



Policy on Sexual Harassment

Nothing matters more than the safety and well-being of every individual in our community. With that aim, Richmont continuously strives to educate the student community about the effects of sexual assault through classroom discussions presented by various faculty members (e.g., in Sexual Wholeness classes, especially those focused on trauma). Training documents are available through the CAMS Student Portal and literature is provided at orientation. Sexual harassment is antithetical to University values, a barrier to learning in the classroom, and an obstruction to productivity in the workplace.

Both legally and morally, Richmont rejects any form of sexual misconduct. Sexual harassment is prohibited by federal statute [cf. Title VII of the Civil Rights Act, 1964, 42 U.S.C. Sections 2000e et seq. (1992); Title IX of the Educational Amendments, (1972), 20 U.S.C. Sections 1681 et seq. (1990)]. Similarly, all members of the Richmont community share responsibility for the creation of a campus that bears joyful witness to the God-given worth of all persons. The University's Christian identity and values require us to act in a manner honoring others.

Biblical View on Sexual Harassment

Every member of the Richmont community should be aware that Richmont is strongly opposed to sexual harassment and that such behavior is prohibited both by policy and by law [cf. Title VII of the Civil Rights Act, 1964, 42 U.S.C. Sections 2000e et seq. (1992); Title IX of the Educational Amendments, (1972), 20 U.S.C. Sections 1681 et seq. (1990)]. Sexual harassment is a barrier to learning in the classroom and to productivity in the workplace. Richmont intends to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy. Faculty, administrators, and supervisors have the responsibility for participation in the creation of a campus environment free from sexual harassment, an environment that bears joyful witness to the God-given worth of all persons.

The two great commands are these: *You shall love the Lord your God with all your heart...soul...and mind* and *You shall love your neighbor as yourself* (Matt. 22:37, 39). As man and woman are made in the image of God (Gen. 1:27), so in Christ there is neither male nor female (Gal. 3:28). Followers of Jesus are not to lord over one another (Matt. 20:25-27) but are to be in mutual submission (Eph. 5:21). Christians manifest these truths through their mutual service and love in the Body of Christ.

Sexual harassment is a violation of Christ's commandment to love our neighbor as ourselves. It denies the image of God in the other, and it negates our oneness in Christ. Sexual harassment regularly involves an abuse of power. It invariably interferes with shared ministry and rends the Body of Christ.



With these things in mind, together with the realization that when one member suffers all suffer together (1 Cor. 12:26), Richmont establishes the following policy, definitions, and procedures about sexual harassment.

Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature up to and including sexual assault constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a condition of instruction, employment, or participation in any Richmont activity;
2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making any academic or personnel decision affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in instructional, employment-related, or other Richmont activity.

Both men and women may be victims of sexual harassment. One person may be sexually harassing another person and not be aware that his or her behavior is viewed negatively. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the conduct of the accused, as a whole and to the totality of the circumstances, including the context in which the alleged conduct occurred.

Initial Action Steps: Where to Begin

If a student is a victim of sexual assault, the priority is to get to a place of safety. At that point, the student should obtain necessary medical treatment. Time is a critical factor for evidence collection and preservation in case the student decides at some point to pursue legal options. Also, filing a report with the local police department by dialing 9-1-1 is recommended and will not obligate the victim to prosecute at a later date. As soon as possible, an assault should be reported to the Dean of Students, especially if the alleged perpetrator is enrolled in the school or if academic changes are being requested (e.g., semester withdrawal or incompletes). Personnel from the Dean of Students office will assist the student in notifying authorities if requested. In addition, referral to off-campus mental health resources is available through the Dean of Students Office; there are also on-campus services available.

If the alleged perpetrator is a member of the Richmont community (student, staff, faculty), an immediate investigation will be initiated, and disciplinary action may be taken. Disciplinary proceedings are detailed in this document. They provide, in part, that the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of violating the Richmont sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from Richmont for the first offense. Student victims have the option to change their academic situations after an alleged sexual assault if such changes are reasonably available.



