

ACG Non-Discrimination, Anti-Harassment, Sexual Misconduct, Relationship Violence and Stalking Policy

Effective Date: June 1, 2019

Issuing Authority: Office of the VP of Administration and Human Resources

Responsible Officers: Vice President of Administration and Human Resources (responsible for overall enforcement and applicability to employees) | **Dean of Students** (responsible for applicability to students)

I. STATEMENT OF POLICY

The American College of Greece is dedicated to adding distinctive and sustainable value to the lives of students and to maintaining a campus ethos of mutual respect, care and responsible action.

The ACG Non-Discrimination, Anti-Harassment, Sexual Misconduct, Relationship Violence and Stalking Policy [the Policy] is grounded in the ACG Community's respect for diversity and commitment to inclusion and guarantees that each community member is treated fairly and with respect within an educational environment free of discrimination, sexual misconduct, including sexual or gender-based harassment, sexual assault, sexual exploitation and relationship/dating violence, stalking, intimidation and retaliation against whistleblowers (*see* ACG Whistleblower Policy) who in good faith report prohibited conduct under the Policy. All prohibited conduct under the Policy is also proscribed by law and will not be tolerated.

The American College of Greece,

Recognizing that harassment and sexual violence correlate with various forms of discrimination and oppression, such as racism, sexism, homo- and transphobia,

Committed to an inclusive College community that respects diversity and equality, and to preventing discrimination and sexual violence, supporting survivors and the community, educating students, faculty and staff, and reforming policy, where needed, to enhance prevention and response,

Determined to advance the institution's social impact by building much needed support networks and partnerships in Greece and internationally to allow for exchange, awareness-raising and enhancement of policy and action,

Encouraging student activism in the area of diversity and anti-sexual violence advocacy on campus and in the greater society,

Focusing on the principle of victim's choice, safety and well-being, and setting the needs of the victim at the center of institutional attention and care, perceiving them to be everyone's concern and, thus, requiring collective effort and action,

Hereby issues a centralized policy and guidelines for ACG students and employees, applicable, where defined, also to third parties, that:

Provides a single, easily accessible, user-friendly document for students, faculty, staff, and others affected by sexual violence/misconduct to identify institutional rules, the rights of students and employees, and expectations of the College and ACG community members, particularly faculty, administrators, staff and those in inherently unequal positions (see below) on campus,

Is driven by campus leadership and vetted by key campus stakeholders – the Office of Student Affairs, the Office of Human Resources, the ACG Counseling Center, Campus Security, Residence Complex staff, students and student groups such as the LGBTQ+ Awareness Club – and external Greek and comparative law experts and local police authorities, who evaluate and provide feedback towards greater clarity, quality and effectiveness,

Takes into account the perspective of students, particularly students who have been affected by sexual misconduct, and is made available through appropriate dissemination and training to all community members, including persons with disabilities and individuals who are not proficient in the English language,

Incorporates standards set by Greek and E.U. law and policy and U.S. federal laws, and complements relevant ACG Policies, Protocols and Codes of Conduct, where applicable, thereby intra-coordinating College by-laws to ensure efficient response,

Provides the basis of the College-wide plan for implementation and dissemination of the Policy to the ACG Community and for mandatory training in the English and Greek language (see Appendix A), including bystander intervention strategies involving user-friendly materials and ongoing awareness-raising campaigns,

II. POLICY SCOPE

This Policy applies to (A) students, faculty and staff, as well as third parties; (B) ACG premises and off-campus locations of scheduled College programs and activities; and the virtual space within which electronic communications involving persons to whom the Policy applies take place; (C) relationships involving ACG Community members.

Prohibited conduct within the scope of the Policy includes (D) discrimination, harassment and sexual harassment, gender-based harassment, sexual assault, sexual exploitation, relationship/dating violence, stalking and cyber-stalking, and retaliation.

Key terms are defined (E) towards clear delineation of the Policy Scope.

Violations of the Policy are subject to appropriate sanction or action up to and including discharge and expulsion.

A. TO WHOM THIS POLICY APPLIES

The Policy applies to all ACG students, faculty and staff, regardless of sexual orientation or gender identity, as well as third parties, when the misconduct occurs on ACG Campuses, premises or at the ACG Residence Complex, and to ACG appointees and those

who participate in ACG programs and activities on and off campus, including programs abroad.

Individuals to whom this policy applies are subject to appropriate disciplinary sanctions or actions in accordance with the Student Code of Conduct, the Faculty Code of Conduct, the Employee Handbook, and any other relevant ACG Policy (*see Whistleblower Policy*).

B. LOCATIONS, PROGRAMS AND ACTIVITIES

The Policy applies to all ACG campuses and premises, including the Residence Complex, and to off campus locations in Greece and abroad where ACG programs, activities and excursions take place. The scope of the Policy comprises study abroad and conference/professional development destinations.

The applicability of the Policy extends also to virtual spaces within which electronic communications involving persons to whom the Policy applies take place (social media, cell phone audio/video and text message conversations, emails).

C. RELATIONSHIPS

Persons to whom the Policy applies who are in a position of authority in relation to fellow ACG Community members have a special obligation not to engage in prohibited conduct.

All, including consensual sexual or romantic, relationships between individuals in inherently unequal positions on campus, most importantly students, student assistants and on-campus interns, are prohibited by the Policy. Upon entering the ACG Community, employees and students are expected to inform the Office of Human Resources and the Dean of Students respectively about such past and current relationships with ACG Community members.

