POLICY PROHIBITING SEXUAL MISCONDUCT, GENDER BASED DISCRIMINATION AND RELATIONSHIP VIOLENCE
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Policy Statement

Spelman College (“College”) is committed to providing a safe and nondiscriminatory environment for all community members. The College prohibits all forms of sexual misconduct, examples of which can include acts of sexual violence, stalking, dating or domestic violence, and sexual or gender-based harassment, collectively referred to in this policy as “Sexual Misconduct”. All members of the campus community, guests, and visitors, vendors, contractors and third parties have the right to be free from all forms of sexual misconduct and are expected to conduct themselves in a manner that does not infringe upon the rights of others. Each individual is responsible for carrying out interpersonal interactions with mutual respect and open communication and, in the case of intimate relationships, with clear ongoing consent.

The purpose of this policy is to ensure that all members of the College community understand the nature of sexual misconduct, how to report alleged incidents, and how to receive support if they may have experienced sexual misconduct. The College has zero tolerance for sexual misconduct and has an obligation to respond to reports of such misconduct.

It is the College’s intention to address allegations of sexual misconduct in a prompt, fair, and impartial manner. When the College receives a report of sexual misconduct, it will provide resources and support to all impacted individuals, investigate the allegations, and take prompt action to ensure that any sexual misconduct ends, is not repeated, and that the effects on the impacted individual(s) and the College community are remedied. The College also will respond to any reports of retaliation based on an individual’s reporting of an alleged incident of sexual misconduct and/or participation in any resulting complaint resolution process. The College’s full process for responding to complaints of sexual misconduct is set forth in the Sexual Misconduct Complaint Resolution Process.

Community members are expected to take an active role in upholding this policy and promoting the inherent dignity of all individuals. This role includes reporting conduct or behavior that may violate this policy and participating in the Sexual Misconduct Complaint Resolution Process, including investigations and hearings.

In resolving complaints, the College takes into account the totality of all evidence available, from all relevant sources, and uses the preponderance of the evidence standard (also known as “more likely than not”) for determining whether a violation occurred. The complaint resolution process is fully outlined in the Sexual Misconduct Complaint Resolution Process document. Complaint resolution proceedings are not legal or criminal matters. The College encourages any individual who believes that they have been the subject of criminal sexual misconduct to contact local law enforcement authorities and will provide assistance in notifying local law enforcement if requested.

The College’s sexual misconduct policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of related matters of public concern.

Scope of the Policy and Jurisdictional Statement

Spelman College Policy on Sexual Misconduct
This policy applies to all students, College employees, including staff, faculty, and administrators, and all other persons that participate in the College's educational programs and activities, including third-party visitors on campus (the "College Community"). This policy prohibits sexual misconduct regardless of whether the complainant and respondent are members of the same or opposite sex or gender.

The College may investigate any alleged violations of this policy that occur in the context of a College program, or activity (including academic, educational, extracurricular, athletic, study abroad and internships, and other College programs), or that otherwise affect the College’s working or learning environments, regardless of whether that conduct occurred on or off campus. In situations where the respondent is not a member of the College community and the alleged sexual misconduct occurred outside of the context of a College program or activity and/or off campus, the College will typically not be in a position to conduct an investigation, but may provide appropriate resources or support to impacted individuals and where appropriate, the broader College Community.

**Title IX and VAWA Regulations**

It is the policy of Spelman College to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination based on sex (including gender discrimination, sexual harassment and sexual violence) in the College’s educational programs and activities. It is also campus policy to comply with the federal Violence Against Women Act (VAWA) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (Clery Act), and accompanying regulations.

Title IX prohibits discrimination, on the basis of sex under any education program receiving federal funds. Discrimination may be found under Title IX if the discriminatory conduct denies a student’s ability to benefit from or participate in a school’s education program. Sexual discrimination includes sexual harassment, including sexual violence, and gender-based discrimination. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are addressed.

The College has designated the Title IX and Compliance Director, with assistance of the Deputy Title IX Coordinators, to coordinate compliance with Title IX and to respond to reports of violations. The College’s Title IX and Compliance Director oversees compliance with all aspects of the sexual misconduct policy. The Director reports to the President of the College and is directly supervised by the Secretary of Spelman College. The College has directed the Office of Public Safety to coordinate the College’s compliance with obligations related to the Clery Act.

