



# **Atlanta's John Marshall Law School Policy Against Sexual Misconduct 1**

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## GLOSSARY

**Advisor:** A person chosen by a party or appointed by the Law School to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if a hearing is held.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class or who is alleged to be the victim of retaliation for engaging in a protected activity.

**Complaint** (if formal): A document submitted and signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation against a Respondent for engaging in a protected activity and requesting that the Law School investigate the allegation.

**Confidential Resource:** An employee or independent contractor who is not a Mandated Reporter.

**Day:** A business day when the Law School is in normal operation.

**Education Program or Activity:** Locations, events, or circumstances where the Law School exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs.

**Final Determination:** A conclusion by a preponderance of the evidence that the alleged conduct did or did not violate the Law School's Sexual Harassment Policy.

**Finding:** A conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged (as in "a finding of fact").

**Formal Grievance Process ("Process A"):** A method of formal resolution designated by the Law School to address conduct that falls within the Sexual Harassment Policy, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

**Grievance Process Pool:** Any investigators, hearing officers, appeal officers, and Advisors who may perform one or more of these roles (though not at the same time or with respect to the same case).

**Hearing Decision-Makers:** Those who have decision-making and sanctioning authority within the Law School's Formal Grievance process.

**Investigator(s):** The person or persons charged by a Law School with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing

the evidence, and compiling this information into an investigation report and file of directly related evidence.

**Mandated Reporter:** An employee of the Law School who is obligated by this Policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.

**Notice:** An employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

**Official with Authority (OWA):** An employee of the Law School explicitly vested with the responsibility to implement corrective measures for sexual misconduct and/or retaliation on behalf of the Law School. The Title IX Coordinator and the Deputy Coordinator are the only Law School employees who are authorized to take corrective measures. Notice received by either of these individuals constitutes actual knowledge upon which the Law School's mandatory response obligations arise under this Policy.

**Parties:** The Complainant(s) and Respondent(s), collectively.

**Process A:** The Formal Grievance Process detailed below and defined above.

**Remedies:** Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Law School's educational program.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct or retaliation for engaging in a protected activity.

**Resolution:** The result of an informal or Formal Grievance Process.

**Sanction:** A consequence imposed by the Law School on a Respondent who is found to have violated this Policy.

**Sexual Harassment:** The umbrella category, including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Section II.K. below for greater detail.

**Title IX Coordinator:** The official designated by the Law School to ensure compliance with Title IX and the Law School's Title IX program. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.

**Title IX Team:** The Title IX Coordinator and any member of the Grievance Process Pool.

## **INTRODUCTION**

Atlanta's John Marshall Law School ("Law School" or "John Marshall") is committed to providing a safe learning and working environment for all members of its community that is free from sexual harassment and retaliation. Sexual harassment is unlawful and clearly inconsistent with the nature of a professional community. To affirm its commitment to promoting the goals of fairness and equity in all aspects of its educational program and activities and to ensure compliance with federal and state civil rights laws and regulations, the Law School has developed internal policies and procedures ("Title IX Policy or Policy") that provide a prompt, fair, and impartial process for those involved in an allegation or allegations of sexual harassment or retaliation. Every member of the campus community should be aware that such behavior is prohibited by this Policy, the Law School's Code of Student Responsibility, the Employee Handbook, and state and federal law. The Law School values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is typically a difficult time for all involved.

### **I. PURPOSE AND SCOPE**

This Policy is designed to protect the rights and needs of Complainants and Respondents and aims to create a safe environment for the Law School and its community. For those reasons, sexual harassment is strictly prohibited. Sexual misconduct can occur in many forms, including, but not limited to, sexual harassment, sexual violence, intimate partner violence, sexual assault and stalking. Each of those terms, as well as other terms that are used in this Policy, is defined in Section II.K. below. This Policy provides a grievance procedure for members of the Law School community.

The core purpose of this Policy is to prohibit sexual misconduct and retaliation. When an alleged violation of this Policy is reported, the allegation is subject to resolution using "Process A" (as defined herein).

When the Respondent is a member of the Law School community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Law School community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees.

The procedures below may be applied to incidents, patterns, and/or the campus climate, all of which may be addressed and investigated in accordance with this Policy.

In cases in which sexual harassment is alleged, this Policy supersedes all other procedures and policies set forth in other Law School documents, including but not limited to, the Faculty Handbook, the Adjunct Faculty Handbook, the Student Handbook and the Employee Handbook.

## II. REPORTING SEXUAL HARASSMENT

### A. Reporting to the Police.

If a member of the Law School community believes that they have experienced sexual violence or stalking of any sort, it is particularly important for the protection of both the community member and the Law School community that the incident be reported to law enforcement immediately. In emergency situations, please call 911. In addition, please contact the Law School security office. The security office can be reached at 404-275-2910 or by dialing extension 2695 from any phone in the building, or by email at [security@johnmarshall.edu](mailto:security@johnmarshall.edu). If the incident occurred in Atlanta, you can also contact the Atlanta Police Department at 404-546-0311 or by simply dialing 311.

For cases involving non-consensual sexual acts, it is particularly important to report the incident immediately to the local police. The sooner the assault is reported, the better the chances are for the student to receive medical attention or other necessary forms of aid. Reporting the incident to the police does not mean that the student must press charges against the assailant, but it does help assure that the student receives assistance in deciding how to proceed.

**Preserve the evidence.** After trauma, the first thing someone might want to do is shower and erase the physical traces of the assault; however, physical evidence is critical for an investigation. It is recommended that you do not bathe, shower, douche, change clothes, brush your teeth, brush your hair, chew gum, or eat or drink anything. Try not to urinate, if possible. If you are considering reporting the incident to the police, ask the hospital to conduct a rape kit exam. Rape kits must be collected within 72 hours of the assault. This will help to preserve the evidence if you choose to report the incident, now or later.

If you have already changed clothes, place the garments worn during the assault in a brown paper bag (a plastic bag could destroy evidence). If you have not changed clothes, keep the original clothes on and take an extra set of clothes with you to the hospital to wear home. The police may need to keep your clothes as evidence.

Note: Your body and clothing can hold clues called “transfer evidence”. This is evidence that is left behind by the assailant and the environment. Dirt, hair, bodily fluids, and traces of skin under your fingernails can be collected and used as evidence. If you have already compromised potential evidence by showering, bathing, changing, or laundering the clothing worn during an assault, do not let this dissuade you from reporting the assault.



## **B. Reporting Sexual Misconduct to the Law School.**

### **1. Administrative Contact Information**

Dean Sheryl Harrison serves as the Title IX Coordinator and oversees implementation of this Policy. The Title IX Coordinator has the primary responsibility for coordinating the Law School's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual misconduct and retaliation prohibited under this Policy.

Any member of the Law School community who has a concern, inquiry, or complaint regarding prohibited misconduct should feel free to seek information and advice concerning the Law School's policies and guidelines, its formal and informal grievance procedures, and the counseling and other services that the Law School makes available to members of the Law School community. Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and the procedures set forth herein, may be made internally to:

Dean Sheryl Harrison  
Title IX Coordinator  
Office of Student Affairs  
245 Peachtree Center Avenue, NE, #1900  
Atlanta, GA 30303  
(678) 916-2681

Email: [sharrison@johnmarshall.edu](mailto:sharrison@johnmarshall.edu)

Website: <https://www.johnmarshall.edu/ajmls-students/student-services/title-ix-policy/>

The Law School has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Website: <http://www.ed.gov/ocr>

Office for Civil Rights  
National Customer Response Center (800) 368-1019

Atlanta Office  
U.S. Department of Education  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: (404) 974-9406  
Facsimile: (404) 974-9471  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

Filing Complaints with OCR  
200 Independence Ave., SW  
Room 509F, HHH Building  
Washington, DC 20201

For complaints involving employees:

Equal Employment Opportunity Commission (EEOC)  
Atlanta District Office  
100 Alabama Street S.W.  
Atlanta, GA 30303  
Telephone: (800) 669-4000  
Facsimile: (404) 562-6909  
TTY: (800) 669-6820  
ASL Video Phone: (844)234-5122  
[Website: www.EEOC.Gov/Field/Index.cfm](http://www.EEOC.Gov/Field/Index.cfm)

## **2. Independence and Conflict of Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving any bias or conflict of interest by the Title IX Coordinator, contact the Dean of the Law School. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be reported to the Title IX Coordinator.

