



2024 Annual Campus Safety Report

East Georgia State College – Augusta Campus

Campus Security Information

Published September 27, 2024

East Georgia State College prepares this Annual Security Report (ASR) in compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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East Georgia State College – Augusta is located on the Augusta University Summerville (AU) campus. This report contains Clery Act crime statistics for the East Georgia State College (EGSC) Augusta Campus. This report was completed in collaboration with Augusta University Department of Public Safety. The report covers 2023 calendar year statistics; 2021 and 2022 crime statistics are included for comparison. The report contains the safety and security policies of AU which are applicable to EGSC Augusta, as well as additional Clery Act reporting requirements for the EGSC Augusta campus. Augusta University Summerville (AU) has no on-campus student housing facilities. EGSC students do not have access to AU student housing, therefore this report does not contain a missing student policy or a fire safety report for EGSC Augusta.

Introduction

From the President

To the East Georgia State College Community –

It is up to each one of us to help foster a secure and supportive environment at East Georgia State College — an environment where individuals can feel safe to visit, learn, work and live. Primary to this goal are the principles of responsibility and respect. These values are essential to any community and serve as the foundation for the success and productivity of our students, faculty, and staff. Safety on campus is one of the highest concerns.

A truly safe campus can only be achieved through the cooperation of everyone. This publication contains information about campus safety measures and reports statistics about crime in our college community. It also describes our efforts to combat alcohol and drug abuse. Please take the time to read it and help foster a more caring and safer environment.

David L. Schechter, President

From the Director of Public Safety

To the East Georgia State College Community –

On behalf of the members of the East Georgia State College Police Department, I want to thank you for your interest in our Annual Security and Fire Safety Report. The report is published by the Police Department and Legal Affairs. We publish this report because it contains valuable information for our campus community. We also publish the report to comply with the important provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be a part of everyone's responsibility at East Georgia State College.

We encourage you to review the information available in this document. You will find information about our organization including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the specific services we make available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information. We share in the College's commitment to foster a secure and supportive environment at East Georgia State College.

Campus safety and security is a collaborative effort at East Georgia State College. We partner with the many departments at the College that have a critical role in fostering campus safety, including Academic and Student Affairs, Plant Operations, Legal Affairs and other College offices. The men and women of the East Georgia State College Police Department are committed to making the College campus a safe place in which to live, work, and study.

Trey Drawdy, Director of Public Safety / Chief of Police

Reporting Crimes & Other Emergencies

East Georgia State College (EGSC or College) encourages the prompt and accurate reporting of crimes to law enforcement when the victim elects to. Individuals should report to the Augusta University Police Department (AUPD) or the local law enforcement agency for where the offense occurred. If a victim is unable to make a

report, including due to incapacitation, EGSC encourages community members to seek emergency assistance including making a report to law enforcement.

Crimes should be reported as soon as possible to the Augusta University Police Department (AUPD) via telephone at 706-721-2911, or via the Rave Guardian App. In an emergency on campus or in campus housing, dial 706-721-2911 or 1-2911 from a campus land line to summon an AUPD officer. Call 911 in an emergency when off campus to summon the Richmond County Sheriff's Office (RCSO). Crimes may also be reported in person at the following campus location:

Augusta University Police Department
Annex II, HT, 524 15th St., Augusta, GA

Additionally, crimes may be reported to the Dean of Students (Bellevue Hall, Summerville Campus, 706-737-1411); Title IX Coordinator (Annex 1, jkneuker@augusta.edu, 706-721-5144); Residence Life officials (Oak Hall, residencelife@augusta.edu, 706-729-2399); Human Resources officials (Annex 1, 1499 Walton Way, HR_Web@augusta.edu, (706) 721-9365); or Director of Athletics (rerlacher@augusta.edu, 706-737-1626).

AU does not currently have a policy regarding voluntary, confidential reporting of crimes by complainants or witnesses for inclusion in crime statistics, nor does AU currently have a policy or procedures that encourage pastoral and professional counselors, at their professional discretion, to inform the persons they are counseling of any such procedures to report crimes on a voluntary, confidential basis for inclusion in crime statistics.

Law Enforcement Authority

The Augusta University Police Department is a fully certified and accredited state police agency. All officers employed by Augusta University are equivalent to the police or law enforcement officers employed in your hometown. University police officers are authorized to make arrests for violations of state law and local ordinances, obtain and execute search warrants, and enforce the traffic laws.

The jurisdiction of the AUPD, as defined by Georgia law, is public or private property under control of the Board of Regents plus 500 yards. Officers may operate beyond the 500 yards if they are in pursuit of an individual; assistance is requested from a surrounding agency with whom the University has a mutual aid agreement and; or on any campus under the control of the Board of Regents.

AUPD has a strong working relationship with the following agencies:

- Richmond County Sheriff's Office
- Columbia County Sheriff's Office
- Georgia Bureau of Investigation
- Federal Bureau of Investigation

Each of the above agencies augments the AUPD within their jurisdiction during mutual investigations, arrests and prosecutions.

AUPD Officers are fully qualified to adequately and independently investigate incidents and crimes occurring within our Clery geography across all AU campuses. An MOU with local law enforcement is not required for investigating crimes within AU campuses or in surrounding Richmond County as AUPD officers are also

deputized by the Courts to enforce laws outside of AU campuses when needed. Additionally, AUPD currently has and maintains a mutual aid agreement with the Richmond County Sheriff's Office to support incident response and investigations when needed within the AU Clery Geography.

We encourage you to visit the Augusta University Police website at <https://www.augusta.edu/police/> to explore the services AUPD offers and important information regarding staying safe at AU.

AUPD does monitor criminal activity at student organizations in non-campus locations by requesting information from the Richmond County Sheriff's Office.

Security & Safety Programming

AUPD offers multiple programs each year that encourage students and employees to be responsible for their own security and safety, as well as that of others. Regular community safety education and programming includes RAD (Rape Aggression Defense) courses designed to assist students and staff to avoid victimization and sexual violence; active shooter/harmer response training; fraud prevention education; Coffee with a Cop; firearms safety; and many more. The AUPD website provides updated and ongoing information regarding security and safety programming: <https://www.augusta.edu/police/resources/index.php>.

Preparing Annual Crime Statistics

The University Clery Compliance Officer, within University Compliance, and in conjunction with AUPD is responsible for collecting crime reports from Campus Security Authorities (CSAs), as defined below, for the purposes of compiling annual crime statistics. CSAs can also submit information through an online form. The Clery Compliance Officer through AUPD also gathers reports from local law enforcement agencies for inclusion in the crime statistics.

The Clery Compliance Officer leads the Clery Act Classification Committee in determining the classification and counting of crime statistics. The work group includes representatives from AUPD, Title IX, Deans of Students, and Residence Life. The work group meets quarterly, in addition to ongoing individual collaborative communications.

Recordkeeping

EGSC retains records related to compliance with federal campus safety requirements, including the Clery Act and Higher Education Act fire safety provisions, for a period of at least seven (7) years. These records include police reports, reports made by CSAs, educational programming, the public crime and fire log, timely warnings, emergency notifications, and responses to reports of sexual assault, dating violence, domestic violence, and stalking.

Timely Warning

AU issues Timely Warnings to alert the campus community of Clery crimes considered by the University to represent an ongoing threat to students and/or employees. Timely Warnings are issued by AUPD with determination made by the Chief of Police or his designee with assistance from department personnel that receive the report of the incident and as soon as pertinent information is available.

AUPD evaluates crime reports from Campus Security Authorities (CSAs) to determine if a warning must be disseminated. CSAs are individuals who, because of their responsibilities at AU, have an obligation to share

information with the University about alleged Clery crimes that are either reported to them and/or personally witnessed by them. At AU some common examples of CSAs include, but are not limited to, University Police, Resident Assistants and Residence Life personnel, Dean of Students personnel, Athletic Coaches, and Title IX personnel. Crimes reported to a pastoral or professional counselor are excluded from the issuance of Timely Warnings unless the reporter specifically requests the counselor to pass the report on to law enforcement.

Timely Warnings are issued by AUPD Dispatch via the AU Mass Notification System, University email, phone calls, text messages and/or electronic warnings pushed to University computers. Timely Warnings will not include the names and other identifying information of victims or complainants.

Emergency Notification

The University issues "Jag Alert" Emergency Notifications to all campus communities in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The AUPD or CEPaR (Office of Critical Event Preparedness and Response) will confirm any significant emergency or dangerous situation, will determine the segment or segments of each campus community to receive a notification, determine the content of the notification, and activate the AU Mass Notification System. The Chief of Police or their designee will be responsible for Emergency Notifications relating to criminal incidents and general public safety concerns. The Director of CEPaR or their designee will be responsible for Emergency Notifications relating to weather, fire, or other environmental hazards.

Upon confirmation, the University will issue Notifications without delay, and considering the safety of the community, unless issuing a Notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Notifications are issued by the AUPD Dispatch or CEPaR via the AU Mass Notification System utilizing University email, phone calls, text messages, and/or electronic warnings pushed to University managed computers. Should an Emergency Notification be issued, the University is not required to issue a Timely Warning based on the same circumstances. After an incident that has been the subject of an Emergency Notice has been rendered safe, AUPD or CEPaR will issue an "all clear" notice via the AU Mass Notification System. Visit <https://www.augusta.edu/cepar/alert.php> to update your Jag Alert contact information.

The AU Division of Communications and Marketing is responsible for issuing information to local media.

Daily Crime Log

The AUPD generates the Public Crime Log daily from reports made to them through their central dispatch, from Campus Security Authorities, and local law enforcement agencies. Crimes are listed in the crime logs in order they are received by AUPD. The type of offense, date, time, general location, and disposition are listed in the crime log. Crime log entries are updated every two business days. Information will be withheld when the release of that information is prohibited by law or would jeopardize confidentiality of the victim.

Crime logs are publicly available for inspection on the University website (<https://www.augusta.edu/police/cleryandcrime/index.php>), and in person at the AU Police Department during regular business hours. The Public Crime Log entries are archived from the website on a monthly basis, with the most current 60 days publicly available, and retained electronically for seven years. Archived copies will be available for public inspection within two business days of a request.

Security of Facilities

During business hours, Augusta University is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all University facilities is by key or card access, if issued, or by admittance via AUPD staff after receiving an email requesting admittance (that has been approved by the Building Coordinator). In periods of extended closing, the University will admit only those with prior approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year. All exterior doors and main hallway doors in the residence halls are controlled by the Campus Access control system. The card readers on the room, suite, or apartment, is a system managed by Housing. This is on its own system separate from the Campus Access control system.

AU values and promotes physical safety and security regarding facilities and surrounding grounds, as reflected in regular assessment and maintenance schedules. AU also uses an electronic maintenance request system so that anyone may easily report an issue that needs immediate attention, such as burned-out lights or a malfunctioning lock. The AUPD partners with our Facilities team in ongoing assessments, reporting of, and mitigating safety concerns. The AUPD partners with Facilities when buildings are under design by architectural firms prior to and during construction. If you see a burned-out light or other issue you may report it via our Rave Guardian App or by submitting a work request via email (wmc@augusta.edu) to Facilities.

Emergency Response

AU maintains an Emergency Action Plan and a Confidential Emergency Operations Plan. The Confidential Emergency Operations Plan includes:

- declaration of a campus state of emergency,
- roles and responsibilities in the event of an emergency,
- drills and exercises, and
- mutual aid agreements.