If you have any questions about this policy, you may contact the College’s Title IX and Compliance Director, Ms. Nicole Johnson: (404) 270-5060 or njohns74@spelman.edu. For more information about Title IX and VAWA, please go to the [College Title IX Website](#).

Complaints may also be filed with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting their [website](#) or calling 1-800-421-3481.

**Immediate and Ongoing Assistance Following Incident of Sexual Misconduct**
If you have experienced sexual misconduct or are assisting someone who experienced sexual misconduct, or have been adversely affected by allegations of sexual misconduct, a variety of on campus and community resources listed in Appendix C are available to you. These listed resources offer support services to include, on campus, local and national crisis centers, health and mental health care options, legal services, and/or victim advocacy, irrespective of a person’s decision to report to the College or to law enforcement. The Spelman College Response Line (678-873-5884) is available to provide immediate response in a crisis situation, including assistance with obtaining needed resources and explanations of reporting options.

The College strongly encourages individuals who have experienced sexual misconduct or those accused of sexual misconduct to preserve evidence. Appendix B offers information, resources and best evidence collection.

Reporting and Disclosure Considerations

A. Who May Report Sexual Misconduct

Anyone who believes they have been subjected to, witnessed, or are aware of a violation of this policy can report incidents. The college will review reports from either within or outside of the College community.

B. Time Limitations for Reporting Sexual Misconduct

While there is no time limit for reporting alleged incidents of sexual misconduct, reports should be made as soon as possible following an incident to facilitate an effective investigation and resolution.

C. Disclosure and Reporting Options

The College encourages anyone who believes they have experienced sexual misconduct, witnessed, or who is assisting anyone who may have experienced sexual misconduct to seek assistance. In making a decision about whom at the College to contact, it is important to understand that campus officials have different reporting obligations and varying ability to maintain privacy and confidentiality. Some individuals on campus may be permitted, by law to maintain confidentiality - meaning they are not required to report actual or suspected sexual misconduct to appropriate college officials - thereby offering options and advice without any obligation (absent extreme circumstances) to inform the College unless a complainant requests that the information be shared. With the exception of these individuals, however, all college employees (faculty, staff, and administrators) are considered Responsible Employees and are obligated to immediately report actual or suspected sexual misconduct to appropriate campus officials. The options for reporting and disclosure are described below:

a) Confidential Disclosure Options

A confidential resource is an individual who is legally and/or ethically bound to keep information confidential that is shared with them in the course of providing counseling or support. Confidential communications cannot be disclosed to anyone without the reporter’s consent, except under extreme circumstances including the physical or sexual abuse of a minor or in cases of immediate threat or danger to a person(s) or the larger College community. Confidential resources also may be required to
report limited information, excluding any personally identifiable information, about certain reports of alleged sexual misconduct in compliance with federal reporting requirements. See section below entitled Federal Statistical and Timely Warning Reporting Obligations.

On-campus confidential reporting sources include the following:

On Campus:

Spelman College Sexual Misconduct Hotline
(678) 873-5884
(24 hr when classes are in session)

Sexual Misconduct Spelman Counseling Services
MacVicar Hall
(404) 270-5293

Spelman Health Services
MacVicar Hall
(404) 270-5249

Dean of the Chapel
Bessie Strong Center
(404) 270-5728

Employee Assistance Program
Magellan
(800) 523-5668 or
(800) 882-7610 (TTY)

Off-campus:

Off-campus confidential resources are listed in Appendix C

Individuals should be aware that disclosures to confidential resources will not serve as notice to the College. As such, the College will not conduct an investigation or pursue the complaint resolution process. Confidential resources, however, may assist individuals in procuring other forms of protection and support, including, but not limited to, health and mental health services, victim advocacy, academic accommodations, or changes in living arrangements.

b) College Reporting Options

Reports made to the College by any means outlined in the section below, entitled “Reporting to College,” will be considered non-confidential reports. In addition, all College employees who are not confidential resources, as identified above, are considered “Responsible Employees.” Responsible employees are obligated to share the full details of any report of sexual misconduct that they receive with the Title IX Director and/or Deputy Title IX Coordinators. Failure to do so may result in disciplinary action. Generally, climate surveys, human subject research, or events such as Take Back the Night, marches, or speak-outs do not provide the type of notice that must be reported to the Title IX Director by Responsible Employees.