## **3. Notice/Complaints of Sexual Harassment and/or Retaliation**

Notice of complaints of sexual harassment and/or retaliation may be made using any of the following options:

- a. File a complaint with or give verbal notice to the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number, email address, or office mailing address listed for the Title IX Coordinator; or
- b. Report online, using the reporting form posted at <https://www.johnmarshall.edu/ajmls-students/student-services/title-ix-policy/>. Anonymous reports are accepted but can give rise to a need to investigate. The Law School tries to provide supportive measures to all Complainants, which is impossible to do with an anonymous report.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Law School investigate the allegation(s). A Formal Complaint triggers the duty to conduct an investigation.

A complaint may be filed with the Title IX Coordinator in person, by mail, or electronically using the contact information provided above in Section II.B. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through the online portal provided for this purpose by the Law School) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint, and requests that the Law School investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to determine whether the Complainant wishes to file a Formal Complaint and to ensure that it is filed correctly if the Complainant is interested in filing a Formal Complaint.

### **C. Supportive Measures**

The Law School will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Law School’s education program or activity, including measures designed to protect the safety of all parties and/or the Law School’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties

upon receipt of notice or a complaint (formal or informal). At the time that supportive measures are offered, the Law School will inform the Complainant, in writing, that they may file a formal complaint with the Law School either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure their wishes are taken into consideration when determining the supportive measures that will be offered.

The Law School will maintain the privacy of the supportive measures, provided that privacy does not impair the Law School's ability to provide the supportive measures. The Law School will act to ensure as minimal an academic/occupational impact on the parties as possible.

The Law School will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Offering referrals to counseling and/or other healthcare services
- Providing a referral to community-based service providers
- Offering Visa and immigration assistance
- Providing financial aid counseling for students
- Providing education to the institutional community or community subgroups
- Altering work arrangements for employees or student employees
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Offering academic support, extensions of deadlines, or other course/program-related adjustments
- Issuing timely warnings
- Modifying class schedules
- Granting leaves of absence or withdrawals
- Increasing security and monitoring of certain areas of the campus

- Taking any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

#### **D. Emergency Removal**

The Law School can act to remove a student- or employee-Respondent entirely or partially from an employment position or the Law School's education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student, employee, or other individual justifies removal.

This risk analysis is performed by the Title IX and Deputy Coordinators in conjunction with the Threat Assessment Team using its standard objective violence risk assessment procedures.

In cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request a meeting with the Title IX Coordinator or their designee prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

If this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choosing when meeting with the Title IX Coordinator or their designee for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion.

The Law School will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to, temporarily reassigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and/or suspending a student's participation in extracurricular activities, co-curricular activities, student employment, and/or student organization leadership.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

### **E. Promptness**

All allegations are acted upon promptly by the Law School once it has received notice or a formal complaint. Complaints can take 75-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Law School will avoid all undue delays within its control.

Any time the general timeframes for resolutions outlined in the Law School's procedures will be delayed, the Law School will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### **F. Privacy**

Every effort is made by the Law School to preserve the privacy of reports.<sup>1</sup>

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<sup>1</sup> For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with Law School employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the Law School's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with state law and the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Law School's Student Handbook. The privacy of employee records will be protected in accordance with the policies set forth in the Employee Handbook. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide medical and clinical care, mental health care, and counseling services. The law creates a privilege between certain health care providers, attorneys, clergy, and spouses with their patients, clients, parishioners, and spouses, respectively. The Law School has designated individuals who have the ability to have privileged communications as

The Law School will not share the identity of any individual who has made a report or complaint of harassment or retaliation; the identity of any Complainant; the identity of any individual who has been reported to be the perpetrator of sexual harassment or retaliation; or the identity of any Respondent or any witness, except as permitted by state and federal law or to carry out the purposes of 34 CFR Part 106, including to conduct any investigation, hearing, or grievance proceeding arising under this Policy.

The Law School reserves the right to determine which Law School officials have a legitimate education interest in being informed about incidents that fall within this Policy, pursuant to Family Educational Rights and Privacy Act ("FERPA").

Information will be shared as necessary with investigators, hearing panel members and other Decision-Makers, witnesses, and the parties. The Law School may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student or employee first before doing so.

Confidentiality and mandated reporting are discussed more specifically below.

## **G. Jurisdiction**

This Policy applies to the education program and activities of the Law School and to conduct that takes place on the campus, on property owned or controlled by the Law School, at events sponsored by the Law School, or in buildings owned or controlled by the Law School's recognized student organizations. The Respondent must be a member of the Law School's community for its policies to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the Law School's educational program.

Regardless of where the conduct occurred, the Law School will address the notice/complaint to determine whether the conduct occurred in the context of its

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Confidential Resources. For more information about Confidential Resources, see Section II.M. below. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits the disclosure of such information. For example, information may be disclosed under the following circumstances: (i) when the individual gives written consent for its disclosure; (ii) when there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) when the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the Clery Act. Other information may be shared as required by law.

employment or educational program or activity and whether the conduct has continuing effects in an on-campus or off-campus Law School-sponsored program or activity. A substantial Law School interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests or mission of the Law School.

If the Respondent is unknown or is not a member of the Law School community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Law School's community, supportive measures and other resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the Law School may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Law School property and/or events.

All vendors serving the Law School through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the Law School where sexual



harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

## **H. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Law School's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of a policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice or a complaint is affected by significant time delay, the Law School will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

## **I. Online Sexual Harassment and/or Retaliation**

The policies of the Law School are written and interpreted broadly to include online manifestations of the behaviors prohibited below, when those behaviors occur in or have an effect on the Law School's education program and activities or use the Law School's networks, technology, or equipment.

Although the Law School may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the Law School, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, sending unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, committing breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Law School's community.

## **J. Policy on Nondiscrimination**

Consistent with sound educational policy, Atlanta's John Marshall Law School, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 (45 CFR 86), and Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and other best practices, does not

discriminate on the basis of sex, handicap, disability, race, color, religion, age, national or ethnic origin, marital status, veteran status, political affiliation or belief, gender identity, gender expressions, or sexual or affectional preference in the law school's educational programs, admissions policies, employment policies, or other school administered programs.

## **K. Definition of Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Georgia regard Sexual Harassment as an unlawful discriminatory practice. The Law School has adopted the following definition of Sexual Harassment to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex or that is sexual that falls into one or more of the following categories:

- i. **Quid Pro Quo:** An employee of the Law School implicitly or explicitly conditions the provision of an aid, benefit, or service of the Law School on an individual's participation in unwelcome sexual conduct.
- ii. **Sexual Harassment:** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Law School's education program or activity. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
- iii. **Sexual Assault:**
  - **Forcible Sex Offenses:** Any sexual act directed against another person without the consent of the Complainant, including instances in which

the Complainant is incapable of giving consent

- **Non-forcible Sex Offenses:** There are two types of non-forcible sex offenses: incest and statutory rape. Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Georgia law. Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent
- iv. **Dating Violence:** Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- v. **Domestic Violence:** Violence on the basis of sex that is committed by a current or former spouse or intimate partner of the Complainant by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Georgia, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Georgia. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- vi. **Stalking:** Engaging in a course of conduct on the basis of sex directed at a specific person and that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the

Respondent 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 interests with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

The Law School reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

vii. **Force, Coercion, Consent,<sup>2</sup> and Incapacitation.**

As used in the offenses above, the following definitions and understandings apply:

**Force:** The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

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<sup>2</sup> The State of Georgia does not define "Consent" in reference to sexual activity. However, the State of Georgia defines "without consent" as a circumstance in which "a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another." *O.C.G.A § 16-1-3(19)*. The Law School, when investigating sexual harassment complaints under this Policy, defines "Consent" as words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion, by ignoring or acting in spite of objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or reasonably should have known of such incapacitation. (See separate definition of **Incapacitation** below.) Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Minors under the age of 16 cannot legally consent under Georgia law.

**Coercion:** The use of unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent:** Knowing, voluntary, and clear permission by word or action to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. Consent can be withdrawn once it is given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the Law School to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. Consent in relationships must also be considered in context.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or

unconscious, for any reason, including alcohol or drug use. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising good judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **L. Prohibition Against Retaliation**

Retaliation against a person who reports an incident that may implicate this Policy, participates in the grievance process set forth in this Policy, supports a Complainant or Respondent, assists in providing information relevant to an investigation, and/or acts in good faith to oppose conduct that is prohibited by this Policy is a violation of this Policy and is prohibited under Title IX. The Law School will not only take steps to prevent retaliation but will also take strong responsive action if retaliation occurs.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The Law School will take all reasonable and appropriate steps to protect individuals who fear they may be subjected to retaliation.

The Law School and any member of the Law School's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **M. Mandated and Confidential Reporting**

1. **Mandatory Reporters:** All Law School employees (faculty, staff (part-time and full-time), and administrators are expected to report actual or suspected sexual harassment or retaliation to the Title IX Coordinator immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus officials unless a Complainant has requested that the information be shared.

If a Complainant reports an alleged violation of this Policy to a Mandated Reporter, the employee will immediately share the report with the Title IX Coordinator.

2. **Confidential Resources:** Different employees on campus have different abilities to maintain a Complainant's confidentiality. A Complainant has various reporting and confidential disclosure options available to them. If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Professional, licensed counselors who provide mental-health counseling to members of the Law School community. These counselors are not required to report any information about an incident to the Title IX Coordinator without a Complainant's permission. The Law School has professional counselors off campus and their contact information is as follows:

1Alliance Counseling and Psychotherapy Services  
[info@1alliancecps.com](mailto:info@1alliancecps.com)  
(678) 310-6631

Sarah Young

[sarahyoungmft@gmail.com](mailto:sarahyoungmft@gmail.com)  
(202) 591-9770

Cecil Walker  
(470) 231-9640  
[Cecil.rolston.walker@gmail.com](mailto:Cecil.rolston.walker@gmail.com)

Dr. Ted Liberty  
(404) 556-6322  
[tliberty1@gmail.com](mailto:tliberty1@gmail.com)

Turnabout Counseling and Consulting Services  
(770) 656-9412  
[turnaboutccs@gmail.com](mailto:turnaboutccs@gmail.com)

A Complainant who speaks to a professional counselor must understand that, if the Complainant wants to maintain confidentiality, the Law School will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent.

Even so, the counselor may be able to assist the Complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations; disability, health or mental health services; and changes to living, working or course schedules.

A Complainant who, at first, requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and, thus, have the incident fully investigated. The counselor will provide the Complainant with assistance if the Complainant wishes to receive it.

**NOTE:** While the professional counselor may maintain a Complainant's confidentiality vis-à-vis the Law School, the professional counselor may have reporting or other obligations under state law.

**ALSO NOTE:** If the Law School determines that the Respondent poses a serious and immediate threat to the Law School community, the Law School may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Complainant.

- **Reporting to Off-campus Resources (non-employees).** Off-campus rape crisis counselors, advocates, domestic violence resources, health care providers, local or state assistance agencies, clergy/chaplains and attorneys



will also generally maintain confidentiality and not share information with the Law School unless the Complainant requests the disclosure and signs a consent or waiver form. A list of off-campus counselors is included in Section II.M.2. above.

- 3. Mandated Reporters and Formal Notice/Complaints:** All employees of the Law School (including student employees) are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors covered under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or statements made at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire that a report to be made to the Law School.

Supportive measures may be offered as the result of such disclosures without formal Law School action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of the Law School’s policy and a failure to comply may result in disciplinary action. The Title IX Coordinator and Deputy Coordinator are the only Law School employees who are authorized to take corrective action in response to an alleged violation of this Policy. Notice of an alleged violation by the Title IX Coordinator or the Deputy Coordinator constitutes actual knowledge of the alleged violation and triggers the Law School’s mandatory response obligations.

When a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct. The Law School is not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves or is reported by another member of the Law School community. When a Mandated Reporter is the target of harassment or other misconduct under this Policy, they are not required to report their own experience(s), but they are encouraged to do so.

## **N. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the Law School proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. Typically, the Title IX Coordinator will respect the wishes of the Complainant.

If the Title IX Coordinator decides to proceed against the Complainant's wishes, the Title IX Coordinator's decision should be based on the results of the violence risk assessment that show a compelling risk to health and/or safety that requires the Law School to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The Law School may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. In such cases, the Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the Law School's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the Law School proceeds with the written complaint, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as a proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

The Law School's ability to remedy and respond to notice may be limited if the Complainant does not want the Law School to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the Law School's obligation to protect its community.

In cases in which the Complainant requests confidentiality and/or no formal action and the circumstances allow the Law School to honor that request, the Law School will offer supportive measures, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right and can expect to have allegations taken seriously by the Law School, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence or present issues with respect to the status of the parties.

#### **O. Prohibition on Providing False Information.**

Any individual who knowingly files a false complaint under this Policy, knowingly provides false information to Law School officials, intentionally misleads Law School officials who are involved in the investigation or resolution of a complaint, or tampers with or destroys evidence may be subject to disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

#### **P. Amnesty for Complainants and Witnesses**

The Law School community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Law School officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Law School community that Complainants choose to report misconduct to Law School officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the Law School maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

### **III. RESOLUTION PROCESS**

## **A. Resolution Process for Alleged Violations of the Policy on Sexual Harassment (Known as “Process A”)**

The Law School will act on any formal or informal notice/complaint of a violation of the Policy that is received by the Title IX Coordinator by applying these procedures.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism or physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through procedures described in the Student and Employee Handbooks.

### **1. Notice/Complaint**

Upon receipt of a complaint or notice by the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator will initiate a prompt initial assessment to determine the next steps the Law School needs to take.

The Title IX Coordinator will initiate at least one of the following responses:

- a) Supportive measures because the Complainant does not want to file a formal complaint;
- b) An informal resolution (upon submission of a formal complaint);  
and/or
- c) A Formal Grievance Process, including an investigation and a hearing (upon submission of a formal complaint).

The Law School uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the Law School will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

### **2. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>3</sup> or their designee engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator or their designee seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If the person impacted does not wish to make a formal complaint, the Title IX Coordinator or their designee will determine whether to initiate a complaint because a violence-risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator or their designee assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator or their designee reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator or their designee works with the Complainant to ensure they are aware of the right to have an Advisor.
- If a formal complaint is filed, the Title IX Coordinator or their designee works with the Complainant to determine whether the Complainant prefers a formal investigation and grievance process or an informal resolution.
  - If a supportive response only is preferred, the Title Coordinator or their designee will work with the Complainant to identify their wishes, assess the request, and take appropriate action. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution is preferred, the Title IX Coordinator or their designee will assess whether the complaint is suitable for informal resolution and

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<sup>3</sup> If circumstances require, the Dean or Title IX Coordinator will designate another person to oversee the process should an allegation be made about the Coordinator or should the Coordinator be otherwise unavailable or unable to fulfill their duties.

may seek to determine if the Respondent is also willing to engage in informal resolution.

- If a Formal Grievance Process is preferred, the Title IX Coordinator or their designee determines if the misconduct alleged falls within the scope of Title IX. If it does, the Title IX Coordinator or their designee will initiate the formal investigation and grievance process. If it does not fall within the scope of Title IX, the Title IX Coordinator or their designee will dismiss the complaint. Dismissing a complaint that falls outside of Title IX's scope is a procedural requirement under Title IX, but it does not limit the Law School's authority to address the complaint under a different policy.

### 3. **Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment ("VRA") should be conducted. A VRA can aid in several critical and/or required determinations, including:

- Whether there should be an emergency removal of a Respondent on the basis of an immediate threat to physical health and/or safety;
- Whether the Title IX Coordinator should pursue or sign a formal complaint absent a willing and able Complainant;
- Whether to put the investigation on the footing of incident, and/or pattern and/or climate;
- Whether there is potential predatory conduct;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Law School about a Respondent;
- Which sanctions/remedies are appropriate (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning<sup>4</sup> or trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any

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<sup>4</sup> The Clery Act requires institutions to issue a Timely Warning to notify students and employees whenever a specific crime has occurred and the threat is determined to be serious and continuing. 34 CFR 668.46.

potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Threat Assessment Team members.

A VRA authorized by the Title IX Coordinator will occur in collaboration with the Deputy Coordinator and Threat Assessment Team. If a VRA is required by the Title IX Coordinator, a Respondent who refuses to cooperate may be charged with a failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted and predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

#### **4. Dismissal (Mandatory and Discretionary)**

The Law School must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that: (a) the conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; (b) the conduct did not occur in an educational program or activity controlled by the Law School and/or the Law School does not have control of the Respondent; (c) the conduct did not occur against a person in the United States; and/or (d) at the time of filing a formal complaint, the Complainant was not participating in or attempting to participate in the education program or activity of the Law School.<sup>5</sup>

The Law School may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing: (a) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; (b) the Respondent is no longer enrolled in or employed by the Law School; or (c) specific circumstances prevent the Law School from gathering evidence sufficient to reach a determination as to the merits of the formal complaint or allegations therein.

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<sup>5</sup> Such a Complainant may still be entitled to supportive measures, but the formal grievance process is not applicable.

Upon any dismissal, the Law School will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures set forth below for appeal.

## **5. Counterclaims**

The Law School is obligated to ensure that the grievance process is not abused for retaliatory purposes. The Law School permits the filing of counterclaims but uses an initial assessment described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedure below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **6. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the advisor is eligible and available.<sup>6</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing adjudicator.

### **a. Who Can Serve as an Advisor**

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<sup>6</sup> “Available” means the party cannot insist on an Advisor who simply does not have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.



The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Law School community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose to have an Advisor that is provided by the Law School, the Advisor will be trained by the Law School and be familiar with the Law School's resolution process.

If a party chooses an Advisor that was not provided by the Law School, the Advisor likely will not have been trained by the Law School and may not be familiar with the Law School's policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

#### **b. Advisor's Role In Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The Law School cannot guarantee equal Advisory rights, meaning if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the Law School is not obligated to provide an attorney.

#### **c. Advisors in Hearings/Advisors Appointed by the Law School**

Under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Law School will appoint a trained Advisor for the limited purposes of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the

party's Advisor will not conduct questioning, the Law School will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the adjudicator(s) during the hearing.

**d. Pre-Interview Meetings**

Advisors may request to meet with the individuals conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the Law School's policies and procedures.

**e. Advisor Violations of Law School Policy**

All Advisors are subject to the same Law School policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Law School officials in a meeting or interview unless invited to do so. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Title IX Coordinator, Investigator(s) or other Adjudicator(s)/Decision-Maker(s) except during a hearing procedure, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt the meeting or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and what the Advisor's future role will be.

**f. Sharing Information with the Advisor**

The Law School expects that the parties may wish to have the Law School share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The Law School also provides a consent form that authorizes the Law School to share such information directly with their Advisor. The parties must complete and submit this form to the Title IX Coordinator before the Law School is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the Law School will not comply with that request.

**g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the Law School. The Law School may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Law School's privacy expectations.

**h. Expectations of an Advisor**

The Law School generally expects an Advisor to adjust their schedule to allow them to attend Law School meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Law School may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

**i. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) days before the hearing.

**j. Assistance in Securing an Advisor**

The Law School will provide law faculty as Advisors in the resolution process if a party chooses not to or is unable to secure their own. If a party is interested in being advised by one of the Law School's advisors during the resolution process, the Title IX Coordinator will assign an Advisor to that party. Advisors provided by the Law School will not provide legal advice to their advisees.

**7. Resolution Process**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Law School policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. The Law School encourages parties to discuss the pros and cons of sharing information with others with their Advisors before doing so.

**a. Informal Resolution**

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who

wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Law School will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the Law School.

The Law School will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

**b. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Respondent are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator will implement the accepted finding that the Respondent is in violation of the Law School's Policy and implement the agreed-upon sanctions and/or remedies in coordination with other appropriate administrator(s), as necessary.

The resolution is not subject to appeal once all parties indicate their written assent to all agreed-upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

## **8. Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. The Law School also reserves the right to outsource any aspect of the process to a neutral third party.

### **a. Pool Member Roles**

Members of the Pool are trained, and can serve in the following roles:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint
- To serve as an appeal Decision-Maker

The materials used to train all members of the Pool are posted here: <https://atixa.org/2020-regulations-requirement-posting-of-training-materials/>

## **9. Formal Grievance Process: Notice of Investigation and Allegations**

The Investigator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the

Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of the allegations;
- The identity of the parties involved (if known);
- The precise misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies implicated;
- A description of the applicable procedures;
- A statement of the potential sanctions/responsive actions that could result;
- A statement that the Law School presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and relevant evidence obtained during the review and comment period;
- A statement about the Law School's policy on retaliation;
- Information about the privacy of the process;
- Information on the right of each party to have an Advisor and suggestions for ways to identify an Advisor;
- A statement informing the parties that the Law School's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
- Details on how the party may request disability accommodations during the interview process;
- The name of the Investigator(s), along with the process to identify, in advance of the interview process, any conflict of interest that the Investigator(s) may have; and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Law School records, or emailed to the parties' Law School-issued email accounts. Once mailed, emailed, or received in person, notice will be presumptively delivered.

#### **10. Resolution Timeline**

The Law School will make a good faith effort to complete the resolution process within ninety business days, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

#### **11. Appointment Process**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints a Pool member to conduct the investigation, usually within two business days of determining that an investigation should proceed. The Law School also reserves the right to outsource the responsibility of conducting the investigation to a neutral third party.

#### **12. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party.

The Title IX Coordinator will vet the assigned Investigator to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member or designee will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Deputy Coordinator, Cynthia Davenport.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be



based solely on an individual's status or participation as a Complainant, Respondent or witness.

The Law School operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof (preponderance of the evidence).

### **13. Investigation Timeline**

Investigations are completed expeditiously, normally within forty-five (45) business days, though some investigations may take months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The Law School will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **14. Delays in the Investigation Process and Interactions with Law Enforcement**

The Law School may undertake a short delay in its investigation (several days to a few months) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation; the need for language assistance; the absence of parties/and or witnesses; and/or accommodations for disabilities or health conditions.

The Law School will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The Law School will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the Law School will implement supportive measures as deemed appropriate.

The Law School's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **15. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviewing all relevant parties and witnesses;

obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions; to provide evidence and expert witnesses; and to fully review and respond to all evidence on the record.

The Investigator typically takes the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners, initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the Initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations. Notice should inform the parties of their right to have the assistance of an Advisor, who could be a Pool member assigned by the Title IX Coordinator or an Advisor of their choosing, present for all meetings attended by the party.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses,

and document in the report which questions were asked, with a rationale for any changes or omissions

- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Law School does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- The Investigator may elect to respond in writing in the investigation report to the parties' submitted responses and/or share the responses between the parties for additional responses
- The Investigator will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made after the review and comment period
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

#### **16. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of the Law School are expected to cooperate with and participate in the Law School's investigation and resolution processes. Failure of such witnesses to

cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator determines that timeliness, efficiency, or safety concerns dictate a need for remote interviewing. The Law School will take appropriate steps to reasonably ensure the security and privacy of remote interviews.

