

## TITLE IX GRIEVANCE PROCEDURE

Covenant College does not discriminate on the basis of race, color, gender, national and ethnic origin, age, or disability in admissions or other programs, and in compliance with and to the extent required by Title IX of the Educational Amendments Acts of 1972. Any student who has a complaint alleging a violation of Title IX shall inform the Vice President of Student Development by written notice of the specific nature of the complaint and identify the individuals involved.

### **Discrimination, Harassment and Retaliation Policies**

#### **I. Statement of Policy**

Covenant College is committed to complying with all State and Federal laws prohibiting discrimination, harassment and retaliation, including Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination on the basis of sex.

**Discrimination** "Discrimination" is unequal, adverse treatment of an individual because of his or her protected legal status, such as race, color, age, gender, national origin, or disability. Such discriminatory behavior violates the law and is contrary to Covenant College's Statement of Purpose, and it will not be tolerated.

**Harassment** "Harassment" is unwelcome, hostile, or inappropriate conduct directed toward an individual because of his or her protected status (such conduct includes, but is not limited to, derogatory comments or slurs, unwelcome touching, insulting drawings, or jokes directed to an individual's race, color, age, gender, national origin, disability, or any other protected legal status). Such conduct violates the Statement of Purpose, College policy, and may violate the law if it (a) has the purpose or effect of creating a work, living, or study environment that a reasonable person might find intimidating, hostile, or offensive; or (b) threatens substantial interference with an individual's work, living, or study environment. To ensure that no employee or student is subjected to such harassment, Covenant College strictly prohibits any offensive or unwelcome physical, written, or spoken conduct regarding any person's race, color, age, gender, national origin, or disability.

Sexual harassment is one form of illegal harassment. It includes unwelcome sexual advances or requests for sexual favors or acts, unwanted touching or intimacy, insulting or degrading sexual remarks or conduct, epithets, slurs, or negative stereotyping based on gender and the posting or display of sexually offensive or degrading materials on campus or any property owned by the College, or at any College-related function. Covenant College is committed to providing its employees and students with an environment free of sexual harassment. A student's refusal to submit to or willingness to engage in such conduct can never be the basis for any faculty member or other employee to make educational decisions regarding such matters as the grade for a course, admission to a program, or a favorable recommendation. Covenant College strictly prohibits its faculty members, supervisors, and other employees from implying or suggesting that a student's submission to, or refusal to submit to, sexual advances or participation in sexual conduct is a condition of a grade, admission to a program, favorable recommendation, or other educational decision.

## **II. Prohibited Acts**

Title IX of the Educational Amendments of 1972 states: No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any education program or any activity receiving Federal financial assistance. Title IX, as it pertains to the Covenant College community, applies to but is not limited to, fair practices regarding: recruitment, admissions, housing, athletic, and extracurricular activities, rules and regulations, discipline, class enrollment, access to programs, courses, and internships, distribution of financial assistance, distribution of institutional resources, hiring practices, employment, promotion, and policies, among other things.

## **III. Title IX Coordinator**

The Title IX Coordinator responsible for Title IX compliance at Covenant College is Tim Sceggel, Associate Athletic Director for Compliance and Operations, Covenant College, 14049 Scenic Highway, Lookout Mountain, GA 30750. Phone: 706-419-1517, Email: [tim.sceggel@covenant.edu](mailto:tim.sceggel@covenant.edu)

## **IV. Complaint Procedures**

Any student at Covenant College who believes that s/he has been discriminated against on the basis of sex (the “complainant”), by Covenant College students, faculty, staff, or outside third parties is encouraged to promptly take the following actions:

1. Immediately communicate with the individual perceived as engaging in discriminatory conduct (the “respondent”) and request a proposed course of action to resolve the situation.
2. If the matter cannot be resolved at that level or if the complainant does not wish to or feel comfortable communicating directly with the respondent, then the complainant may make a complaint in writing within two weeks of the alleged discriminatory conduct to the Vice President for Student Development. If the Vice President for Student Development is involved in the acts that the complainant believes to be discriminatory, then the complaint should be made to the Chief Human Resources Officer.
3. The complaint should provide the following information.
  - a. The names, addresses and telephone numbers, if available, of the complainant and respondent;
  - b. Specific acts alleged, including dates, times and locations;
  - c. Names of any potential witnesses, including addresses and telephone numbers, if available;
  - d. Actions taken by any party to address the discrimination, if any.

## **V. Investigation Procedures**

The following procedures will govern all investigations of complaints alleging violations of this policy. Covenant College reserves the right to deviate from these procedures only when such deviation is necessary to ensure appropriate processing of the investigation.

1. The investigation will begin within 10 *work days* of the receipt of the complaint. Should the Vice President for Student Development be unavailable within the time frame, his/her designee will act instead. If the Vice President for Student Development or

- his/her designee is involved in the alleged discrimination, the complaint will be investigated by the Chief Human Resources Officer. If the Chief Human Resources Officer is involved in the alleged discrimination, the complaint will be investigated by the Chief Financial Officer. If the Title IX Coordinator is involved in the alleged discrimination, the complaint will be investigated by the Chief Human Resources Officer.
2. The Title IX Coordinator will investigate allegations of violations of this policy. The Title IX Coordinator may request assistance from other trained and qualified employees. If the claimant or the respondent is an employee of the college then the Chief Human Resources Officer would assist in the investigation.
  3. If the complainant or the respondent is under 18 years of age his/her parent or legal guardian will be notified of the complaint via phone, e-mail or U.S. mail.
  4. The investigation should include interviewing the complainant and the respondent, as well as any relevant witnesses suggested by the complainant and the respondent.
  5. The investigation should also include interviewing any additional witnesses or reviewing any documents deemed relevant by the Vice President for Student Development or his/her designee(s) or the Title IX Coordinator.
  6. Confidentiality of the investigation will be maintained to the extent possible.
  7. If witnesses cannot be reached or are not available, the complaint will be investigated in their absence.
  8. After all available information is reviewed and interviews are completed, the Title IX Coordinator will review with the Vice President of Student Development and:
    - a. Determine whether a violation of this policy has occurred, and if so, the appropriate response.
    - b. Notify the complainant and the respondent either verbally or in writing of the outcome of the investigation within ten working days after the completion of the investigation.
    - c. Make recommendations to the appropriate supervisor/dean regarding discipline, if warranted.
    - d. Partner with departments, divisions, programs and deans to take any corrective action as may be appropriate under the circumstances.
  9. All complaints will be adjudicated as expeditiously as possible and generally within 60 *work days*.

## **VI. Appeal Procedures**

1. Within two weeks of being notified by the Title IX Coordinator of the decision regarding the investigation, either party may appeal the decision by submitting a written statement of the basis for the appeal to the Vice President of Student Development.
2. Appeals will be heard by the Vice President of Student Development who will hear/review statements (oral or written) from the parties and review evidence compiled by the Title IX Coordinator during his/her investigation. All appeals will be heard as expeditiously as possible and generally within 30 work days.

## **VII. Retaliation**

Covenant College prohibits reprisals or retaliation against any person for:

1. alleging or complaining about discrimination or harassment,
2. for filing an internal complaint of discrimination or harassment, or
3. for filing an agency action or lawsuit alleging discrimination or harassment, or
4. for participating in a harassment investigation. Any person who retaliates against a complainant will be subject to disciplinary action up to and including, in the case of an employee, termination of employment, and in the case of a student, expulsion.

Knowingly making false allegations of discrimination or harassment, or providing evidence during an investigation with knowledge that the evidence is false, is also a violation of College policy and will subject a person to disciplinary action up to and including termination of employment or expulsion. Complaints of retaliation should be reported in the same manner as complaints of discrimination or harassment.

