Sexual Violation Offenses:
Offenses include: Sexual Harassment, Forcible and/or Non-Consensual Sexual Conduct, and Sexual Exploitation.
Montreat College recognizes the dignity and worth of all humanity as God's creation in His own image and therefore seeks to maintain a community free of sexual harassment, sexual assault, and other forms of violation. These offenses are also a violation of the law and grounds for disciplinary action up to and including discharge or suspension. Further, the college does not condone solicitation or threats to bring false accusation of sexual violation. This policy shall apply with equal force to all students, staff and faculty, at all facilities, whether off campus or on campus, whether school is in session or on official school breaks.

Sexual Harassment

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is based on: a) power differentials (quid pro quo), b) the creation of a hostile environment, or c) retaliation.
Examples of sexual harassment include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to condition a benefit on submitting to sexual advances; to display sexually suggestive objects or pictures; sexual violence; intimate partner violence; stalking; gender-based bullying.

If a student or employee feels he or she has been sexually harassed, the matter should be brought to the Dean for Student Life or the Title IX Coordinator. At this time, the student will be advised and assisted in how to attempt to resolve the matter. If that course fails or if the allegation is against the dean, the complaint should be put in writing and presented to the Student Grievance Committee.

Jurisdiction: Judicial Council/Assistant Dean for Student Life
Sanction: Official Warning to Dismissal

Forcible and/or Non-Consensual Sexual Conduct (including Rape and Sexual Assault)

Non-consensual or forcible sexual contact will not be tolerated at Montreat College, and is subject to criminal prosecution.

Consent is defined as being informed, freely and given, mutually understandable words or actions. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Absence of “No” is not the equivalent of “Yes.” Consent is considered invalid when forced, threatened, intimidated, coerced, when given by a mentally or physically incapacitated person (including an intoxicated person), or when given by one who is not of legal age. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. The presence of mixed messages or ambiguity indicates a lack of consent.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Continued pressure after someone makes it clear that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction can be coercive.
Sexual exploitation occurs when a student 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 one of other sexual violation offenses. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, engaging in voyeurism, or sexually-based stalking or bullying.

Other offenses which may fall under Title IX anti-gender-discrimination include stalking, bullying, intimate partner violence, hazing, or threatening harm.

Stalking is repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community, either in person or via electronic resources (online, email, social networking websites, cell phone, etc.) Stalking includes otherwise legal behaviors that would cause fear or disruption to a reasonable person.

Intimate Partner Violence includes a) Physical abuse: any intentional use of physical force with the intent to cause fear or injury, like hitting, shoving, biting, strangling, kicking or using a weapon, and b) Emotional abuse: non-physical behaviors such as threats, insults, constant monitoring, humiliation, intimidation, isolation or stalking

Sex offenses will not be tolerated at Montreat College. An alleged act of sexual aggression or sexual exploitation will be taken seriously, investigated thoroughly by the college and the complainant will be encouraged to report the offense to the local authorities. The college will give the complainant the option of having the case heard through the Administrative Disciplinary process as detailed in this Student Handbook. If found responsible, the respondent (accused individual) will face disciplinary action ranging from probation to expulsion, depending on the seriousness of the specific offense.

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual violation in order to protect students’ rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of sexual violation will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsions, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual violation. In campus hearings, legal terms like “guilt”, “innocence” and “burdens of proof” are not applicable, but the college never assumes a student is in violation of college policy. Disciplinary hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

Jurisdiction – Administrative
Sanction – Probation and counseling to dismissal and referral to police

Non-Discrimination Statement: In accordance with federal and state statutes (including Title IX, which prohibits discrimination gender-based discrimination), Montreat College is committed to maintaining a community that is free from sexual harassment and all forms of sexual intimidation, exploitation, coercion, and violence. The Associate Dean of Academics and Institutional Effectiveness is designated as the Title IX Coordinator, and is responsible for overseeing the college’s compliance with Title IX. Inquiries concerning the college’s policies, compliance with applicable
laws, statutes, and complaints may be directed to the Associate Dean of Academics and Institutional Effectiveness, Montreat College, P.O. Box 1267, Montreat, NC 28757, (828)669-8012 (ext. 3623).

Resources:
Counselor: Jane Carter (828) 669-8012 x3538 jcarter@montreat.edu
Nurse: Grace Miller (828) 669-8012 x3536 gmiller@montreat.edu
Chaplain: David Taylor x3801 dtaylor@montreat.edu
Title IX Coordinator: Becky Frawley, x3621 brawley@montreat.edu
Campus Police: (828) 713-2520
Dean of Students: Charles Lance, (828) 669-8012 x3631
Our Voice: (828) 255-7576, www.ourvoiceenc.org
Helpmate: (828) 254-0516 www.helpmateonline.org
National Sexual Assault Hotline: 1-800-656-HOPE or www.RAINN.org