#### **17. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of the audio and/or video recording.

#### **18. Evidentiary Considerations in the Investigation**

The investigation does not consider (1) incidents not directly related to the possible violation unless they evidence a pattern; (2) the character of the parties; or (3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### **19. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation (when the final investigation report is transmitted to the parties and the Decision-Maker) unless all parties and the Decision-Maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-Maker from the Pool.

## **20. Hearing Decision-Maker Composition**

The Law School will designate a single Decision-Maker from the Pool, at the discretion of the Title IX Coordinator.

The Decision-Maker will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as the Decision-Maker. Those who are serving as Advisors for any party may not serve as the Decision-Maker in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in the matter but may serve as administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Decision-Maker or designee.

## **21. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-Maker determines to be relevant and credible may be considered. The hearing does not consider: (1) incidents not directly related to the possible violation unless they evidence a pattern; (2) the character of the parties; or (3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the Law School uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-Maker at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-Maker renders a determination based on the preponderance of the evidence (whether it is more likely than not that the Respondent violated the policy as alleged).

## **22. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Decision-Maker will send notice of the hearing to the parties. Once mailed, emailed, and/or received in person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory and the hearing supersedes all other campus activities.

## **23. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Decision-Maker at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Decision-Maker can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Decision-Maker know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **24. Pre-Hearing Preparation**

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s), and/or Title IX Coordinator will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Decision-Maker assent to the witness's participation in the hearing. The same holds for any

evidence that is first offered at the hearing. If the parties and the Decision-Maker do not assent to the admission of evidence newly offered at the hearing, the Decision-Maker may delay the hearing and instruct that the investigation needs to be reopened to consider that evidence.

The parties will be given the name of the Decision-Maker at least five (5) business days in advance of the hearing. Any objections to the Decision-Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. A Decision-Maker will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-Maker a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be shared with each party by the Chair.

## **25. Pre-Hearing Meetings**

The Decision-Maker may convene a pre-hearing meeting with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision-Maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Decision-Maker must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision-Maker, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if

their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-Maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Decision-Maker may rule on these arguments pre-hearing and will exchange those rulings with the parties prior to the hearing to assist in preparation for the hearing. The Decision-Maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

## **26. Hearing Procedures**

At the hearing, the Decision-Maker has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Decision-Maker, hearing facilitator or Title IX Coordinator, the Investigator who conducted the investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Decision-Maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-Maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-Maker. The witnesses will then be excused.

## **27. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.



However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **28. The Order of the Hearing – Introductions and Explanation of Procedure**

The Decision-Maker explains the procedure and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-Maker on the basis of bias or conflict of interest. The Decision-Maker will rule on any such challenge unless the Decision-Maker is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

Administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to logistics of rooms for various parties/witnesses as they wait; direct the parties/witnesses in and out of the hearing space; ensure the recording and/or virtual conferencing technology is working as intended; and copy and distribute materials to participants, as appropriate.

## **29. Investigator Presents the Final Investigative Report**

The Investigator will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Maker and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Maker should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-Maker will direct that it be disregarded.

## **30. Testimony and Questioning**

Once the Investigator presents their report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-Maker. The parties/witnesses will submit to questioning by the Decision-Maker and then by the parties through their Advisors (“cross examination”).

All questions are subject to a relevance determination by the Decision-Maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-Maker upon request if agreed to by all parties and the Decision-Maker). The proceeding will then pause to allow the Decision-Maker to consider it (and state if it has not been stated aloud), and the Decision-Maker will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-Maker may invite explanations or persuasive statements regarding relevance from the Advisors, if the Decision-Maker so chooses. The Decision-Maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-Maker has final say on all questions and determinations of relevance. The Decision-Maker may consult with legal counsel on any questions of admissibility. The Decision-Maker may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Decision-Maker has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-Maker should not permit irrelevant questions that probe for bias.

### **31. Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-Maker may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-Maker must disregard that statement. Evidence

provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-Maker may not draw any inferences solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If a party's Advisor of choice refuses to comply with the Law School's established rules of decorum during the hearing, the Law School may require the party to use a different Advisor. If an Advisor provided by the Law School refuses to comply with the rules of decorum, the Law School may provide the party with a different Advisor to conduct cross-examination on behalf of that party.

### **32. Recorded Hearings**

Hearings (but not deliberations) are recorded by the Law School for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-Maker, the parties, their Advisors, and appropriate administrators of the Law School will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **33. Deliberation, Decision-making, and Standard of Proof**

The Decision-Maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof will be used.

When there is a finding of responsibility on one or more of the allegations, the Decision-Maker may then consider the previously submitted party impact statements in determining appropriate sanctions.

The Decision-Maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party or parties. The Decision-Maker may, at their discretion, consider the statements, but they are not binding.

The Decision-Maker will review the statements and any pertinent conduct history provided and will determine the appropriate sanction(s).

The Decision-Maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of the determination, the evidence not relied upon in the determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

#### **34. Notice of Outcome**

After submitting the deliberation statement to the Title IX Coordinator, the Decision-Maker will prepare a Notice of Outcome and share the Notice of Outcome and the deliberation statement, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of submitting the deliberation statement to the Title IX Coordinator. These documents will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Law School records, or emailed to the parties' Law School email account. Once mailed, emailed, or received in person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy or policies reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the Law School from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Law School is permitted to share such information under state or federal law; any sanctions issued that the Law School is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the Law School's educational or employment program or activity, to the extent the Law School is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the Law School to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

**35. Statement of the Rights of the Parties (see Appendix A)**

**36. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature of, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegation or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Maker

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal if an appeal is not requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. **Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any Law School policy, procedure or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either Law School-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas on campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the Law School.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Law School sponsored events.
- **Withholding Diploma:** The Law School may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.

- **Revocation of Degree:** The Law School reserves the right to revoke a degree previously awarded from the Law School for fraud, misrepresentation, and/or other violation of Law School policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, and/or loss of some or all privileges for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the Law School may assign any other sanctions as deemed appropriate.

b. **Employee Sanctions**

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension with Pay
- Suspension without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the Law School may assign any other responsive actions as deemed appropriate.

37. **Withdrawal or Resignation While Charges Pending**

- a. **Students:** If a student has an allegation pending for violation of the Policy, the Law School may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the Law School, the resolution process ends, as the Law School no longer has disciplinary jurisdiction over the withdrawn student.

If a student Respondent withdraws before the resolution process ends, the Law School will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. A student who withdraws or leaves while the process is pending may not return to the Law School. A hold will be placed on their ability to be readmitted. They may also be barred from Law School property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the Law School unless and until all sanctions have been satisfied.

- b. **Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the Law School no longer has disciplinary jurisdiction over the resigned employee.

However, the Law School will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with the Law School, and the records retained by the Law School will reflect that status.

All Law School responses to future inquiries regarding employment references for the employee who resigned will reflect that the former employee resigned during a pending disciplinary matter.



### 38. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome. The Appeal Adjudicator will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Adjudicator for consideration and the Appeal Adjudicator will determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### a. Grounds for Appeal

Appeals are limited to the following grounds:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
- (3) The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, the request will be denied by the Appeal Adjudicator and the parties and their Advisors will be notified in writing of the denial and the rationale by the Appeal Adjudicator.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Adjudicator will notify the party or parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Maker.

The parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Maker will

be mailed, emailed, and/or provided a hard copy of the notice with the approved grounds. The party(ies) who did not file the Request for Appeal, the Investigator(s), and the Decision-Maker will be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Adjudicator to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, the new request will be reviewed by the Appeal Adjudicator to determine if it meets the grounds for appeal in this Policy. If approved by the Appeal Adjudicator, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s) and/or original Decision-Maker, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Adjudicator will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision within seven (7) business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result that the Law School is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the Law School is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Law School records, or emailed to the email addresses issued to the parties by the Law School. Once mailed, emailed, or received in-person, notice will be presumptively delivered.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The Law School may still place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

**c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appeal Adjudicator to substitute their judgment for that of the original Decision-Maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence will normally be remanded to the original Investigator(s) and Decision-Maker for reconsideration. Other appeals may be remanded at the discretion of the Appeal Adjudicator.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error can be cured by the original Decision-Maker (as in the case of bias), the Appeal Adjudicator may order a new hearing with a new Decision-Maker.
- The results of a new hearing can be appealed once on any of the three available grounds for appeal.
- In cases in which the appeal results in reinstatement to the Law School or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**39. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and Deputy Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education (of an individual and/or the community)
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of contact limitations between the parties
- Adjustment of academic deadlines, course schedules, etc.

When no policy violation is found, the Decision-Maker will address any remedies owed by the Law School to the Respondent to ensure no effective denial of educational access.

The Law School will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Law School's ability to provide these services.

#### **40. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Maker and the Appeal Adjudicator.

Failure to abide by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/actions, including suspension, expulsion, and/or termination from the Law School and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **41. Recordkeeping**

The Law School will maintain for a period of at least seven years records of:

- a. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal law;
- b. Any disciplinary sanctions imposed on the Respondent;
- c. Any remedies provided to the Complainant that are designed to restore or preserve equal access to the Law School's education program or activity;
- d. Any appeal and the result therefrom;
- e. Any Informal Resolution and the result therefrom;
- f. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process. The Law School will make these training materials publicly available on the Law School's website; and
- g. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including the basis for all conclusions that the response was not deliberately indifferent; any measures designed to restore or preserve equal access to the Law School's education program or activity; and if no supportive measures were provided to the Complainant, the reasons why such a response was not clearly unreasonable in light of known circumstances.

The Law School will also maintain any and all records in accordance with state and federal laws.

#### **42. Disabilities Accommodations in the Resolution Process**

The Law School is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Law School's resolution process.

Anyone needing such accommodations or support should contact the Deputy Coordinator, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **43. Revision of Policy and Procedures**

This Policy and these procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX

and will be reviewed and updated periodically by the Title IX Coordinator. The Law School reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and these procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws that frame such policies and codes, generally.

#### **IV. SUPPORT SERVICES**

The following resources are meant to guide you through the services available in the metro-Atlanta area.

Please note the following:

Most domestic violence shelters also serve victims from other counties and provide services such as shelter, support groups, counseling, legal advocacy, food and clothing at no fee.

Call 911 for emergencies only. Otherwise, call the law enforcement agency's non-emergency number below for your jurisdiction.

This list begins with a list of resources in the State of Georgia and includes resources that are available nationally. Resources are then listed alphabetically by county (beginning with Atlanta).

## **Georgia**

Criminal Justice Coordinating Council  
Crime Victims Compensation Program  
1(800)-547-0060

Department of Family and Children's Services  
24/7 Child Protective Services Intake Communications Center  
1(855) GA CHILD or 1(855) 422-4453

Georgia Center for Child Advocacy  
Child sexual abuse counseling  
(678) 904-2880

Georgia Coalition Against Domestic Violence  
(404) 209-0280

Georgia Commission on Family Violence  
(404) 657-3412

Georgia Council on Substance Abuse  
1(844)

326-5400

Georgia Crisis Line  
Department of Behavioral Health  
1(800) 715 4225

Georgia Domestic Violence Hotline  
1(800) 33-HAVEN  
1(800) 334-2836

Georgia Legal Services Program  
(404) 206-5175 or 1(800) 498-9469

Georgia Network to End Sexual Assault  
1(866) 354-3672  
(404) 815-5261

Georgia Office of Victim Assistance  
(404) 559-4949

Helpline Georgia  
Alcohol Detoxification and treatment advice  
24/7: 1(800) 338-6745

Hotline to make a report of child abuse and neglect in Georgia  
1(855) GA-CHILD, 1(855) 422-4453

LifeSafe Resources  
24/7 Crisis Line  
(770) 427-3390  
Covering Northwest Georgia

Mental Health America of Georgia  
(404) 527-7175  
1(800) 933-9896

Prevent Child Abuse Georgia  
Helpline 1(800)-CHILDREN

### **National**

National Domestic Violence Hotline  
1(800) 799-SAFE, 1(800) 799-7233

National Hotline for Missing and Exploited  
Children 1(800) 843 5678

Partnership Against Domestic Violence  
National Crisis Line  
1(800) 621-4673



Rape, Abuse & Incest National Network (RAINN)

1(800) 656-HOPE

Suicide Prevention Center Hotline

1(800) SUICIDE

1(800)

784-2433

**Atlanta**

Atlanta  
(770)

Area

Psychological

Associates  
730-9930

Atlanta  
Restoration  
Atlanta  
655  
Atlanta,  
(404)  
Supportive

Day

Shelter  
Ethel

for

Women  
Street

and

Mission  
House  
Children  
NW  
30318  
588-4007  
Housing

GA

Atlanta  
(404)

Police  
614-6544

Catholic  
(770)

Charities

Atlanta  
429-2369,

(Spanish-speaking  
Ext

counselors)  
1

City  
Eden  
1300  
(404)

Joseph

E.

Boone

Bldv,

Atlanta,

GA

Emergency  
Shelter

for

single

mothers

and

single

Refuge  
Village  
30314  
564-7764  
women

Clark  
Emergency  
Non-Emergency

Atlanta

University  
assistance:  
assistance:

Department

(404)

(404)

of  
Public

Safety  
880-8911  
880-8623

Day  
24/7  
(404)

League

Crisis

-

DeKalb  
Hotline:

Rape  
(404)

Crisis

Center  
377-1428  
377-1429

Serving

DeKalb,

Fulton,

Henry,

Newton

and

Rockdale

Emory

University

Police

Department

Emergency assistance: (404) 727-6111  
 Non-Emergency assistance: (404) 727-8005

First Call for Help (United Way)  
 (404) 614-1000 or 211, 8 AM to 7 PM Monday through Friday  
 Serving Fulton, DeKalb, Cobb and Gwinnett Counties

Georgia State University Police Department  
 (404) 413-2100  
 Georgia Tech Police  
 (404) 894-2500

Georgia Tech Voice  
 Crisis Line (404) 385-4451

Grady Psychiatric Emergency for Adults  
 (404) 616-4762

Grady Rape Crisis Center  
 24/7 Crisis Hotline: (404) 616-4861  
 gradyrapecrisiscenter@gmh.edu  
 Serving Atlanta & DeKalb and Fulton Counties

Metro Atlanta Task Force for the Homeless  
 (404) 787-5826

Morehouse College Campus Safety  
 (470) 639-0562

Tapestri (a refugee and immigrant coalition against domestic violence)  
 (404) 299-2185  
 Serving Metro Atlanta

New American PathwaysRefugee Family Services  
 Refugee Family Violence Prevention Project  
 (404) 299-2243  
 Metro Atlanta

Partnership Against Domestic Violence  
 Fulton - Metro Atlanta Crisis Line: (404) 873-1766

Shalom Bayit at Jewish Family & Career Services  
 (770) 677-9322  
 Metro Atlanta

Spellman College Public Safety Department  
(404) 525-6401  
(404) 270-5330  
(404) 270-5332

United 4 Safety  
LGBTIQA+ community  
Victims of domestic violence  
(404) 200-5957

**Macon-Bibb County**

Bibb County Sheriff's Office  
24/7: (478) 751-7500  
(478) 741-1048

Crisis Line & Safe House of Central Georgia  
Shelter programs, sexual assault centers, counseling center  
24/7 Crisis Line: (478) 745-9292

Macon Police Department  
(478) 751-7500

One Safe Place Macon - Family Justice Center  
Serving victims of domestic violence, sexual assault, child abuse, elder and dependent adult  
abuse, and human trafficking  
(478) 733-0439