Even if an individual elects to report an alleged incident of sexual misconduct through a non-confidential resource, the College still will endeavor to protect the privacy of all involved individuals. To the extent possible and in compliance with all applicable state and federal laws, information will be shared only on a “need-to-know” basis with individuals who are responsible for responding to, investigating, or adjudicating reports of sexual misconduct and/or individuals who are involved with providing support or protective measures.

Formal reporting to the College still affords privacy to the reporter, and only a small group of officials, who have a need to know, will be informed; this could include individuals in the Division of Student Affairs or Department of Public Safety, Undergraduate Studies Deans, the President, the Provost, or the Spelman College Policy on Sexual Misconduct
Behavioral Intervention Team. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge, will be kept as close as possible, to preserve a reporting and responding parties’ rights and privacy.

Any individual may report an incident of sexual misconduct online or by contacting the college Title IX Director or a Deputy Title IX Coordinator:

Ms. Nicole Johnson, M.S.W.
Title IX and Compliance Director
Location/Address: Office of the Board of Trustees, Milligan Building, Rm. 2305
(404) 270-5060
Email: njohns74@spelman.edu

Ms. Sharon L. Davies, J.D.
Provost and VP for Academic Affairs/Deputy Title IX Coordinator
Location/Address: Office of the Provost, Rockefeller Hall, Rm. 106
(404) 270-5031
Email: sldavies@spelman.edu

Ms. Sylvia Maddox
Assistant Dean of/Interim Deputy Title IX Coordinator
Location/Address: Office of the Dean of Students, Manley Student Center, Rm. 210
(404) 270-5242
Email: smaddox@spelman.edu

Ms. Bernadette Cohen
Director of Human Resources/Deputy Title IX Coordinator
Location/Address: Office of Human Resources, Rockefeller Hall, Rm. 301
(404) 270-5091
Email: bcohen@spelman.edu

Additionally, the online reporting form, and campus hotline number 678-873-5884 allows complainants and/or third parties to make anonymous reports. While such reports will remain anonymous, please note that the information provided may prompt a need for the College to investigate.

In the event that an incident involves alleged misconduct by the Title IX and Compliance Director, reports should be made directly to Dr. Terri Reed, Secretary of the College, at (404) 270-5005 or by email at treed15@spelman.edu.

Requests for Anonymity or Non-Action
An individual making a non-confidential report to the College, who does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, may make such a request to the Title IX Director or Deputy Coordinators. Such requests will be evaluated in light of the duty to ensure the safety of the campus and comply with legal obligations to provide a safe, non-discriminatory environment for the entire College community. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the complainant requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the complainant and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through complaint resolution procedures. A reporting party and/or complainant can also expect that the College will take any retaliation, as discussed below, seriously.

c) Reporting to Law Enforcement and/or Office of Civil Rights

Spelman College Policy on Sexual Misconduct
Sexual misconduct outlined in this policy also may violate criminal laws in Georgia. While individuals are not required to report incidents of sexual misconduct to College or local law enforcement authorities, the College encourages individuals to make such reports and will provide assistance, if requested, in notifying College or local law enforcement. Contact information for College and Local Law authorities are below:

Spelman College Public Safety Department
(404) 525-6401

Local Police Department 9-1-1
Atlanta Police
Special Victims Crimes Unit (404) 546-4260

d) Reporting to Department of Education Office for Civil Rights

Individuals experiencing harassment or discrimination also may contact and/or file a formal complaint with the government:

U.S. Department of Education
Office for Civil Rights, Atlanta Office
61 Forsyth St. S.W., Suite 19T70
Atlanta, Ga 30303-8927
(404) 974-9406
Fax: (404) 974-9471
TDD: (404)331-7236
Email: OCR.Atlanta@ed.gov
Web: http://www.ed.gov/ocr

e) Federal Statistical and Timely Warning Reporting Obligations

Certain campus officials - those deemed Campus Security Authorities under the Clery Act - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be reported to campus law enforcement for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. Campus Security Authorities include, student affairs staff, student conduct officials, campus law enforcement, local police, residence life staff, student activities staff, human resources staff, Title IX & Compliance staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

