

Hanover College Policy & Procedures on Sex/Gender Harassment, Discrimination and Misconduct

Introduction

It is the policy of Hanover College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination.

Members of the college community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The college believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and college procedures establish a mechanism for determining when those expectations have been violated.

The college's sex/gender harassment, discrimination and misconduct policies are 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 matters of public concern].

The college uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

TITLE IX COORDINATOR

Hanover College has designated a Title IX Coordinator & Title IX Deputy Coordinator to oversee compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports to the Vice President of Student Life and is housed in the Student Life Office. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the college Title IX Coordinator:

Title IX Coordinator

Casey Heckler
Brown Campus Center 214
812-866-6740
heckler@hanover.edu

Student on Student Complaints

Deputy Title IX Coordinator

Shelley Preocanin
Long Administration Building 102
812-866-7097

preocanins@hanover.edu

Complaints regarding Employees

Office for Civil Rights (OCR)

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: the [U.S. Department of Education's website](#) or calling 1-800-421-3481.

Scope of Policy

Covered Incidents

The Sexual Misconduct Board shall hear only matters in which a student, guest or non-employee of the College alleges to have been victimized by a violation of the College's sexual misconduct policy at the hands of another student of the College. Sexual misconduct or harassment matters in which students are not involved shall be handled by other policies of the College. (See below for links to policies.)

[Staff](#)

[Faculty](#)

What is Sexual Misconduct? As regards students, sexual misconduct is an umbrella term that covers several inappropriate sexual activities. Sexual misconduct applies to all students, employees, vendors and guests of the college regardless of sexual orientation or gender identity. These activities include but are not limited to:

- **Sexual exploitation**-which is the unauthorized posting of visual representations of an individual; the refusal to refrain from such postings when requested; and actions that could be construed as voyeurism.
- **Sexual harassment**-which includes but is not limited to verbal or written conduct of a sexual nature, stalking, and other forms of non-physical, unwelcome attention.
 - **Hostile environment caused by sexual harassment**-any situation in which there is harassing conduct based on sex or gender that is severe and pervasive or persistent and objectively offensive such that it alters the conditions of education or employment from both a subjective and an objective viewpoint.
 - **Quid Pro Quo**- which is unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to or rejection of such conduct results in adverse educational or employment action.
- **Sexual assault**-which can be either non-consensual sexual contact or non-consensual intercourse. Non-consensual sexual contact is defined as intentional sexual contact without consent to any body part.
 - **Non-consensual sexual intercourse** is defined as intercourse without consent (whether by an acquaintance or a stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or sexual penetration with an object without consent.
 - **Non-consensual sexual contact**- Sexual contact without effective consent, the deliberate touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person's intimate parts.
- **Relationship violence** - Relationship violence can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone.

- **Stalking** -a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.

Consent

What is Consent? Effective consent is informed, freely and actively given, mutually understandable words or action, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is a voluntary agreement to engage in sexual activity;
- Past consent does not imply future consent;
- Silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.
- Someone who is incapacitated cannot consent;
 - Incapacitation (such as due to the use of drugs or alcohol (voluntary or involuntary), when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent)
 - One may not engage in sexual activity with another whom one knows or should reasonably know to be physically incapacitated.

Other Misconduct Offenses (will fall under Title IX 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, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- 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 1st Amendment.
- Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Related Misconduct, Intimidation & Retaliation of a Witness

Any reported violations of the Standards of Conduct directly related to a report of alleged sexual misconduct may be considered by the Sexual Misconduct Board in accordance with these procedures. This may include, but is not limited to, conduct that threatens the complainant or any other participant, violations of the rules of confidentiality, intimidating a witness from participating, or Standards of Conduct violations arising in the course of the sexual misconduct.

Hanover College strictly prohibits retaliation against any individual for reporting, providing information, exercising ones rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sex discrimination, sexual harassment, and sexual violence. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed in the most serious way by Hanover College, and individuals who engage in such actions are subject to discipline up to and including suspension, expulsion, or dismissal from the College, consistent with College procedure. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator or to any Student Life Staff Member, who shall take appropriate actions to address such conduct in a prompt and equitable manner.