**Carrol County**

Carrolton Police Department  
(770) 834-4451

Carrol County Mental Health Advocates  
(770) 830-2048

Carrol County Sheriff's Office  
(770) 830-5888

Carrol Rape Crisis Center  
(770) 834-7273

University of West Georgia Health Services

Sexual Assault Center  
Crisis Line: (470) 215-9946

West Georgia Domestic Violence Center  
24/7 Crisis Hotline: (770) 834-1141  
(770) 834-9178

West Georgia Prevention and Advocacy Resource Center  
Sexual assault center for teens and adults  
24/7 Hotline: (770) 834-7273

### **Cherokee County**

Anna Crawford Children's Center  
Forensic interviews, medical exams, therapy and support, and family advocacy  
(678) 504-6388

Canton Police Department  
(770) 720-4883

Cherokee Family Violence Center  
Providing safety, support and shelter for victims of domestic violence  
P.O. Box 489  
Canton, GA 30169  
Office: (770) 479-1804  
24/7 Crisis Hotline: (770) 479-1703  
Toll-Free: (800) 33 HAVEN  
Legal Office: (470) 309-2829

Cherokee County Marshal's Office  
(678) 493-6200

Cherokee County (located in Marietta) LiveSafe Resources Sexual Assault Program  
Sexual assault, domestic violence  
48 Henderson Street  
Marietta, GA 30064

(770) 427-2902  
24/7 Crisis Hotline: (770) 427-3390

Cherokee Multi-Agency Narcotics Squad (CMANS)  
Main: (678) 493-7625  
Anonymous Tip Line: (770) 345-7920

Cherokee County Sheriff's Office  
(678) 493-4200  
Criminal Investigation Division  
(770) 928-0239

Cherokee County Solicitor General's Office Victim/Witness Assistance Program  
Voice of victims in the cases that are prosecuted (including any sexual misconduct cases)  
(678) 493-6381  
Domestic Violence Unit  
(678) 493-6380  
Victim Witness Assistance  
(678) 493-6381  
Domestic Violence and Sexual Assault Center  
Emergency shelter for women, men and children  
24/7 Crisis Hotline: (770) 427-3390

Holly Springs Police Department  
(770) 345-5537  
Temporary Protective Order (TPO) Office  
(770) 528-8024

Woodstock Police Department  
(770) 592-6030

### **Athens-Clarke County**

ACC-SANE  
Crisis Line: (706) 613-3808

Athen-Clarke County Police Department  
(706) 613-3345

The Cottage Sexual Assault Center & Children's Advocacy Center

24/7 Crisis Hotline: 1(877) 363-1912  
Locally: (706) 353-1912

The Sexual Assault Center of Northwest Georgia  
24/7 Hotline: (706) 802-0580

**Clayton County**

Clayton County Association Against Family Violence  
Securus House  
(770) 961-723

Clayton County Police Department  
(770) 477-3747

Clayton County Sheriff's Office  
(404) 657-3412

College Park Police  
(404) 761-3131

Families First (counseling)  
(404) 853-2800

Forest Park Police  
(404) 366-4720

Jonesboro Police  
(770) 478-7407

Morrow Police  
(770) 961-4006

Riverdale Police  
(770) 477-3550

Southern Crescent Sexual Assault and Child Advocacy Center  
24/7 Hotline: (770) 477-2177

**Cobb County**

Acworth Police Department  
(770) 974-1232

Austell Police Department  
(770) 944-4331

Cobb County Police Department  
(770) 499-3911

Cobb County Sheriff's Office  
(770) 499-4600

Kennesaw Police  
(770) 422-2505

Kennesaw State University Police  
(470) 578-6206

Kennesaw State University Office of Victim Services  
Crisis Line: (470) 578-4496

LifeSafe Resources  
Domestic Violence and Sexual Assault Center  
Emergency shelter for women, men and children  
24/7 Crisis Hotline: 770-427-3390

LiveSafe Resources  
48 Henderson Street  
Marietta, GA 30064  
(770) 427-2902  
Temporary Protective Order Office: (770) 528-8024

Marietta Police  
(770) 499-3911

Powder Springs Police  
(770) 499-3911

Smyrna Police

(770) 434-9481

The Link Counseling Center

(404)

Cobb County Office - Mallard Cove

(770) 541-1114

853-2800

### **Coweta County**

Crisis Hotline: (770) 834-1141

(678)

343-3341

Coweta

County

Sheriff's

Office

(770) 253-1502

Coweta

County

Domestic

Violence

Task

Force

(770)

714-0402

Coweta County Solicitor's Office Victim Services

Domestic violence and elder abuse

(770) 254-2646

Newnan

Police

Department

(770)

254-2355

West

Georgia

Rape

Crisis

(770)

834-7273

### **Dawson County**

Dawson County Sheriff's Office

(706) 344-3636

Dawson Police

(229) 995-4414

No One Alone (NOA)

Safe haven and support services for victims of family violence

(706) 864-1986

Rape Response, Inc



Adult Sexual Assault

24/7 Crisis Line: (770) 503-7273 & 1(800) 721-1999

## **DeKalb County**

Ahimsa House

Helping human and animal victims of domestic violence

PO Box 2173

Tucker, GA 30085

(404) 527-7175

Avondale Estates Police

(678) 406-7929

Chamblee Police

(404) 294-2911

Clarkston Police

(404) 292-9465

CPACS Clarkston

3701 College Ave, Clarkston, GA 30021

(404) 508-1050

Day League - DeKalb Rape Crisis Center

(404) 377-1429

24/7 Crisis Hotline: (404) 377-1428

Covering DeKalb, Fulton, Henry, Newton and Rockdale Counties

Decatur Police

(404) 373-6551

DeKalb County District Attorney Victim-Witness Assistance Program

(404) 371-2567

DeKalb County Marshall

(404) 371-2930

(404) 294-2107

DeKalb County Police

(404) 294-2911

DeKalb County Probation

(404) 371-2822

(404) 294-2159

DeKalb County Sheriff's Office

(404) 298-8111

Community Relations

(404) 298-8282

DeKalb County Solicitor's General Office Special Victims Unit

(404) 371-2201

Emory University Police Department

Emergency assistance

(404) 727-6111

Non-Emergency assistance

(404) 727-8005

Doraville Police

(770) 455-1000

Dunwoody Police

(678) 382-6900

Families First (counseling)

(404) 853-2800

Grady Psychiatric Emergency for Adults

(404) 616-4762

Grady Rape Crisis Center

Crisis Hotline, 24/7

(404) 616-4861

[gradyrapecrisiscenter@gmh.edu](mailto:gradyrapecrisiscenter@gmh.edu)

Serving Atlanta & DeKalb and Fulton Counties

Heartwork Counseling Center

(404) 658-1222

Serving DeKalb (including Decatur) and Fulton Counties

International Women's House (for refugee & immigrant women)

24/7 Crisis Line: (770) 413-5557

P.O. Box 1327

Decatur, GA 30031

Lithonia Police

(770) 482-8947

Stone Mountain Police

(770) 879-4980

North Atlanta Counseling Services  
(770) 998-0989  
Covering North Fulton County

Northside Hospital Outpatient Mental Behavioral Health Center  
(404) 851-8960

Tucker Police  
(678) 406-7929

Women's Resource Center to End Domestic Violence  
Safe House for Survivors  
24/7 Crisis Line: (404) 688-9436

### **Douglas County**

Families First (counseling)  
(404) 853-2800

Douglas County S.H.A.R.E. House - Family Violence Crisis Center  
P.O. Box 723  
Douglasville, GA 30133  
Crisis Line: (770) 489-7513

Douglas County Sheriff's Office  
(770) 942-2121

Douglas County Task Force  
Crisis Line: (678) 715-1196

## **Fulton County**

Alpharetta Police

(678) 297-6300 or (678) 297-6000

Chattahoochee Hills Police

(770) 463-8801

College Park Police

(404) 761-3131

Day League - DeKalb Rape Crisis Center

24/7 Crisis Hotline (404) 377-1428

(404) 377-1429

Covering DeKalb, Fulton, Henry, Newton and Rockdale County

East Point Police

(404) 761-2177

Fairburn Police

(770) 964-1441

Families First (counseling)