## **Sexual Assault Policy**

Covenant College acknowledges the religious, moral, legal, physical, and psychological seriousness of all sexual assaults, including those commonly designated as “acquaintance rape.” Sexual assault conflicts with Covenant College’s Statement of Purpose and is prohibited by law. Such behavior will not be tolerated, and all reported cases of sexual assault will be taken seriously and investigated promptly. This sexual assault policy works under the umbrella of and in consort with Covenant College’s **TITLE IX GRIEVANCE PROCEDURE**.

**Definition** “Sexual assault” is defined as forcing, threatening, or coercing an individual into sexual contact against the individual’s free will with or without the individual’s consent. It includes, but is not limited to, any sexual act performed on an individual or any sexual act required to be performed by an individual against that individual’s free will. Sexual assault includes having sexual contact with a victim while knowing or having reason to know that the victim was incapacitated by drugs (including alcohol) or was otherwise unable to consent. Verbal misconduct or any misconduct that does not involve unwanted sexual touching, does not constitute sexual assault under the College’s policy but may constitute sexual harassment or another form of misconduct. Likewise, consensual premarital sexual

contact, while not a violation of the College's policy against sexual assault, conflicts with the Statement of Purpose and constitutes misconduct.

### **Procedure**

Any student who has been a victim of a sexual assault should, as soon as possible,

1. Report the incident to the Vice President of Student Development or the Title IX Coordinator or to Safety and Security. Please note that Safety and Security is open 24 hours a day, seven days a week. In addition, victims of sexual assault may notify the civil authorities, either through Safety and Security or on their own.
2. Seek medical attention and do not interfere with the preservation of evidence (e.g., do not bathe, change clothing, or disturb items in the room or other specific locale in which the assault took place).
3. Notify the Vice President of Student Development. Upon request, by either party, the College will help to prevent any unwanted contact between the complainant and the accused, by, for example, making reasonably available changes to academic schedules or housing situations.
4. The College also recommends and encourages victims involved in such incidents to seek counseling and /or identify a support person. A support person plays an important role in providing personal encouragement to a victim in a crisis situation. Information regarding counseling options, both on campus and in the community, can be obtained from the Vice President of Student Development.

Complaints of alleged sexual assault in which the alleged perpetrator is a student will be investigated and resolved using the Investigation Procedures, detailed above in the **TITLE IX GRIEVANCE PROCEDURE**, as modified by the College in its sole discretion to respond to the circumstances of a particular case. The current applicable version, of these procedures, is maintained by the Student Development Office, and copies may be obtained there. Complaints of alleged sexual assault in which the alleged perpetrator is an employee or vendor will be investigated and resolved by the Title IX Coordinator and the Chief Human Resources Officer, in consultation with the Vice President of Student Development.

Protection of the campus community is paramount, however; and the College may find it necessary to take appropriate disciplinary action with or without concurrence of the complainant, where a sexual assault is found to have occurred.

During any on-campus disciplinary action relating to a sexual assault, the complainant and accused are entitled to the same opportunities to have one advisor present during a campus disciplinary proceeding; neither party, however, shall have the right to have an attorney present during the proceeding. At the conclusion of an on-campus disciplinary action relating to a sexual assault, both the complainant and accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sexual assault.

Disciplinary action at the College will normally proceed even if criminal proceedings have been initiated. College action will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, or that no criminal charges have been brought. The procedures and burdens of proof in a disciplinary action are different from those applicable to a criminal

trial. If civil authorities are notified, students can anticipate that the College may consult with and be in communication with such authorities.

### **Outcomes for Sexual Assault**

Students violating the College's policy against sexual assault may be subject to disciplinary action, up to and including suspension, dismissal, or expulsion.

### **Programming**

During mandatory hall meetings in the first week of classes, Residence Directors will provide information to all students regarding sexual assault awareness. Included in this will be a program regarding safety and security. In addition to those specific discussions, the Student Development Department will have literature available for members of the campus community dealing with sexual assault.

For further information regarding sexual assault or other safety awareness programming, please contact the Student Development Office.

### Contact Information:

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