



Title IX Violence Against Women Act (VAWA) Policy

Policy Summary:

Federal regulations require that all schools develop a policy to prevent sexual offenses or acts of sexual violence. Report campus crime statistics beyond the crime categories the Clery Act already mandates. Offer training to incoming students and new employees promoting the awareness of domestic violence, dating violence, sexual assault, stalking, and consent. Offer ongoing prevention and awareness campaigns to the Institutions community on these issues.

Policy:

All campus-related sexual harassment, sexual offenses, or acts of sexual violence including domestic violence, dating violence, sexual assault, and stalking are strictly prohibited. We each have a role in preventing sexual harassment, sexual offenses, or acts of sexual violence. Woodruff Medical Training & Testing is committed to fostering an environment where all persons affiliated with WMTT can work and learn together in an atmosphere that is inclusive, safe, rewarding, and free of all forms of harassment, exploitation or intimidation. VAWA protects the rights of ALL victims of sexual offenses or acts of sexual violence, regardless of the victims' gender, sexual orientation, gender identity, or gender expression.

Woodruff Medical Training & Testing's Sexual Harassment and Sexual Violence policy, in accordance with VAWA, has very specific definitions that relate to sexual offenses or acts of sexual violence.

Domestic Violence- Abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child or is having a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship. Domestic violence also is defined as a person who has a felony or misdemeanor of crimes of violence committed by current or former spouse or intimate partner of the victim. A person with whom the victim shares a child in common, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies. And any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Sexual Assault- Engaging in physical sexual activity without the consent of the other person. An act of sexual assault may involve: Physical force, violence, threat, or intimidation, or ignoring the objections of the other person. Causing the other person's intoxication or incapacitation through the use of drugs or alcohol. Taking advantage of the other person's



incapacitation, including his or her voluntary intoxication, his or her state of intimidation, or other inability to consent.

Stalking- Behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Consent- Informed: Consisting of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. **Voluntary:** Given without coercion, force, threats, or intimidation. Consent is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is given when a person is not:

Incapacitated: Physical and/or mental inability to make informed, rational judgments

States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts

- Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed impacts a person's: decision-making capacity
- awareness of consequences
- ability to make fully informed judgments

A person cannot give consent if he or she is:

- Unconscious or coming in and out of consciousness
- Under the threat of violence, bodily injury, or other forms of coercion, or if his/her understanding of the act is affected by a physical or mental impairment
- **Other considerations with regard to consent include:**
- Silence does not equal consent
- Lack of verbal resistance does not constitute consent
- Lack of physical resistance does not constitute consent

Consent is not indefinite; consent may be withdrawn at any time, and at that time all sexual activity must cease unless or until additional consent is given

- Minors and incapacitated persons cannot give consent
- Whether the accused knew, or a reasonable person should have known, that the complainant was incapacitated

Procedure:

Bystander Intervention-

- Engage: say or do something that directly engages one or more of the parties involved
- Distract: say or do something to interrupt the interaction
- Enlist: ask for the help of someone else who may be better able to intervene
- Delay: say or do something after the difficult moment or incident has passed

Emergency

- Take someone's keys away, drive the person home



- Remove the person from the situation
- Administer CPR
- Call 911
- Seek assistance from a professional
- Distract the people involved
- Enlist help from others

Non- Emergency

- Talk to the person directly about the situation
- Speak to and get help from someone with more expertise and/or authority: a campus administrator, or other professional

S.E.E.

- **Safe Responding:**

Choose a course of action, direct or indirect, that best ensures the safety of those involved, including yourself

- **Early Intervention:**

Take action before the problem becomes worse

- **Effective Helping:**

Implement specific helping skills depending on the situation

Identifying Warning Signs:

Identifying some of the warning signs that may lead to a sexual offense or an act of sexual violence

- These behavioral warning signs may include, but are not limited to: Jealousy – excessive questions about who a partner spends time with
- Controlling Behavior – not allowing a partner to make personal decisions
- Isolation – curtailing a partner’s social interaction
- Verbal Abuse – saying things about or to a partner that are meant to be cruel
- Blame-shifting for feelings and problems – blaming a partner, family, or the University for one’s own inabilities or lack of responsibility
- Making threats of violence – saying things like “If you talk to him/her again, I’ll kill you.” Or “If you leave me, I will kill myself.”

What to say:

- If you suspect someone you know is a victim of a sexual offense or an act of sexual violence, talking with them about it can be difficult.
- The most important thing you can do is to let them know that they have support and that they do have options.
- Some guidance on what to say and do can include:
- Offer your support without judgment or criticism
- Tell him or her that you’re concerned for his or her safety
- Encourage him or her to get help
- Try to avoid a confrontation while doing so



Avoiding Potential Harm

Other strategies for placing yourself in the best possible position to avoid harm and minimize risk may include:

- Control access to your home and your car by locking your doors and not leaving windows wide open if they provide easy access
- Use “situational awareness” by noticing where you are and who’s around
 - Don’t be afraid to ask for help in situations that feel unsafe, such as asking for an escort to your parked car or asking people to walk with you
 - Travel in groups when possible and appropriate

Reporting an Offense

A sexual offense or an act of sexual violence can be very frightening and disorienting.

Often, victims do not know where to turn or how to reach out for assistance and help.

If you’ve been involved in a sexual offense or an act of sexual violence, you are encouraged to:

- Find a safe place
- Seek medical attention
- Get support
- Preserve evidence
- Report the crime

In addition, as the victim of a sexual offense or an act of sexual violence, you are also encouraged to report this to your campus:

- Campus Director (Title IX Rep)
- Human Resources office
- Any manager, supervisor, or other designated employee responsible for responding to reports of sexual violence
- Even if you are a bystander witnessing, or received a report of, a sexual offense or an act of sexual violence, you are encouraged to reach out to any of these resources for guidance and assistance.

Investigation and Disciplinary Proceedings

Campus proceedings to investigate and institute disciplinary action for sexual offenses or acts of sexual violence will:

- Provide a prompt, fair, and impartial investigation and resolution
- Be conducted by trained officials
- Use the standard of evidence set forth in the applicable policy

Both the accuser and the accused will have the same rights to have others present during an investigation and disciplinary proceedings, including an advisor of their choosing

Disciplinary Actions and Sanctions

The following disciplinary actions and sanctions may be imposed, as appropriate, if a person is found to have committed a sexual offense or an act of sexual violence:

- Suspension
- Expulsion
- Termination of employment
- Perpetrators of crimes may also be subject to criminal prosecution.



Campus Resources

- The following campus resources are available:
- Campus Director (Title IX Rep)
- Human Resources
- Manager or Supervisor
- Also you may visit the Changing Our Campus Culture website at www.changingourcampus.org for additional resources.

Depending on the circumstances and if reasonably available, victims may also request assistance with changing their:

- Academic situation
- Living situation
- Transportation situation
- Employment situation
- Regardless of whether he or she chooses to report the sexual offense or act of sexual violence to campus or local law enforcement

Community Resources

Access the following websites for additional resources

- Hall County Resource Guide: www.faceitpeople.org
- Dekalb County :
- http://www.unitedwayatlanta.org/wp-content/uploads/2014/03/Critical-Needs-Guide_2014.pdf
- Gwinnett County Human Services Centers: www.gwinnettcounty.com

Additional information and resources can be found at the Department of Justice: www.justice.gov/ovw.

Revision History:

<i>Date Revised</i>	<i>Revision By</i>	<i>Summary of Revisions</i>

Related Policies and Procedures: