging in a course of conduct (two or more acts including, but not limited to, actions in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means; follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property) 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 (significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling).

## Policy Definition (Consent)

Understanding consent is an essential part of engaging in healthy relationships and the prevention and awareness of sexual misconduct.

### Consent

- The agreement to participate 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).