Complainants of sexual misconduct also should be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the College Community. The College will ensure that a complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

f) Mandatory Reporting of Suspected Child Abuse

Under Georgia law, certain individuals, including instructors and counselors, are considered mandatory reporters of suspected child abuse. Mandatory reporters are required to report suspected incidents of sexual
abuse or sexual exploitation of a person who is under the age of 18 years old to the Georgia Division of Child Support Services and/or the Title IX office for assistance.

**Prohibited Conduct**

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the complainant or respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Dating Violence, Domestic Violence, Nonconsensual Sexual Contact, Nonconsensual Sexual Penetration, Sexual Harassment or Gender-Based Harassment and Retaliation.

A. **Dating Violence**

Dating violence is violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

B. **Domestic Violence**

Domestic violence is a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the complainant; (ii) by a person with whom the complainant shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

C. **Non-Consensual Sexual Contact**

Non-Consensual Sexual Contact is any intentional touching of intimate body parts, however slight, by a person upon another person that is without effective consent and/or by force. Sexual Contact includes, but is not limited to, intentional contact with the breasts, buttocks, groin, or genitals, touching another with any of these intimate body parts, making another touch you or themselves with or on any of these intimate body parts, or any other intentional bodily contact in a sexual manner.

D. **Non-Consensual Sexual Penetration**

Non-Consensual Sexual Penetration is any sexual penetration, however slight, by a person upon another person with any object or body part that is without consent and/or by force. This includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

E. **Sexual or Gender-Based Harassment**

_**Sexual Harassment**_ is unwelcome conduct of a sexual nature that is sufficiently serious to interfere with or deny a student’s ability to participate in or benefit from a school’s educational programs or an employee’s ability to function effectively in the workplace. Sexual harassment includes
unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal (including written and online communications) or physical contact of a sexual nature.

**Gender based Harassment** is unwelcome conduct, typically repeated offensive conduct directed at an individual or group based on gender, sexual orientation, gender identity, or gender expression, that is sufficiently serious to interfere with or deny a student’s ability to participate in or benefit from a school’s educational programs or an employee’s ability to function effectively in the workplace. Gender based harassment may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Sexual or Gender-Based Harassment may take the form of quid pro quo harassment or hostile environment harassment.

Quid Pro Quo Harassment occurs when a person having power or authority over another engaged in unwelcome verbal or physical conduct, and makes submission to such conduct either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational [or employment] progress, development, or performance. This includes making submission to such conduct a condition for access to receiving the benefits of any educational [or employment] program.

Examples of quid pro quo harassment include: an attempt to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwelcome sexual attention; punishing a refusal to comply with a sexual based request; conditioning a benefit on submitting to sexual advances.

Hostile environment harassment occurs when conduct is sufficiently severe, or persistent or pervasive, and offensive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the college’s educational [and/or employment], social and/or residential program based on sex or gender. In evaluating the severity and pervasiveness of the conduct, all relevant circumstances, including the surrounding circumstances, expectations, and relationships are considered. Conduct is evaluated from both a subjective and objective perspective.

**F. Sexual Exploitation**

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute any other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person.
• Intentionally or recklessly exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals;
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation;
• Causing or attempting to cause the incapacitation of another to gain sexual advantage.

G. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress. For the purposes of this definition— (i) course of conduct means two or more acts, including, but not limited to, acts which the accused directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but may not necessarily, require medical or other professional treatment or counseling. (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

H. Other Misconduct Offenses

Certain conduct offenses may also fall under this policy when sex or gender based
• Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
• Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
• Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
• Hazing, as defined in the Student Code Conduct;
• Bullying, defined as repeated and/or severe aggressive behavior, likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the First Amendment;
• Cyberbullying, defined as using online tools or communities such as email, group chats, websites, Facebook, Instagram, Twitter, Tumblr, and texting for the purpose of harassing, threatening, or engaging in behaviors that ridicule, belittle, or harm individuals or groups, regardless of intent. Any violation of published materials, policies, procedures, and guidelines provided by the College and/ or College departments may fall within this section when the violation is motivated by the actual or perceived membership of the complainant’s sex or gender.