(404) 853-2800

Grady Psychiatric Emergency for Adults

(404) 616-4762

Grady Rape Crisis Center

Crisis Hotline 24/7: (404) 616-4861

gradyrapecrisiscenter@gmh.edu

Covering Atlanta & DeKalb and Fulton Counties

Hapeville Police

(404) 768-7171

Heartwork Counseling Center

(404) 658-1222

Serving DeKalb (including Decatur) and Fulton Counties

Johns Creek Police Department

(678) 474-1600

(679) 474-1688

Link Counseling Center

Sandy Springs Office and The House Next Door

(404) 256-9797

LiveSafe Resources

Crisis Line: (770) 427-3390

Milton Police Department

(678) 297-6300, Option 1

(678) 242-2570

Northside Hospital Outpatient Mental Behavioral Health Center

(404) 851-8960

Odyssey Family Counseling Services

(404) 768-1156

(404) 762-9190

Palmetto Police

(770) 463-9068

Roswell Police  
(770) 640-416000

Sandy Springs Police  
(770) 551-6900

South Fulton Police  
(470) 809-7700

Union City Police Department  
(770) 964-1333

Fulton County Behavioral Health Access and Information Line  
(404) 612-6520

Fulton County Department of Mental Health Hotline  
(404) 730-1600

Fulton County Marshall  
(404) 612-44514493

Fulton County Police  
(404) 613-5700

Fulton County Sheriff's Office  
(404) 612-5100

Fulton County Solicitor General's Office Victim Assistance Program  
(404) 612-6883

Fulton County Solicitor General's Office VWAP - Victim Witness Advocate Program

(404) 612-6883

Fulton County Warrant Office

(404) 613-4752

Fulton Felony Probation

(404) 656-4600

Fulton Misdemeanor Probation (Juvenile Correctional Services)

(404) 591-3180

Fulton Partnership Against Domestic Violence

Fulton - Metro Atlanta Crisis Line: (404) 873-1766

### **Forsyth County**

Cumming Police

(770) 781-2000

Family Haven

Safe temporary shelter, individual crisis and referral services for victims of violence

(770) 844-0842

Forsyth County Family Haven

24/7 Crisis Line: (770) 887-1121

Forsyth County Sheriff's Office

(770) 781-3087

Rape Response, Inc

24/7 Crisis Line: (770) 503-7273 & 1(800) 721-1999



## **Gwinnett County**

Buford (Gwinnett Police North Precinct)

(678) 442-5002

Center for Pan Asian Community Services (CPACS)

Domestic Violence Program

Domestic Violence 24/7 Crisis Line: (678) 824-6189

Information and referrals, emergency assistance, legal advocacy, case management,  
counseling and support groups

CPACS Main number 24/7: (770) 936-0969

CPACS Excel

3885 Crestwood Pkwy NW,

Duluth, GA 30096

(678) 268-6610

Duluth Police

(770) 476-4151

Families First (counseling)

(404) 853-2800

Gwinnett Center, CPACS

(770) 232-5200

Gwinnett County Police

(770) 513-5700

Gwinnett County Sheriff's Office

(770) 822-3117

Sex Offenders Office

(770) 619-6808

Gwinnett Partnership Against Domestic Violence  
(770) 963-9799

Gwinnett Rape Crisis  
24/7 Hotline: (770) 476-7407

Lawrenceville Police  
(770) 962-4173

Lilburn Police  
(770) 513-5100

Mosaic Georgia  
Sexual Assault Center  
Crisis Line: 1(866) 900-6019

Norcross Police  
(770) 448-2111

Peachtree Corners Police  
(770) 513-5700

Sawannee Police Department  
(770) 945-8995

Snellville Police  
(770) 985-3555

Sugar Hill (Gwinnett Police North Precinct)  
(678) 442-5002

## **Hall County**

Buford (Gwinnett Police North Precinct)  
(678) 442-5002

Gainesville Police  
(770) 534-5251

Gateway Domestic Violence Program  
(770) 536-5860

Hall County Sheriff's Office  
(770) 536-8812

Rape Response, Inc  
24/7 Crisis Line: (770) 503-7273 & 1(800) 721-1999

## **Henry County**

Day League - DeKalb Rape Crisis Center  
24/7 Crisis Hotlaine: (404) 377-1429  
(404) 377-1428  
Serving DeKalb, Fulton, Henry, Newton and Rockdale

Hampton Police  
(770) 288-8200

Haven House  
24/7 Hotline: (770) 954-9229

Henry County Sheriff's Office  
(770) 288-7100

Henry County Police Department  
(770) 957-9121

Locust Grove Police  
(770) 957-7055

McDonough Police  
(770) 957-1218

Odyssey Family Counseling Services  
(404) 768-1156  
(404) 762-9190

Southern Crescent Sexual Assault and Child Advocacy Center  
24/7 Hotline: (770) 477-2177

Stockbridge Police  
(770) 957-9121

### **Newton County**

Covington, Newton County Sheriff's Office  
(770) 784-2100

Day League - DeKalb Rape Crisis Center  
(404) 377-1429  
24/7 Crisis Hotline: (404) 377-1428  
Covering DeKalb, Fulton, Henry, Newton and Rockdale

### **Paulding County**

Dallas Police  
(770) 443-8100

LiveSafe Resources  
Crisis Line (770) 427-3390

Paulding County Sheriff's Office  
(770) 445-2117

S.H.A.R.E. House Paulding County Outreach Office  
(770) 443-0200

### **Rockdale County**

Conyers Police  
(770) 483-6600

Day League - DeKalb Rape Crisis Center  
(404) 377-1429  
24/7 Crisis Hotline: (404) 377-1428  
Serving DeKalb, Fulton, Henry, Newton and Rockdale

Families First (counseling)  
(404) 853-2800

Mosaic Georgia  
Sexual Assault Center  
Crisis Line: 1(866) 900-6019

Project Renewal  
24/7 Assistance: (770) 860-1666  
Serving Rockdale (Conyers, Newton and Walton Counties)

Rockdale County Sheriff's Office  
(770) 278-8000  
After Hours: (770) 483-4200

## **Spalding County**

Griffin Police  
(770) 229-6450

Haven House  
24/7 Hotline: (770) 954-9229

Southern Crescent Sexual Assault and Child Advocacy Center  
24/7 Crisis Line: (770) 477-2177

Spalding County Sheriff's Office  
(770) 220-9911

## **V. ADDITIONAL INFORMATION REGARDING SEXUAL VIOLENCE**

Additional information regarding obtaining orders of protection, no contact orders, etc., is located on the Law School's website and can also be obtained from the Title IX Coordinator.

**APPENDIX A:  
STATEMENT OF RIGHTS OF THE PARTIES**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to Law School officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Law School officials.
- The right to have Law School policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Law School officials from reporting sexual harassment or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Law School officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by the Law School in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Law School officials.
- The right to be informed of available interim actions and supportive measures, such as counseling, advocacy, or other services, both on campus and in the community.
- The right to a Law School implemented no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing working solutions after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report or investigation needs to occur before this option is available. Such actions may include, but are not limited to: exam, paper, and/or assignment rescheduling or adjustment; receiving an incomplete in, or a withdrawal from, a class (may be retroactive); transferring class sections; temporary withdrawal/leave of absence (may be retroactive); and campus safety escorts.
- The right to have the Law School maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the Law School's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-Maker to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-Maker with a list of questions that, if deemed relevant by the Investigator(s)/Decision-Maker, may be asked of any party or witness.
- The right not to have irrelevant evidence of prior sexual history or character admitted.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have at least one response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigator(s), a Title IX Coordinator, and Decision-Makers who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Law School representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.

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