“Hostile environment” or “quid pro quo” (meaning: “this for that”) sexual/gender harassment, namely the form of harassment that occurs when sexual demands or requests for sexual favors are made by a person in authority who can affect employment terms and conditions, privileges, hiring and firing, promotions and disciplinary actions and sanctions, training, performance evaluation and compensation, is prohibited by the Policy. The Policy complements, in that regard, ACG Policies and Procedures applicable to employees, specifically faculty re relationships with students, and students.

Managers and supervisors are specifically expected to serve as models of appropriate conduct for other employees, adhere to and enforce the Policy, and not engage in discrimination, harassment, retaliation or sexual assault. Managers and supervisors have a duty to report prohibited conduct under the Policy that they witness/observe, learn about, or reasonably suspect has occurred. Knowingly allowing prohibited conduct to continue or adopting a casual approach to the enforcement of the Policy shall result in disciplinary action and sanctions. ACG will hold managers and supervisors to a higher standard of accountability.

Recognizing that positions of authority exist also within Student Life at Deree-ACG (student leadership in Clubs/Organizations vis-à-vis student membership, Club/Organization advisors vis-à-vis students, Athletics, Coach vis-à-vis

students/athletes and teams), the scope of the Policy extends also to “hostile environment” or “quid pro quo” sexual/gender harassment within the student community.

D. PROHIBITED CONDUCT

Conduct is prohibited under the Policy regardless of the sexual orientation, gender, gender identity, or gender expression of parties involved in a dispute (complainant and respondent).

Activity by email, audio, video and text message communications via cell phone or social media, regardless of where and when they occur, can also constitute conduct prohibited by the Policy.

1. Discrimination

Discrimination on the basis of sex, gender and/or gender identity or expression, sexual orientation, disability, age, race, ethnicity, color and membership of a national minority, nationality or national origin, creed, religion or belief, social origin, birth and property, language, political or other opinion, pregnancy, genetic information, marital status, citizenship status, veteran or military status, or on any other legally prohibited basis is unlawful and will not be tolerated.

Specifically, the adverse treatment of any employee based on their actual or perceived membership in a category/group of persons to whom they belong, rather than on the basis of individual merit re terms, conditions or privileges of employment (such as hiring, firing, promoting, disciplining, scheduling, training, evaluating performance, or deciding compensation) constitutes discrimination.

2. Harassment

Harassment prohibited by this Non-Discrimination policy includes unwelcome verbal or physical conduct or differential treatment of any person to whom the Policy applies on any of the prohibited basis for discrimination.

Harassment directed toward an employee because of their membership or perceived membership in any protected group is specifically prohibited by the Policy.

The harasser can be the employee’s direct supervisor, supervisor in another department, colleague, or someone who is not an ACG employee, such as a parent or student.

Harassment includes, but is not limited to:

- Verbal abuse and/or offensive and hostile behavior, such as insulting, teasing, mocking, degrading or ridiculing;
- Derogatory remarks concerning a person's sex, gender and/or gender identity or expression, sexual orientation, disability, age, race, ethnicity, color and membership of a national minority, nationality or national origin, creed, religion or belief, social origin, birth and property, language, political or other opinion, pregnancy, genetic information, marital status, citizenship status, veteran or military status, or on any other legally prohibited basis, including display of offensive symbols;
- Unwelcome physical contact, questions, advances, jokes, comments, epithets or demands;

- Physical assault or stalking (*see* Deree Student Code of Conduct; *see* Stalking, below);
- Electronic transmission or displays of offensive, demeaning or hostile materials;
- Unwillingness to collaborate with an ACG Community member within the scope of assigned tasks and responsibilities or College programs; specifically, unwillingness to train, evaluate the performance of, assist or collaborate with an employee.

Unwelcome conduct is defined as conduct not requested or invited and perceived as undesirable or offensive.

Assessment of whether conduct is unwelcome shall rely on the evaluation of all circumstances, including objective and subjective factors, and be guided by the following premises:

- Absence of a “no” does not by itself mean “yes”
- Clothing, or gender, race, sexual identity and orientation cannot be grounds for inferring that conduct is welcome
- An individual may stop welcoming sexual contact at any time, and may welcome particular sexual acts but not others, regardless of whether a dating, marital, and and/or sexual relationship exists between the parties

3. Sexual harassment

Sexual harassment is

- a specific form of discriminatory harassment and includes physical, verbal, non-verbal, written, graphic and electronic communications;
- any unwelcome conduct of sexual nature, including unwelcome sexual advances, request for sexual favors, or other unwanted verbal, nonverbal, graphic, or physical conduct of a sexual nature.

The following conditions must be present:

- An individual’s employment terms, conditions or privileges, or academic standing, evaluation of academic work (such as grades) and advancement in academic programs, or basis for participation in an ACG program, event or activity are implicitly or explicitly conditional on submission to or rejection of unwelcome conduct (**quid pro quo**).
- Decisions affecting the individual are implicitly or explicitly conditional on submission to or rejection of unwelcome conduct (**quid pro quo**).
- Quid pro quo sexual harassment constitutes discrimination on the basis of sex and can occur regardless of whether the individual resists, suffers, submits to or avoids the unwelcome conduct and threatened harm.
- The purpose or effect of such conduct is unreasonable interference with an individual’s working, learning or living environment, and creates a **hostile campus environment**. Reasonableness is assessed both by objective (reasonable person’s view) and subjective standards (complainant’s view).
- A hostile environment ensues from sufficiently severe, persistent, or pervasive conduct that interferes with the ability of an ACG Community member, and any person to whom the Policy applies, to work, participate in or benefit from College life. The severity and the repetition of prohibited conduct are taken into account in assessing the creation of a hostile environment.