The AU Office of Critical Event Preparedness and Response (CEPaR) is responsible for maintaining the plan, conducting at least one annual test of the confidential Emergency Operations Plan, and maintaining detailed documentation of each test. Annual emergency response and evacuation tests may be announced or unannounced. Evacuation training sessions are available throughout each year either scheduled or upon request. The University publicizes information about AU's emergency and continuity plans in conjunction with one annual test and on an ongoing basis throughout the year including through orientation sessions, departmental planning meetings and tests of the emergency notification system. A summary of the EOP can be found on the AUPD/CEPaR website: <https://www.augusta.edu/cepar/index.php>.

Alcoholic Beverages & Illegal Drugs

The College, consistent with the Drug-Free Schools and Communities Act of 1989, prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.

The AUPD enforces state and local ordinances pertaining to the illegal possession, use, and sale of alcoholic beverages and underage drinking laws as well as illegal drug possession and use. It is illegal for persons under 21 years of age to possess, consume, or purchase alcoholic beverages. It is illegal for any person to furnish alcoholic beverages to persons less than 21 years of age. Enforcement actions include arrests and referrals for disciplinary action.

EGSC requires all new, transfer, and dual-enrolled students to complete an online AlcoholEdu program about alcohol and drug abuse awareness and risk reduction. EGSC employees have access to alcohol and drug concerns counseling and programming through Acentra Health’s Employee Assistance Program.

Sex Offender Registry

Information about registered sex offenders carrying on a vocation and/or enrolled at East Georgia State College may be found at <https://gbi.georgia.gov/services/georgia-sex-offender-registry>

Augusta University-Summerville Campus

| Criminal Offenses | Year | Augusta University-Summerville Campus – Clery Geography | | | | |
|---------------------------------------|------|---|-------|-----------------|---------------------------------|-----------------|
| | | On Campus | | | Non-campus Building or Property | Public Property |
| | | Student Housing Facilities | Other | On Campus Total | | |
| Murder and Non-negligent Manslaughter | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Rape | 2021 | N/A | 1 | 1 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 5 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Fondling | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 2 | 2 | 0 | 0 |
| | 2023 | N/A | 1 | 1 | 1 | 0 |
| Incest | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Statutory Rape | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Robbery | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Burglary | 2021 | N/A | 0 | 0 | 1 | 0 |
| | 2022 | N/A | 2 | 2 | 0 | 0 |
| | 2023 | N/A | 2 | 2 | 1 | 0 |
| Motor Vehicle Theft | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 1 | 0 |
| Arson | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |

| VAWA Offenses | Year | Augusta University-Summerville Campus – Clery Geography | | | | |
|-------------------|------|--|-------|--------------------|---------------------------------------|--------------------|
| | | On Campus | | | Non-campus Building or Property | Public Property |
| | | Student Housing Facilities | Other | On Campus Total | | |
| Domestic Violence | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Dating Violence | 2021 | N/A | 0 | 0 | 2 | 0 |
| | 2022 | N/A | 0 | 0 | 1 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Stalking | 2021 | N/A | 1 | 1 | 1 | 0 |
| | 2022 | N/A | 4 | 4 | 0 | 0 |
| | 2023 | N/A | 2 | 2 | 0 | 0 |

| Arrests | Year | Augusta University-Summerville Campus – Clery Geography | | | | |
|-------------------------------------|------|--|-------|--------------------|---------------------------------------|--------------------|
| | | On Campus | | | Non-campus Building or Property | Public Property |
| | | Student Housing Facilities | Other | On Campus Total | | |
| Weapons: Carrying, Possessing, etc. | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Liquor Law Violations | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |

| Disciplinary Actions | Year | Augusta University-Summerville Campus – Clery Geography | | | | |
|-------------------------------------|------|--|-------|--------------------|---------------------------------------|--------------------|
| | | On Campus | | | Non-campus Building or Property | Public Property |
| | | Student Housing Facilities | Other | On Campus Total | | |
| Weapons: Carrying, Possessing, etc. | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 0 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2021 | N/A | 0 | 0 | 6 | 0 |
| | 2022 | N/A | 0 | 0 | 2 | 0 |
| | 2023 | N/A | 0 | 0 | 1 | 0 |
| Liquor Law Violations | 2021 | N/A | 0 | 0 | 0 | 0 |
| | 2022 | N/A | 0 | 0 | 1 | 0 |
| | 2023 | N/A | 0 | 0 | 0 | 0 |

| | 2021 | 2022 | 2023 |
|------------------------|------|------|------|
| Total Unfounded Crimes | 0 | 1 | 0 |

Hate Crimes

There were 0 reported hate crimes for the Augusta University Summerville Campus.

East Georgia State College's Response to Sexual and Gender Violence

East Georgia State College is committed to a learning and working environment for all campus community members that is free from sex-based discrimination. The campus community includes students, faculty, and staff, as well as contractors, vendors, visitors, and guests.

If you or someone close to you are the victim of sex-based discrimination, know that you are not alone. The information in this report will help you navigate some of what you may be experiencing. No matter what you have experienced or how you are feeling now, it is important to prioritize your safety.

You do not have to go through this alone, and this information is intended to help you navigate the process. The College will provide a student or employee who reports they have been the victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, with a written explanation of their rights and options as described in this report.

Victims have the option to: Notify proper law enforcement authorities, including on-campus and local police; Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and Decline to notify such authorities.

Reporting

- EGSC Police Department 478-289-2090 Swainsboro or call 911
- EGSC Title IX Coordinator 478-289-2152; titleix@ega.edu
- EGSC Assistant Student Conduct Director: 478-289-2152;
- Local Law Enforcement 911
- EGSC Counselor 478-289-2039; or Rape Crisis Center* (Confidential Report)
- Anonymous reporting through EGSC Hotline:
<https://secure.ethicspoint.com/domain/media/en/gui/76595/index.html>
- Decline to file a complaint (EGSC may continue investigation to the extent that it can as required by Title IX)

If you are a victim of sexual assault, domestic violence, dating violence, or stalking, it can be helpful to preserve evidence that may be useful in documenting the criminal activity. To preserve evidence refrain from:

- bathing,
- douching,
- smoking,
- changing clothes, and
- cleaning the linens or area where an assault occurred.

If you have changed clothes or linens, do not wash them until you have met with a law enforcement agency and/or health care provider. Seeking medical care does not mean you must report to law enforcement, so be sure to prioritize your health and safety when making decisions. Local hospitals can complete a forensic examination for collecting evidence that helps preserve your options should you choose to notify law enforcement. Photos, text messages, social media posts, instant messages, and any other communications or documents may provide information useful for College hearings or investigations, so save those, too.

Assistance

Upon request, East Georgia State College will make any reasonably available change to a victim's academic, living, transportation, and or working situation regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Students and employees may contact the Title IX Coordinator for assistance. The College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

If a victim reports to law enforcement, they may assist them in obtaining a temporary protection order from a criminal court. East Georgia State College is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property.

Employees can also contact the Director of Human Resources at 478-289-2035. Accommodations or supportive measures provided to a victim will remain confidential to the extent that maintaining confidentiality would not impair the ability of the institution to provide the accommodation or protective measures. Immigration and Visa assistance can be obtained by contacting EGSC Admissions Office 478-289-2169.

East Georgia State College recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. The Clery Act prohibits the disclosure of a victim's personally identifying information in crime statistics, the crime log, and timely warnings. Different officials on campus are, however, able to offer varying levels of privacy protection to victims. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the accused.

Reports made to East Georgia State College officials will be kept confidential, and identifying information about the victim shall not be made public. Information about reports will only be shared with institutional personnel as needed to investigate and effectively respond to the report. Reports made to medical professionals or licensed mental health counselors will not be shared with any third parties except in cases of imminent danger to the victim or a third party.