I. Retaliation

Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of: (1) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which University policy prohibits; (2) filing a complaint about such practice; or (3) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.
CONSENT, INCAPACITATION, FORCE, AND COERCION

All parties to a sexual activity must freely consent (as fully defined below) and have the capacity to consent to sexual activity. Consent is not present when a person lacks the capacity to give consent or is forced or coerced into engaging in sexual activity.

A. Consent

Consent is
- affirmative,
- conscious, and
- voluntary
- words or actions,
- that give permission for specific sexual activity.

In order for individuals to engage in sexual activity of any type with each other, there must be **affirmative, conscious, and voluntary consent prior to and during sexual activity**. Consent is active, not passive. Silence, passivity, or a lack of resistance cannot alone be interpreted to show consent.

Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding an individual’s willingness to engage in (including the conditions of) sexual activity. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but affirmative, conscious, and voluntary consent to any sexual activity is equivalent to a “No.” It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises at any time during a sexual interaction, it is essential that the participants stop engaging in sexual activity and verbally clarify their willingness to continue.

Consent to some form of sexual activity does not imply consent to any other form of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

Consent is permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you do and do not want sexually.

Silence or passivity -- without actions demonstrating permission -- cannot be assumed to show consent.

Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but an affirmative, conscious and voluntary consent to any sexual activity is equivalent to a “no.”

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally 16 years of age in Georgia), physical condition, or disability that impairs the individual’s ability to give consent.

Spelman College Policy on Sexual Misconduct
B. Incapacitation

Incapacitation is a state in which an individual does not have the capacity to give knowing consent. Incapacity can result from mental disability, sleep, unconsciousness, blackout, involuntary physical restraint, or from the intentional or unintentional consumption of alcohol or drugs (including date rape drugs). Some indicators of a lack of capacity to give consent may include, but are not limited to:

- lack of full control over physical movements (for example, difficulty walking or standing without stumbling or needing assistance);
- lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in a sexual interaction);
- inability to effectively communicate for any reason (for example, slurred speech, difficulty finding words).

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they lack the capacity to fully understand or recount the details of a sexual interaction (who, what, when, where, why, or how). Individuals who agree to sex must be able to understand what they are doing.

C. Force

Force is the use of physical violence and/or imposing on an individual physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes an individual’s resistance or produces consent. A person need not resist a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

D. Coercion

Coercion is unreasonable pressure to engage in sexual activity. Coercion involves compelling another person to engage in sexual activity against their will through emotional or physical pressure, threats, or other forms of intimidation. Coercion may be exhibited by unreasonable pressure to engage in sexual activity after the other party makes it clear that they do not want to engage in sexual activity, that they want to stop engaging in sexual activity, or that they do not want to go past a certain point of sexual activity. Coercing someone into sexual activity is not consensual sex and therefore violates this policy in the same way as engaging in sexual activity through the use of physical force. Coercive behavior differs from seductive behavior based on the degree and type of pressure used to gain consent for sexual activity.

ADDITIONAL POLICY PROVISIONS

A. Attempted Violations

In most circumstances, the college will treat attempts to commit any of the violations listed in the Policy on Sexual Misconduct as if those attempts had been completed.
B. False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct and Employee and Faculty Handbooks to make an intentionally false report of any policy violation, and it also may violate state criminal statutes and civil defamation laws.

C. Use of Alcohol and Other Drugs

Amnesty for complainants and witnesses

The College recognizes that an individual who has experienced sexual misconduct or has witnessed an incident of sexual misconduct may be hesitant to seek assistance, offer assistance, or report an alleged violation of this policy for fear of consequences related to their own conduct at the time of the incident, particularly the consumption of alcohol and/or drugs. The College provides amnesty in the following circumstances to support students seeking assistance on behalf of themselves or others and to encourage the reporting of alleged violations of this policy.