Sexual violence, including rape, sexual assault, domestic and relationship/dating violence are forms of sexual harassment.

4. Gender-based harassment

Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression.

Gender-based harassment may include acts of aggression, intimidation, hostile verbal or non-verbal, graphic, physical, or other conduct, even if the acts do not involve conduct of a sexual nature, when these are sufficiently severe, persistent, or pervasive and interfere with or limit an individual's ability to participate in the life of the ACG Community and to benefit from opportunities accessed through College programs and activities.

5. Sexual Assault

Sexual assault is a form of sexual harassment that involves non-consensual intercourse or non-consensual sexual contact.

(a) Non-consensual sexual intercourse

Non-consensual sexual intercourse is using force, threat of force or coercive conduct to engage in or attempt sexual intercourse with another individual, without affirmative consent, or where the other individual is incapacitated. Any form of penetration, however slight, with a body part or an object amounts to sexual intercourse.

(b) Non-consensual sexual contact

Non-consensual sexual contact is using force, threat of force or coercive conduct to have or attempt sexual contact with another individual, without affirmative consent, or where the other individual is incapacitated; touching, fondling and any other intentional contact, over or under an individual's clothing, with private body parts for purposes of sexual gratification.

6. Sexual Exploitation

Sexual exploitation involves non-consensual use of another individual's sexuality or nudity, such as voyeurism; dissemination, streaming and posting of pictures or videos of another person engaging in a sexual act, exposing private body parts, being undressed/nude or in a place and time where privacy is reasonably expected, without the individual's affirmative consent; making another individual vulnerable to non-consensual sexual activity by use of alcohol or drugs; prostituting another person; knowingly exposing another individual to an STD, without their knowledge.

7. Relationship/dating violence

Relationship/dating violence may include acts of sexual misconduct, physical assault, sexual exploitation or stalking.

Relationship/dating violence involves violent conduct by a person who aims at exerting control over a current or former intimate partner. Such violence can occur within current or past sexual, dating, domestic or other intimate relationships.

8. Stalking and Cyber-stalking

Stalking occurs when a person follows, monitors, observes, threatens or communicates to or about a person, or interferes with another person's property, thereby causing a reasonable person to fear physical abuse or experience substantial emotional distress

and mental suffering. Stalking refers to a course of conduct including two or more acts, regardless of whether all acts in the course of conduct are unwelcome, or performed directly by the stalker or, indirectly, through other parties.

Cyber-stalking occurs when electronic media, such as the internet, social networks, cell phones, text messaging, or other similar devices or forms of electronic communication are used.

9. Retaliation (*see also Whistleblower Policy, para 5.4*)

Retaliation is any adverse action taken against an individual acting in good faith to report prohibited conduct under this Policy and any other ACG Policy and Procedure, or to participate in any investigation or proceeding under this Policy and the policies prescribing hearing and sanctions that are applicable to ACG Community members; threats, harassment and any conduct that would intimidate or discourage a reasonable person from reporting prohibited conduct under the Policy constitutes retaliation.

Allegations of retaliation by employees or students will be evaluated and responded to respectively by the Vice President of Administration and Human Resources or the Dean of Students.

10. Examples of Prohibited Conduct under the Policy

- Physical assaults of sexual nature, such as rape, sexual battery, molestation or attempts of such physical assaults
- Intentionally or unintentionally touching, pinching, patting, grabbing or brushing against another individual's body, especially private body parts
- Reacting to someone's refusal of sexual advances with physical assault
- Requesting sexual favors and implying or expressly threatening another individual by reference to job performance or academic standing implications of non-submission
- Remarks, lewd or sexually suggestive comments, jokes, gestures and noises about a person's sexuality or sexual appearance
- Display of sexually demeaning or pornographic materials (pictures, graffiti, objects, reading materials) on ACG premises or digital locations to which persons to whom the Policy applies upload/access content
- Sex stereotyping and hostile actions against another individual on the basis of sex, sexual orientation, and gender identity
- Interference with or damage to a person's workspace or means for performing their assigned coursework or job
- Bullying or name-calling
- Documenting (photography, video, or other visual or auditory documentation) sexual activity or nudity, and/or sharing such, where privacy is reasonably expected, without the knowledge and consent of involved parties

E. RELATED DEFINITIONS: CONSENT, FORCE, INCAPACITATION

1. Affirmative consent

For affirmative consent to exist, engagement in sexual activity must be a knowing, voluntary, and mutual decision among all involved parties. Words or actions can amount to affirmative consent, as long as they indicate clear permission and willingness of all participants to engage in the sexual activity.

Assessment of whether affirmative consent has been given/obtained shall rely on the

evaluation of all circumstances, including objective and subjective factors, and be guided by the following premises:

- Consent shall not be inferred from silence or lack of resistance.
- Affirmative consent and the use of force/coercion or taking advantage of the incapacitation of another individual are irreconcilable.
- Consent cannot be obtained from someone who is under the legal age to consent at the time of the incident.
- The extent to which the Complainant's words or actions indicate affirmative consent to engage in sexual activity
- Whether a reasonable person in the position of the Respondent perceives the Complainant's words or actions as expressed consent

It is expected of all persons to whom this Policy applies:

- Not to make assumptions, but rather stop and clarify verbally the willingness to continue, if ambiguity arises during sexual activity.
- To cease sexual activity immediately when consent initially given is withdrawn. Current or future consent is not implied by prior consent, and consent for specific sexual activity does not necessarily encompass any other sexual act. This applies even in the context of ongoing intimate relationships/dating.

2. Force/Coercion

Force is the use of physical violence or intimidation, or the threat of such conduct, to interfere with a person's freedom to choose whether or not to participate in sexual activity. Coercion occurs when an individual reasonably fears immediate or future physical, emotional, or other harm as a result of explicit or implied threats or intimidation aimed at interfering with a person's freedom to choose whether or not to participate in sexual activity.

3. Incapacitation (incl. sexual activity following use of drugs or alcohol)

Incapacitation is the state of lacking the ability to knowingly and voluntarily choose to engage in sexual activity or to make rational judgments and/or consent to sexual activity. Incapacitation may be temporary or permanent.

An individual's ability to give consent may be limited by mental or physical conditions, being involuntarily restrained, asleep or unconscious, or unaware that sexual activity is occurring.

Being intoxicated due to use of drugs or alcohol does not serve as an excuse for committing prohibited conduct under the Policy. The standard applicable in evaluating incapacitation is that of the perspective of a sober, reasonable person in the Respondent's position.

Signs of incapacitation may include symptoms of excess alcohol or drug consumption such as vomiting, inability to focus, disorientation, inability to maintain balance, communicate coherently, unresponsiveness or unconsciousness.

4. Other

Further important definitions are included below.

(a) Complainant

“Complainant” refers to any person to whom the Policy applies, who presents as the victim of prohibited conduct under the Policy, regardless of whether an incident has been reported by the individual.

(b) Respondent

“Respondent” means a person against whom a complaint about conduct prohibited under the Policy has been made.

(c) Parties

“Parties” refers collectively to the Complainant and the Respondent.

III. CONDUCT PROHIBITED BY LAW

Prohibited conduct under the Policy also violates the laws of the local jurisdiction in which the incident occurs.

Should conduct prohibited under the Policy be found to also violate the law of the local jurisdiction, internal College procedures will run parallel to or be postponed until legal proceedings conclude.

The Respondent may be subject to criminal prosecution. The College is required to report incidents of prohibited conduct or alleged violations of the Policy that are deemed criminal offences to the local police authorities.

Persons to whom the Policy applies who study, work or engage in other activities at ACG are governed by the laws regarding prohibited conduct (Section D) under this Policy which implicate also criminal offences as per Greek law.

Education, awareness-raising and prevention programs developed for the dissemination of the Policy will include reference to conduct prohibited by law in the applicable jurisdiction.

The Respondent may also be subject to civil liability.

Records of internal investigation and proceedings under the Policy may be subpoenaed in cases of criminal prosecution and/or civil litigation.

Standards of protection and appropriate response to prohibited conduct under the Policy are also aligned with the spirit of European Union law as manifested specifically in: Directive 2002/73/EC of the European Parliament and of the Council, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and calling on member states to better protect the rights of victims of sexual harassment and ensure the integrity, dignity and equality of women and men at work; Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; and the Victims’ Rights Directive (Directive 2012/29/EU of the European Parliament and of the Council), establishing minimum standards on the rights, support and protection of victims of crime, and defining gender-based violence as a form of discrimination and a violation of the fundamental freedoms of the victim that includes violence in close relationships and sexual violence (rape, sexual assault and harassment) and recognizes the special support and protection required for women victims of gender-based violence because of the high risk of secondary and repeat victimization, intimidation and retaliation.

In setting the standard of protection and appropriate response to prohibited conduct under the Policy, The American College of Greece takes into account the spirit of US Law, and specifically: Title VII of the Civil Rights Act of 1964 (protecting from discrimination on the basis of race, color, religion [reasonable accommodation of religious practices, where such does not impose undue hardship], sex [including pregnancy], or national origin); Title VI of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance); Title IX of the Education Amendments of 1972 (protecting against discrimination in educational programs or activities which receive Federal financial assistance, and particularly, since 2011, used to address the problem of sexual assault on College campuses); Title I and Title V of the Americans with Disabilities Act of 1990 (not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, where such does not impose undue hardship); The Age Discrimination in Employment Act of 1967; The Equal Pay Act of 1963; Title II of the Genetic Information Nondiscrimination Act of 2008; Section 504 of the Rehabilitation Act of 1973, as amended (prohibiting discrimination on the basis of disability in any program or activity which receives Federal financial assistance).

ACG discloses information about campus crime to local authorities as required by Greek law. ACG has adhered to the General Data Protection Regulation of the E.U. since May 2018.

IV. APPLICABLE PROCEDURES FOR RESPONDING TO PROHIBITED CONDUCT

Violations of the Policy by or against persons to whom it applies are determined based on all the available facts and circumstances, including statements of the Complainant, the Respondent and any witnesses to the alleged violation, as well as information about pre- and post-incident conduct that can be associated with the alleged incident.

Enforcement of the Policy may take place parallel to law enforcement. Internal investigation of incidents involving conduct prohibited by the Policy may be conducted parallel to police investigation, prosecution or court proceedings.