Resources

Counseling: Immediate crisis counseling is available through UWILL Direct Crisis Connection and the EGSC Counseling and Disability Services Office. Counseling services are available for all EGSC students 24/7 by calling (833) 646-1526. Employee victims will be referred to an off-

campus provider. Student and employee client contacts with the EGSC Counseling Center are confidential.

Mental Health Resources and Rape Crisis Centers: Off campus counseling and support services can be obtained through the Ogeechee Behavioral Health in Swainsboro and the Refuge Sexual Assault Center- 912-538-9935 or <https://www.therefugeshelter.org/>. Such licensed off campus provider will also have a privilege with his or her clients and are subject to the above Georgia confidentiality provisions.

Victim Advocacy Programs: Victim advocate programs in Emanuel County District Attorney's Office in Swainsboro 478-237-7846, can provide on-going information and assistance.

Legal Assistance: Georgia Legal Services (800) 498-9469 can provide legal assistance.

Prevention Programming

The Title IX Coordinator is primarily responsible for sexual assault and sexual misconduct education and awareness in collaboration with many offices at the college. Together, these offices offer a variety of programming focusing on sexual and gender violence. Below is a list of some of the programs available at the College. A comprehensive program on Sexual Assault, Dating Violence, Domestic Violence, Stalking and Prevention is provided via Vector Solutions to all first semester students both Fall and Spring Semesters. Students are provided definitions of sexual misconduct, sexual assault in the Vector Solutions Sexual Assault awareness online trainings and alcohol and drug awareness online training, sexual violence, consent, dating violence, domestic violence and stalking, and what to do if a victim of the above crimes, bystander intervention measures (to step in and distract, direct, delay, document, or delegate to someone to intervene), information on confidentiality and reporting options and ramifications, victim rights, the student conduct process and possible sanctions, and interim measures.

Information and materials are posted on the webpages of Title IX, Counseling and Disability Services, Police Department, Human Resources, Housing, Student Conduct, and Academic and Student Affairs. East Georgia State College Police Department may also participate in such programs. Domestic violence awareness brochures, emergency shelter information, and victim advocate contact information is provided to students.

During the college's annual "Compliance Month" training event, faculty and staff will receive annual training on prevention and awareness of sexual assault, domestic violence, dating violence and stalking, how to respond if a victim, what to do if you receive a report, college and off campus resources, the college disciplinary process and possible sanctions, and the role of the Title IX Coordinator. As part of their onboarding, new employees are provided training modules via Vector Solutions to educate them on these topics as well. All Resident Assistants and Housing Staff are provided with additional training on how to respond to Sexual Misconduct Reports.

In addition to disciplinary action by the College, individuals may face significant criminal sanctions for violations of state criminal laws prohibiting sexual misconduct.

State Definitions

Georgia Code § 16-6-1. Rape

(a) A person commits the offense of rape when he has carnal knowledge of:

(1) A female forcibly and against her will; or

(2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.

(b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by a split sentence that is a term of imprisonment for not less than 25 years and not exceeding life imprisonment, followed by probation for life. Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

(d)(1) As used in this subsection, the term “sexual felony” shall have the same meaning as set forth in paragraph (2) of subsection (j) of Code Section 16-5-21.

(2) Any person having been previously convicted of a sexual felony who is convicted of the offense of rape shall be punished by imprisonment for life or a split sentence that is a term of imprisonment followed by probation for life. As a condition of probation, the court shall impose the requirement of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section 42-8-35.

Georgia Code § 16-6-22.1. Sexual battery (Fondling)

(a) For the purposes of this Code section, the term “intimate parts” means the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.

(b) A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.

(c) Except as otherwise provided in this Code section, a person convicted of the offense of sexual battery shall be punished as for a misdemeanor of a high and aggravated nature.