For students who report an alleged violation of this policy, their use of alcohol or drugs at the time of the incident will not be used as a basis for initiating the College’s Conduct Process. Instead, the College will explore educational options with the student.

For students seeking assistance or offering assistance to others who may have experienced sexual misconduct, their use of alcohol or drugs at the time of the incident will not be used as a basis for initiating the Conduct Process. Instead, the College will explore educational options with the student.

D. Parent/ Guardian Notification

The College adheres to the requirements of the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232(g), a federal law that governs the privacy of student education records, in determining whether education records may be disclosed to parents/guardians.

- Failure to comply with the reasonable and lawful directives of a campus official or law enforcement officer when such a request is designed to prevent, remedy or prevent the recurrence of an alleged or actual policy violation.
- Sexual misconduct outlined in this policy also may violate criminal laws in Georgia including, but not limited to, laws related to rape, sexual battery, assault, fondling, family violence, prohibitions on the electronic transmittal of nude or sexually explicit photographs or video, stalking and hazing.

SANCTIONS

When a violation of the Policy is found, sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. In addition, the College may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a Complainant or Spelman College Policy on Sexual Misconduct
Collective Responsibilities for Healthy Relationships Expectations

Overview of Collective Responsibilities for Healthy Relationships

If you find yourself in the position of being the initiator or observer of sexual behavior, these suggestions may help to reduce incidents of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give your partner a chance to clearly communicate his/her intentions to you;
- Promote, understand and respect personal boundaries;
- DON’T MAKE ASSUMPTIONS about consent, about someone’s sexual availability, about whether they are attracted to you or others, about how far you or others you know can go, or about whether a person is physically and/or mentally able to consent. A person’s consent should be affirmative and continuous. If there are any questions or ambiguity, then there is NO CONSENT.
- Respect the timeline for sexual behaviors with which the person is comfortable. Mixed messages from a person are an indication that sexual activity should stop, sexual tension defused and steps taken to improve communication. The person may not have figured out how far they want to go yet;
- Even if a person willingly consumes alcohol or substances, their drunkenness or altered state could be a factor in determining whether consent could be freely given;
- Realize that your potential partner could feel intimidated or coerced by you or someone to whom they are attracted. A power advantage simply because of gender or physical presence can be abused;
- The sharing of intimate content, pictures, images, and videos should never take place without the consent of all parties involved;
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior;
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read individuals carefully, paying attention to verbal and non-verbal communication and body language.
Preserving Evidence of Sexual Assault

Regardless of whether an individual reports an incident of sexual misconduct to the College or law enforcement the College strongly encourages individuals who have experienced sexual assault to preserve evidence to the greatest extent possible. Because physical evidence of a criminal sexual assault may dissipate quickly, individuals who have been sexually assaulted should go to the hospital or medical facility immediately to seek a medical examination and/or collect evidence. The nearest facility to the College is Grady Hospital, 80 Jesse Hill Drive, SE, Atlanta, Georgia 30303 (The Grady Rape Crisis Center can be reached at (404)-616-4861). The Georgia Network to End Sexual Assault also provides a list of agencies throughout Georgia equipped to conduct medical examination and collect evidence. With your consent, medical staff generally will conduct a physical examination, collect evidence, address pregnancy concerns, and address the possibility of exposure to sexually transmitted infections. Upon request, the College will provide a support person to accompany you in seeking medical attention by contacting (678)-863-5884.

For best evidence collection, do not shower, bathe, brush your teeth, or change your clothes before seeking medical attention. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you because the clothes you were wearing may be taken as evidence. You should also preserve any other available physical evidence such as sheet towels, documents, or electronic evidence to include text messages, or social media posts.

The College and/or resources identified in Appendix C can provide assistance with preserving evidence of sexual assault.

Support Services and Resources

Spelman College Policy on Sexual Misconduct
On and off campus support services/ resources listed below are available members to those who have experienced or are accused of sexual misconduct.