Awareness-raising, prevention, emergency response and victim support programs developed by the College for the training of ACG employees will provide guidelines for responding to incidents of prohibited conduct by (a) reporting all available facts and circumstances (see ACG Emergency Protocols) in a manner that will preserve significant evidence and aid the investigation, and (b) offering valid information and guidance to victims who consent to such support regarding preservation of evidence, available care on and off campus, and reporting the incident to the local authorities (police and/or Prosecutor).

Where an incident involves or could involve punishable conduct as per Greek criminal law, the College and all ACG Community members and third parties to whom the Policy applies are expected to report such conduct to the police and/or Prosecutor.

The College may take interim measures, such as a no-contact order or suspension, while police investigation, prosecution or court proceedings are pending.

V. REPORTING OPTIONS

Any member of the ACG Community or third party to whom the Policy applies may request information, advice and assistance in reporting an incident, accessing professional care, or filing a formal complaint.

A. FOR STUDENTS

Students may report incidents involving prohibited conduct under this Policy to the Dean of Students.

For urgent concerns, the Aghia Paraskevi Campus Main Gate (+302106009800 ext. 1100), and the Downtown Campus Front Desk (+302108964531) are staffed 24/7 and will provide immediate response and referrals to on and off campus resources.

College Nurses can be reached during ACG Health & Wellness Center operating hours (+30600980 ext. 1500, 1093, 1193).

Regarding off-campus resources: 24-hour Victims of Violence hotline (197) provides assistance to victims of sexual assault and rape.

B. FOR EMPLOYEES

ACG Employees may report incidents involving prohibited conduct under this Policy to the Office of the Vice President of Administration and Human Resources.

C. FOR THIRD PARTIES

Third parties to whom the Policy applies may report incidents involving prohibited conduct under this Policy to Campus Security (Main Gate, Aghia Paraskevi Campus; Front Desk, Downtown Campus).

D. ANONYMOUS REPORTING

Anonymous reporting occurs when the Complainant does not disclose their name or identity or that of other parties involved, nor requests any action by the College. Action by the College shall depend on the nature of the information shared. The privacy of individuals reporting prohibited conduct or mentioned in reports shall be protected to the extent permitted by law and this Policy.

Individuals who are survivors/victims of crime or witnesses of prohibited conduct have the right to request protection and confidentiality regarding their name or identity. Information conveyed through anonymous reporting assists the College and the police to track patterns of prohibited conduct and crime, and may assist other similar investigations.

VI. PROTECTIVE MEASURES AND ACCOMMODATIONS, NON-RETALIATION

ACG is committed to ensuring the safety and well-being of the Complainant and to taking immediate and interim measures to those ends.

Protective measures also aim at prohibiting retaliation against those who file a complaint or third-party report, or otherwise take part in the investigation and/or disciplinary

process, such as bearing witness. Interim measures for non-retaliation may include, but are not limited to, no-contact orders and changing the Respondent's living arrangements or course schedule.

Protective measures and accommodations include, but are not limited to: the ability to move dorms or temporarily and free of charge move from off-campus housing to the ACG Residence Complex, change of work schedules, altering of academic schedules, withdrawal from/retaking a class free of charge and without penalty, access to academic support, such as directed study or tutoring, and any other appropriate academic accommodations where such do not impose undue hardship.

In cases of anonymous reporting or if a victim's request for confidentiality limits the ability of the College to investigate a reported incident, steps may be taken to limit the effects of alleged prohibited conduct under this Policy and prevent its recurrence without proceeding with formal action. Protective measures and accommodations in that case include, but are not limited to: increased monitoring, supervision or security at locations or activities where the reported misconduct occurred; awareness-raising, training and education for ACG Community members; memorandum communicating this Policy to the ACG Community; and conducting campus climate surveys regarding sexual misconduct.

VII. CONFIDENTIALITY AND RESPONSIBILITY TO REPORT

ACG will make every reasonable and appropriate effort to preserve the privacy and protect the confidentiality of persons to whom this Policy applies.

ACG Community members who are made aware of an incident of prohibited conduct involving any person to whom the Policy applies are expected to report the incident to the Dean of Students or the Office of the Vice President of Administration and Human Resources without delay. ACG Community members are not expected to investigate, preserve evidence or determine the facts of an incident, unless they are specifically entrusted with this responsibility in this Policy.

ACG Community members involved in responding to prohibited conduct under the Policy are required to maintain a high degree of confidentiality towards ensuring the fairness and the integrity of the process, and the effectiveness of response and care provided to the Complainant of the alleged misconduct.

ACG will not require participants in investigation or disciplinary hearing processes to sign non-disclosure agreements.

On-Campus Confidential Resources are available free-of-charge to ACG community members impacted by sexual misconduct, harassment or form of sexual violence. Upon referring individuals to Confidential Resources, "Responsible Employees" are required to also contact the Dean of Students (in case of student victims) or the Office of the Vice President of Administration and Human Resources (in case of employees, faculty or staff) to report the incidents brought to their attention and inform about the time, date and means of referral to Confidential Resources. Immediate reporting serves the purpose of timely follow up and ensures that persons affected by the incident are supported appropriately and effectively.

Confidential consultations about prohibited conduct are available from persons who, by law, have special professional status.