(d) A person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(e) Upon a second or subsequent conviction under subsection (b) of this Code section, a person shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years and, in addition, shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(f) When the alleged victim is under the age of 16 years and the conduct is for the purpose of sexual arousal on the part of the alleged offender or alleged victim, consent of the alleged victim shall not be a defense to a prosecution under this Code section; provided, however, that if at the time of the offense the alleged victim is at least 13 but less than 16 years of age and the accused is 18 years of age or younger and no more than 48 months older than the alleged victim, this subsection shall not be applicable.

Georgia Code § 16-6-3. Statutory rape

(a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.

(b) Except as provided in subsection (c) of this Code section, a person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years. Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) If the victim is at least 14 but less than 16 years of age and the person convicted of statutory rape is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor.

(d)(1) As used in this subsection, the term “sexual felony” shall have the same meaning as set forth in paragraph (2) of subsection (j) of Code Section 16-5-21.

(2) Any person having been previously convicted of a sexual felony who is convicted of the felony offense of statutory rape when the individual convicted was 21 years of age or older, shall be punished by imprisonment for life or a split sentence that is a term of imprisonment followed by probation for life. As a condition of probation, the court shall impose the requirement of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section 42-8-35.

Georgia Code § 16-6-22. Incest

(a) A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2, with a person whom he or she knows he or she is related to either by blood or by marriage as follows:

- (1) Father and child or stepchild;
- (2) Mother and child or stepchild;
- (3) Siblings of the whole blood or of the half blood;
- (4) Grandparent and grandchild of the whole blood or of the half blood;
- (5) Aunt and niece or nephew of the whole blood or of the half blood; or
- (6) Uncle and niece or nephew of the whole blood or of the half blood.

(b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c)(1) As used in this subsection, the term “sexual felony” shall have the same meaning as set forth in paragraph (2) of subsection (j) of Code Section 16-5-21.

(2) Any person having been previously convicted of a sexual felony who is convicted of the offense of incest shall be punished by imprisonment for life or a split sentence that is a term of imprisonment followed by probation for life. As a condition of probation, the court shall impose the requirement of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section 42-8-35.

Georgia Code § 19-13A-1. (Dating Violence)

As used in this chapter, the term:

(1) “Dating relationship” means a committed romantic relationship characterized by a level of intimacy that is not associated with mere friendship or between persons in an ordinary business, social, or educational context; provided, however, that such term shall not require sexual involvement.

(2) “Dating violence” means the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or who are currently, or within the last 12 months were, in a dating relationship:

- (A) Any felony; or
- (B) Commission of the offenses of simple battery, battery, simple assault, or stalking.

Georgia Code § 19-13-1. “Family violence” defined (Domestic Violence)

As used in this article, the term “family violence” means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child,

parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Any felony; or

(2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term “family violence” shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

Georgia Code § 16-5-90. Stalking

(a)(1) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the terms “computer” and “computer network” shall have the same meanings as set out in Code Section 16-9-92; the term “contact” shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term “place or places” shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term “harassing and intimidating” means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.

(2) A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person's consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.

(b) Except as provided in subsection (c) of this Code section, a person who commits the offense of stalking is guilty of a misdemeanor.

(c) Upon the second conviction, and all subsequent convictions, for stalking, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years.

(d) Before sentencing a defendant for any conviction of stalking under this Code section or aggravated stalking under Code Section 16-5-91, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender. At the time of sentencing, the judge is authorized to issue a permanent restraining order against the offender to protect the person stalked and the members of such person's immediate family, and the judge is authorized to require psychological treatment of the offender as a part of the sentence, or as a condition for suspension or stay of sentence, or for probation.

Georgia Code § 16-1-3. (Consent)

“Without his consent” means that a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another.

Disciplinary Proceedings

East Georgia State College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (collectively known as the Violence Against Women Act or VAWA Offenses). Complaints are processed consistent with Title IX of the Education Amendments of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the University System of Georgia (USG) Sexual Misconduct Policy, and the East Georgia State College (EGSC) Sexual Misconduct Policy.