### On-Campus Support Service/Resources

<table>
<thead>
<tr>
<th>Confidential</th>
<th>Non-Confidential</th>
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<tbody>
<tr>
<td>Student Health Services</td>
<td>Title IX &amp; Compliance Director</td>
</tr>
<tr>
<td>Women’s Health Clinic</td>
<td>Title IX &amp; Compliance Office</td>
</tr>
<tr>
<td>MacVicar Hall</td>
<td>Milligan Building, Suite 2305</td>
</tr>
<tr>
<td>404-270-5249</td>
<td>404-270-5060</td>
</tr>
<tr>
<td>Student Counseling Services</td>
<td>Assistant Director, Prevention &amp; Response</td>
</tr>
<tr>
<td>MacVicar Hall, 2nd Floor</td>
<td>Title IX &amp; Compliance Office</td>
</tr>
<tr>
<td>404-270-5293</td>
<td>Milligan Building, Suite 2305</td>
</tr>
<tr>
<td></td>
<td>404-270-5123</td>
</tr>
<tr>
<td><strong>After Hour Crisis</strong></td>
<td>Dean of Students</td>
</tr>
<tr>
<td><strong>(404) 525-6401</strong></td>
<td>Manley Student Center, Suite 210</td>
</tr>
<tr>
<td></td>
<td>404-270-5133</td>
</tr>
<tr>
<td>Religious Life</td>
<td></td>
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<tr>
<td>Bessie Strong Spiritual &amp; Religious Life Center</td>
<td></td>
</tr>
<tr>
<td>404-270-5729</td>
<td></td>
</tr>
<tr>
<td>Magellan Employee Assistance Program</td>
<td>Director</td>
</tr>
<tr>
<td>1-800-523-5668</td>
<td>Human Resources</td>
</tr>
<tr>
<td>24hr Sexual Misconduct Response Line</td>
<td>Rockefeller Building, Suite 301</td>
</tr>
<tr>
<td>678-873-5884</td>
<td>404-270-5091</td>
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</tbody>
</table>

Spelman College Public Safety
Public Safety Building/ Parking Deck
404-525-6401

**More information about the services and support available on campus visit**
[www.spelman.edu/title-ix.](http://www.spelman.edu/title-ix)

### Off- Campus Support Services/ Resources
<table>
<thead>
<tr>
<th><strong>Legal Services</strong></th>
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</table>
| Atlanta Bar Association  
229 Peachtree Str. NE, Suite 400  
Atlanta, GA 30303  
404-521-0777  
[www.atlantabar.org](http://www.atlantabar.org) | National Crime Victims Bar Association  
(202) 467-8716 or (844) 529-4357  
victimbar@ncvc.org,  
victimsofcrime.org  
*Online Attorney referral Request Form* |

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<thead>
<tr>
<th><strong>Sexual Assault Services</strong></th>
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</tr>
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</table>
| Grady Memorial Rape Crisis Center  
80 Jesse Hill Jr Dr SE  
Atlanta, GA 30303  
404-616-4861 | Live Safe Resources  
24-Hour Crisis Line  
770-427-3390  
[www.livesaferesources.org](http://www.livesaferesources.org) |
| Georgia Network to End Sexual Assault  
[Georgia Rape Crisis Center Listings](https://rainn.org) | National Sexual Assault Hotline  
800-656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org) |

<table>
<thead>
<tr>
<th><strong>Domestic Violence Services</strong></th>
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</tr>
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</table>
| Live Safe Resources  
24-Hour Crisis Line  
770-427-3390  
[www.livesaferesources.org](http://www.livesaferesources.org) | Partnership Against Domestic Violence  
Address Confidential  
Fulton- 404-873-1766  
[http://padv.org/](http://padv.org/) |
| National Domestic Violence Hotline  
800-799-7233 |  |

<table>
<thead>
<tr>
<th><strong>Immigration/ VISA Support</strong></th>
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</table>
| Tapestri  
3939 LaVista Rd, Suite E  
Tucker, GA 30084  
404-299-2185  
[www.tapestri.org](http://www.tapestri.org) | Criminal Justice Coordinating Council  
800-57-0060  
404-657-2222  
[www.crimevictimscomp.ga.gov](http://www.crimevictimscomp.ga.gov) |
| Pathways to Safety International  
833-SAFE-833 |  
[https://pathwaystosafety.org/get-help-now/](https://pathwaystosafety.org/get-help-now/) |