Confidential Resources at ACG are:

- (a) **For Students:** The **ACG Counseling Center**, providing confidential short-term emotional support, and ongoing individual counseling, and helping students access further off-campus resources and support teams, including hotlines and psychological support/psychiatric care.
- (b) **For Faculty and Staff:** The **Heads of the ACG Counseling Center**, providing professional confidential short-term emotional support to faculty/staff impacted by sexual harassment or other forms of sexual violence, and helping faculty/staff access further off-campus resources and support teams, including hotlines and psychological support/psychiatric care.

Anyone reporting prohibited conduct under this Policy is advised to ask whether confidentiality can be maintained prior to confiding in an ACG employee. Confidential Resources at ACG cannot share information without an individual's express consent, unless there is imminent risk of serious harm to self or others; or to avert serious threat to health or safety; or as part of law enforcement activities such as investigations of criminal conduct or of victims of crime, in response to court orders, in emergencies, or as required by law; or in response to a subpoena or a lawful order from a court. The College will take reasonable steps to notify anyone reporting prohibited conduct under this Policy about the disclosure of the information confided in an ACG employee or Confidential Resource.

Information about an incident may be released to a family member or friend who is involved in an individual's care without consent or authorization if the individual is incapacitated or if, in the professional judgment of the ACG employee handling the incident, the release of information is considered to be in the best interests of the individual.

VIII. RESPONSE TO SEXUAL MISCONDUCT

ACG offers a variety of resources and services to students and employees who are concerned about sexual harassment and other forms of prohibited conduct under this Policy.

A. ACG RESOURCES AND SERVICES

1. Campus Security and ACG Health & Wellness Center/College Nurses

In a case of emergency, persons to whom this Policy applies, including bystanders, must contact Campus Security (210 6009800 ext. 1100).

If a person involved in an incident of sexual misconduct needs immediate care the ACG Health & Wellness Center/College Nurses (210 6009800 ext. 1500, 1093, 1193) must be notified.

The ACG First Aid Protocols, Emergency Response Protocols, and ACG Whistleblower Policy apply.

ACG first response resources:

- Are trained to inform about reporting options and to offer guidance for preserving evidence in case of rape or sexual violence until external emergency response professionals (first aid or police, or both, depending on Complainant's/victim's preference) arrives.
- Cannot collect or preserve DNA evidence.
- College Nurses receive Sexual Assault Nurse Examiner training (online), but are not allowed to perform checks that exceed the scope of care outlined in ACG's medical protocols (ACG First Aid Protocols), specifically physical examination, including a pelvic exam to collect DNA evidence. College Nurses are aware of the type of evidence that may be crucial in a forensic investigation, and make every effort to help the victim preserve evidence (outer clothing, underpants worn at the time of and after the incident), or recommend that the victim swab their own oral cavity using cotton swabs, and advise the victim to not shower or wash pubic area, cervix, vaginal or penile areas. College Nurses advise the victim to note areas of injury (bruising, bite marks, scratches) for providing this information to the police or public hospital professionals undertaking the DNA examination. An evidence-collection checklist that can aid sexual assault forensic examination is shared with the victim of alleged misconduct.
- College Nurses make referrals for follow up care, and are trained to educate victims of sexual misconduct about STDs and pregnancy risks.
- When College Nurses are not on campus, the victim is referred to external emergency response professionals (the police or public hospital). Campus Security, Responsible Employees and the ACG Counseling Center may not collect, preserve or provide guidance about preservation of DNA evidence.
- Sexual assault exams are conducted by the Forensic Service of the area where the crime was reported by the victim and are free of charge. Crimes reported within the Attica region, are handled by the Athens Forensic Service, 10 Anapafseos Str., 116 36 Athens, Greece (+30 2109244900). The exam involves description of the injuries, pelvic exam, vaginal/penile/anal swabs, head and pubic hair samples, fingernail scrapings, and blood and saliva samples for DNA identification. Victims of sexual assault or rape are allowed to bring a friend or other support person during the forensic exam. Trained ACG employees handling an incident involving a study abroad/international student or student resident will offer to act as the support person during the forensic exam.

2. Dean of Students and Vice President of Administration and Human Resources

The Dean of Students, when the Complainant is a student, and the Vice President of Administration and Human Resources, when the Complainant is an employee or third party, are responsible for addressing, in a neutral manner, disclosed incidents of sexual and gender-based harassment and any form of prohibited conduct under the Policy in ACG's programs and activities.

Conversations with the above parties are not deemed confidential. The Dean of Students and the Vice President of Administration and Human Resources will handle information provided by persons involved in an incident of prohibited conduct under the Policy with the utmost discretion and sensitivity, and are trained to handle sensitive information in

accordance with GDPR standards and College policies and procedures. Such information will be shared exclusively on a need-to-know basis.

In rare circumstances, where a community safety concern is substantiated by the information shared, the Dean of Students and the Vice President of Administration and Human Resources may request that an individual take steps to initiate a formal complaint by reporting the incident (see Appendix, Forms).