Designated Investigators

Members of the Richmont community with a concern or complaint, which may involve sexual harassment, are encouraged to discuss the concern with a *designated investigator* who is trained for that role. A designated investigator can provide information about applicable school policies and procedures, outline available options for addressing the concern or complaint, and, if requested, attempt to resolve the matter through informal mediation.

Designated investigators include the Dean of Students; the Dean of the School of Counseling; the Dean of the School of Ministry; and the Associate Dean of Students-Chattanooga.

Consultation with a designated investigator immediately launches a formal investigation into the alleged incident. Designated investigators will maintain a written summary of their meeting with the person filing the complaint. This written summary will constitute a *formal complaint* once the student reviews the summary and signs off on it as an accurate record of the conversation. Information about the number and location of complaints received will be logged, as appropriate, for statistical purposes and, if collected, maintained by the Dean of Students.

Staff Responsibility to Report

An individual having direct knowledge of sexual harassment by a member of the Richmont community has a clear duty to bring the matter to the attention of a designated investigator immediately. The designated investigator may serve as the complainant in such a matter and may pursue the matter through the informal and formal complaint resolution process.

Critical Incidents

In a situation in which the health or well-being of a member of the Richmont community is threatened, the person so threatened, a designated investigator, supervisor, or another person should promptly inform the President. The President is authorized to take such action as is necessary and appropriate to ensure the well-being of the Richmont community.

Sexual Harassment Complaint Resolution Procedures

Both informal and formal complaint resolution processes are available to students, faculty, administrators, and staff whenever there is an allegation of sexual harassment against another member of the Richmont community. Time off with pay during the scheduled working hours of the complainant, the complainant's representative, anyone alleged to be involved, and any witnesses or other concerned parties will be granted, if requested, for the interview period(s) with the designated investigator. Filing a *formal complaint* (see above for definition) constitutes notice to Richmont of a sexual harassment incident. Formal complaints must be filed in writing to a designated investigator within 90 calendar days from the time a complainant knew or should have known of an act or acts of sexual harassment. From that point forward, the University will act swiftly to resolve the complaint through its prescribed resolution process as soon as possible for the benefit of all involved parties.



Informal Complaint Resolution:

Informal complaint resolution begins when a complainant asks a designated investigator for assistance beyond mere consultation. When so requested, a designated investigator may act as a mediator to clarify and overcome any misunderstanding, to arrive at a mutually agreed upon resolution of the situation, and to set conditions which discourage similar incidents or misunderstandings in the future. By way of example but not limitation, a designated investigator acting in this mediating capacity may utilize any of the following procedures:

1. Advise the complainant of actions and resources to alleviate any discomfort or harm.
2. Discuss the matter separately with the complainant and the person complained against (alleged perpetrator).
3. With the prior consent of both the complainant and the alleged perpetrator, discuss the matter with both parties.
4. Where desired by both parties, serve as a mediator to set satisfactory conditions for further interaction by the parties.
5. Recommend that the formal complaint resolution procedures be utilized. If the complainant is not satisfied with the results of the informal complaint resolution process, the complainant may file a formal complaint. *The complainant is not obligated to use or exhaust the informal complaint resolution process before filing a formal complaint.* If the informal complaint resolution process is used and the complainant chooses to file a formal complaint, the complainant must file a formal grievance in writing no later than 30 calendar days after the mediation process concludes.

If the complainant withdraws the complaint or is satisfied with the results of the informal complaint process, Richmont nevertheless reserves the right to continue to pursue the matter through the formal complaint process as circumstances may warrant, or the law may require.

Formal Complaint Resolution:

1. Filing a Formal Complaint: The complainant shall file a written complaint with a designated administrator. The Dean of Students is the designated administrator if the complainant and the alleged perpetrator is a student. The President is the designated administrator if the complainant and the alleged perpetrator are faculty members or staff employees. The complainant may ask a designated investigator or other person selected from among the members of the Richmont community for assistance in preparing the complaint. The complainant shall record with specificity the circumstances and nature of the alleged sexual harassment.
2. Judicial Review Board: The President will convene and appoint a Judicial Review Board. The Board will consist of three members selected by the President. The President will serve as chair of the Judicial Review Board. If a conflict of interest or other valid reason prevents a Judicial Review Board member from serving, the President will select an alternate. The President shall make every effort to ensure that a fair, impartial, and representative Board hears the matter.



3. Notification: The President or his designee shall give the alleged perpetrator written notification that a complaint has been filed. The alleged perpetrator may file a written response with the President if he/she chooses. They may ask another person within the Richmont community for assistance in preparing this response. The President shall provide a copy of the response to the complainant.
4. Investigation: The following standards for investigation will be observed:
 1. In conducting the investigation, the Board shall receive and review the complaint, the response, and other pertinent statements or documents. The complainant and the alleged perpetrator may have a personal advisor selected from among the members of the Richmont community to assist them in the course of the Board's investigation. The President should be notified in advance of the advisor who will accompany the complainant or alleged perpetrator to any interview or meeting with the Board.
 2. The complainant and alleged perpetrator shall be given the opportunity to respond to one another's statements, to present witnesses and evidence on their behalf, and to respond to evidence presented.
 3. The Board will interview witnesses and concerned parties individually and in conformity with privacy requirements, as it deems necessary.
 4. In determining whether or not a complaint of sexual harassment has been sustained, the Board shall consider the totality of the circumstances, including the nature of the action and the context in which the alleged harassment occurred.
 5. Judicial Review Board Determination: When, in the judgment of the Board, the positions of the complainant and alleged perpetrator have been equitably heard, the Board shall issue a Final Determination. The Final Determination shall contain the following:
 - a) A statement of the issues under review.
 - b) The positions of the parties.
 - c) A finding of the results of the investigation.
 - d) A conclusion as to whether there is probable cause to believe that the conduct is found to have occurred falls within the definition of sexual harassment as defined by this policy.
 - e) Recommendation for action to be taken.

The total period for the investigation, from the filing of a formal complaint to the issuance of the Final Determination from the Judicial Review Board, shall not exceed 90 calendar days. The designated investigator will maintain all records of the Judicial Review Board, including its conclusions and recommendations. These records shall be transferred to the Office of the President at the time of disposition of the complaint. The records shall be maintained in conformity with state and federal privacy and disclosure requirements and Richmont's policies



and procedures. A copy of the Final Determination report will be filed in the office of the President and maintained there by state privacy guidelines.

1. Disposition of the complaint and disciplinary action:
 - a) The President will decide on the action to be taken. The factual conclusions contained in the Final Determination shall be binding upon the President for this determination.
 - b) The President will discuss the decision with the designated investigator before taking action if the action to be taken is different than that recommended.
 - c) The President will immediately notify the complainant and the alleged perpetrator in writing of the disposition of the complaint after the decision has been made. If the discipline of an employee is to be undertaken or the decision involves other elements that are personal to the complainant or alleged perpetrator, information provided to the complainant or alleged perpetrator will be by applicable federal and state law governing the disclosure of such information.
 - d) The President may initiate disciplinary action against the alleged perpetrator or may refer discipline to an appropriate administrator or administrative body. Sanctions undertaken shall be in accordance with those laid down in the *Student Handbook* or the *Faculty Handbook* as applicable. Depending on the severity of the conduct, sanctions may range from placing a statement in the alleged perpetrator's personnel or student file to changing the alleged perpetrator's job position or class placement; to temporarily suspending the alleged perpetrator from work without pay or from school; or to termination of the alleged perpetrator from employment or expulsion from school.
 - e) The decision of the President will be made within ten working days of the receipt of the Final Determination.
2. Appeal: If discipline is taken, the person disciplined has the right to file a formal appeal challenging the disciplinary action or alleging applicable policies or contractual provisions were violated. The complainant also has the right to file a formal appeal challenging the President's decision or alleging that applicable policies or contractual provisions were violated. The appeal must be made in writing to the Richmont Board of Trustees no later than 15 working days from the date of the President's notification of the decision. The Richmont Board of Directors will notify the party appealing the President's decision in the matter within 15 working days of the date of the appeal. The Richmont Board of Directors' decision shall be final.
3. Time limits: Richmont intends to resolve alleged sexual harassment incidents in as timely a manner as possible. However, the time limits set forth herein may be extended for a good cause.