The Dean of Students and the Vice President of Administration and Human Resources:

- Guide persons to whom this Policy applies to available resources on campus and facilitate access to confidential resources.
- Decide on and help arrange interim measures to safeguard that ACG Community members continue their studies and/or work and participate in campus life.
- Mediate to facilitate informal resolution between the involved parties, as appropriate, with the goal of reaching a mutually acceptable resolution. The outcome of the process will be communicated to the involved parties in writing and recorded on Jenzabar.
- Provide information on this Policy and other applicable College policies and procedures.
- Provide information about filing a formal complaint using ACG's reporting system, and options for reporting sexual misconduct, including anonymous reporting.
- Investigate reported misconduct under this Policy. Investigation and hearing processes are proscribed by the Student Conduct Code and the Employee Handbook respectively.
- Ensure equitable rights of the Complainant and the Respondent during the investigative process. Balancing the standard of preponderance of the evidence with the presumption of innocence principle and due process with respect to the respondent is critical for the fairness of the process.
- Collaborate with SART (see below) and external resources as appropriate in cases of sexual assault and rape to advise victims about preservation of physical evidence, forensic exam, and HIV prophylaxis (within 72 hours after the incident) at a Greek state hospital, and offer support of a SART representative during the forensic exam. Victim consent to a specific individual acting as support person must be explicit and affirmative.
- Ensure immediate physical protection and transportation to a state hospital, if the victim requests a forensic exam and HIV prophylaxis.
- Support persons to whom the Policy applies in seeking medical care and pursuing legal action.

3. Responsible Employees

Responsible employees, who are required to report incidents, incl. personally identifying details, of discrimination and all prohibited conduct under the Policy involving ACG students or any other community member or third party without delay, include:

- (a) ALL faculty
- (b) ALL administrators/staff in supervisory position, including supervisors of student employees (student assistants and on campus interns)
- (c) ALL administrators/staff who have specific responsibility for the wellbeing of students or employees, such as campus security and senior staff members in Student Affairs and ACG Health & Wellness

- Center, Educational Counseling Services, Residence Life, International Student Services, and Athletics
- (d) Instructors, teaching assistants, coaches, advisors, program counselors, such as the Study Abroad Program, who teach, advise, coach or mentor students

Students can disclose in confidence to Responsible Employees. Students must understand the reporting obligation of Responsible Employees before they reveal any information.

4. SART (Sexual Assault Response Team)

SART is an on-campus community-based team trained to provide immediate and confidential response in cases of a sexual assault incident. SART directs victims to campus and external resources, helps navigate and activate the reporting process and access specialized counseling and healthcare professionals.

SART meets regularly and ad hoc, on occasion of reported prohibited conduct, to coordinate institutional response; support the victim; and maintain victim-centered and offender-focused approach to case review.

SART is composed of:

- (a) Dean of Students
- (b) Human Resources representative
- (c) Campus Security representative
- (d) ACG Health & Wellness Center representatives, incl. a College Nurse
- (e) ACG Counseling Center representative
- (f) ACG International Student Services representative (when victim or alleged perpetrator are study abroad/international students)
- (g) ACG Residence Life representative, incl. an RA (when victim or alleged perpetrator are student residents)
- (h) Registrar | Dean, Academic Administration

ACG's SART meets annually to develop and revise operating guidelines and propose amendments to the Policy, where needed, in view of best practices in Sexual Assault Response.

ACG's SART meets on occasion of and in the aftermath of an incident of sexual assault to coordinate and evaluate, respectively, College response.

SART members are trained to offer emotional support to victims who have experienced sexual or gender-based harassment and others in their immediate environment. SART members can propose on-campus interim measures to the Dean of Students or the Vice President of Administration and Human Resources.

B. GUIDELINES FOR FIRST RESPONSE TO A VICTIM OF SEXUAL MISCONDUCT

1. General Guidelines

- Opt for a personalized approach and in-person communication with victims towards responding immediately to emotional reactions and guiding them without delay to support services. Phone call communication, where in-person communication is not possible, also allows for immediate response to questions, needs and for building rapport with victims. Written communication, including text messaging, should be used only as a last resort as it can be easily intercepted.

Victims should be asked whether they want to continue contact, and their safety and confidentiality should always be respected.

- Provide written resource materials (Flowchart in English and Greek, Appendix; Know The Facts brochures) and clear guidance to victims about immediate steps, on-campus and external support services, contact information of key external medical and legal resources.

2. Helpful Language for Responsible Employees

- Be supportive and patient
- Listen and validate feelings shared by the student/colleague/third party
- Refrain from pressing the student/colleague/third party to give details
- Explain clearly and before the student/colleague/third party discloses details about prohibited conduct that, as a Responsible Employee, you are obliged to report
- Provide guidance regarding reporting options and Confidential Resources as per this Policy
- Give time and space to the student/colleague/third party to decide on course of action
- Avoid asking “Why” and sharing own opinion about the events and the persons involved
- Responsible Employees are expected to say: “I can help you connect with support on campus services, such as the ACG Health & Wellness Center or Campus Security, or guide you to external resources. But first, I want you to know that I am a Responsible Employee, which means that I must share with the Dean of Students/Vice President of Administration and Human Resources any information disclosed to me about discrimination, gender-based discrimination, sexual misconduct, harassment or assault, relationship/dating violence, stalking. I want you to be able to make an informed choice about what you share with me. I can also connect you to the ACG Counseling Center, the College’s on-campus confidential resource.”
- You can say: “Thank you for sharing...”, “Thank you for trusting me...”, “I regret this has happened to you”, “What can I do to help?”
- Responsible employees should be aware that male and LGBTQI+ victims may be less likely to report an incident or want a medical exam and should be made aware they have the right to request a male/female or LGBTQI+ health care provider when reporting or disclosing details or undergoing a medical exam.

3. Student Rights

ACG students have the right to:

- Make a report to the police or the Prosecutor.
- Have disclosures of prohibited conduct under this Policy treated seriously.
- Make decisions about disclosure of incidents free from pressure by ACG.
- A fair and impartial process.
- Be treated with dignity and receive available health care and counseling services from ACG.
- Describe the incident to as few ACG employees as practicable and not be required to unnecessarily repeat a description of the prohibited conduct.
- Be reasonably protected from retaliation.

- Access first-instance and at least one level of appeal as per the Deree Student Code of Conduct.

IX. ENFORCEMENT, HEARING PROCESS, EVIDENCE STANDARD, SANCTIONS

Enforcement of this Policy is to be guided by an emphasis on proactive measures, such as awareness-raising campaigns and targeted training, interpersonal reconciliation, conflict resolution, education and learning. Grievances, hearing process and sanctions are proscribed in the policies and procedures applicable to specific ACG Community member types (students, all employees, faculty) or third parties.

Students, faculty and staff are expected to actively address complaints and concerns, including concerns about faculty conduct, as an integral part of the educational process. Where additional resources and measures are required to address complaints specifically about faculty conduct, formal and informal grievance processes must be resorted to. While employees are advised to respect the organizational charts of their respective departments in reporting incidents, they can access, if necessary, directly the Dean of Students or the Vice President of Administration and Human Resources when an incident of prohibited conduct under this Policy involving students or employees respectively is brought to their attention.

In enforcing this Policy, however, particularly on occasion of incidents of sexual misconduct, specific **deviations** from usual procedures may apply:

- Mediation is rarely appropriate.
- The standard of preponderance of the evidence must be balanced with the presumption of innocence principle and due process with respect to the respondent.
- If the Complainant reports the incident to the Prosecutor or the police, the internal disciplinary process shall be postponed until police investigation or legal proceedings conclude. Interim measures such as no-contact orders can be issued in the meantime by the Dean of Students or the Vice President of Administration and Human Resources.
- Internal investigation of a reported incident of prohibited conduct under the Policy must include trained individuals. ACG will consult internal and external experts, where necessary in the process, and involve them in the decision on appropriate sanctions.

Internal disciplinary procedures may result in the following findings:

- The complaint is unsubstantiated, meaning allegations are found to be without merit based upon facts.
- The complaint is partially substantiated.
- The complaint is fully substantiated.

An informal hearing process is an attempt to resolve the Complainant's concerns with process and outcome remaining confidential. If either party objects to an informal hearing, the matter is automatically referred to a formal hearing process as per the

respectively applicable internal ACG Policy and Procedures (Student Code of Conduct, Faculty Code of Conduct, ACG Employee Handbook).

In the informal hearing process involving faculty members, first the Vice President of Administration and Human Resources discusses the complaint with the faculty member. Additional steps such as direct discussions with both parties, individually and collectively, may be taken as deemed necessary by the Dean of Students and the Vice President of Administration and Human Resources to facilitate mutual understanding and effectively address and resolve the issue. A summary of the informal hearing process, covered by confidentiality as appropriate, is inserted in Jenzabar.

Filing a formal complaint against a faculty member must meet conditions of fairness and due process. The behavior/incident must constitute an alleged violation of the Faculty Code of Conduct and/or the ACG Employee Handbook in spirit or letter and must cause significant distress and/or harm to the complainant or to the integrity and reputation of ACG, or both. To file a formal complaint, students must provide a signed Incident Report Form to the Dean of Students, who notifies immediately the Vice President of Administration and Human Resources; employees must contact directly the Vice President of Administration and Human Resources.

The Vice President of Administration and Human Resources determines which ACG Policy and Procedure shall apply; it is at the discretion of the College to form *ad hoc* Disciplinary Committees at first instance and appeal levels to address incidents involving different ACG Community member types. To protect the complainant from the pressure to withdraw the complaint, the complaint may not be withdrawn until the conclusion of the formal hearing process.

Possible sanctions for ACG Employees in violation of this Policy:

- If the complaint is unsubstantiated, no action is taken.
- If the complaint is partially substantiated, or if minor claims are fully substantiated, sanctions may include, but are not limited to, a formal letter of apology, mentoring, counseling or continuing education, or a period of probation.
- If the complaint is fully substantiated, or if major claims are partially or fully substantiated, sanctions may include, but are not limited to, a formal letter of apology, mentoring, counseling or continuing education, a period of probation, suspension or removal. For suspension or removal, the internal ACG Committee convenes in the presence of ACG's legal advisors.

The formal hearing process can result in:

- Sanctions
- Accommodations for the Complainant/victim
- Additional remedies and measures for the College community

The parties will be informed about the results of the formal hearing process by simultaneous written notice, incl. description of applicable appellate procedures, grounds for appeal and the entity that will decide appeals shall be described in the written notice.

X. TRAINING, PREVENTION AND AWARENESS-RAISING

ACG is committed to ongoing training, prevention and awareness-raising to disseminate the Policy to students (orientations, study abroad pre-departure orientation sessions, co-curricular programming, online materials, newsletters, on-campus campaigning incl. information posters, graphics, stickers and Facebook ads), faculty and staff.

Indicative training and awareness-raising topics for ACG Employees include: neurobiology of trauma; strategies/role plays to respond to victims in crisis; working with survivors from marginalized and/or multicultural populations; self-care for notification personnel; collaboration between College and Prosecutor on cold cases; victim advocacy and support services; victim notification procedures; explaining forensic science in layman's terms; intersection of the Policy with other ACG Policies and Procedures; special SANE training for College Nurses.