Disciplinary complaints may be made by any campus community member and should be directed to the EGSC Title IX Coordinator at the Shot Strange Clubhouse, or by calling 478-289-2360. A written complaint can be submitted to titleix@ega.edu or by completing an Incident Reporting Form at https://cm.maxient.com/reportingform.php?EastGASstate&layout_id=0 . You can also address a letter to Sherrie Helms, Associate AVP of Student Conduct & Title IX, 131 College Circle Swainsboro, GA 30401. Complaints made to the Title IX Coordinator will not initiate a law enforcement investigation.

Disciplinary proceedings for accused students will be handled by the Office of Student Conduct. Disciplinary proceedings for accused employees will be handled by the Human Resource Director pursuant to the Sexual Misconduct Policy. In all proceedings, both the Complainant and Respondent are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice.

In our proceedings any individual who is alleged to have experienced conduct that violates this Policy is considered a Complainant, and any individual who is alleged to have engaged in conduct that violates this Policy is considered a Respondent. A third-party individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint is considered a Reporter.

What to Expect

Upon notice of the alleged misconduct, the institution will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the institution will assess whether the allegation(s), if true, would rise to the level of prohibited conduct, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

The USG uses different types of proceedings when a student is accused and when an employee is accused. Additionally, federal regulations implementing Title IX require us to use certain procedures in “Title IX Sexual Misconduct” cases that aren’t required in “Non-Title IX Sexual Misconduct” cases. Both types of sexual misconduct include the VAWA Offenses as well as other forms of sex discrimination and sexual harassment.

“Title IX Sexual Misconduct” matters are when the alleged misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

“Non-Title IX Sexual Misconduct” matters are when the alleged misconduct occurs off-campus and or when the Complainant is not participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing, and when prohibited by other Board or institution conduct policies.

In Title IX Sexual Misconduct matters a Formal Complaint is required. A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

The Title IX Coordinator is responsible for determining which type of proceeding will be used or if a complaint is to be dismissed and will provide simultaneous written notice of their determination to the parties at their institutional e-mails. If the Title IX Coordinator dismisses a complaint the notice provided to the parties will include the reason and a right to appeal. If a complaint moves forward an investigator will be assigned and the notice will include their identity.

Prompt, Fair, and Impartial Proceedings

In all cases proceedings will afford a prompt, fair, and impartial process from the initial investigation to the final result for all parties. Proceedings will be conducted in a manner consistent with the institution's policies, and be transparent to the Complainant and Respondent.

The institution is responsible for proving cases by the preponderance of the evidence standard in both student and employee cases. This means that it is more likely than not that the accused committed a violation of policy.

Officials responsible for the resolution process receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking; how to conduct an investigation; and how to conduct a hearing that protects the safety of victims and promotes accountability.

Timeframes and Notice

Efforts will be made to complete the investigation and resolution within 120 business days (days on which the campus is open). Temporary delays and limited extensions may be granted for good cause throughout the investigation and resolution process. The parties will be simultaneously informed in writing of any extension or delay and the applicable reason. The institution shall keep the parties informed of the status of the investigation. The Title IX Coordinator will provide parties with timely notice of meetings, at which the complainant, respondent or both may be present.

The institution provides simultaneous notification, in writing, to both the Complainant and Respondent of: The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; The institution's procedures for the Complainant and Respondent to appeal the result of the institutional disciplinary proceeding; Any change to the result; and When such results become final. Notice should be provided via institution email to the party's institution email.

Amnesty

Information reported by a student during the Sexual Misconduct process concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Advisor of Choice

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense.

In Title IX Sexual Misconduct cases the advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct

process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

In Non-Title IX Sexual Misconduct cases the advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process.

All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

Interim Measures

Interim measures may be implemented at any point after the institution becomes aware of an allegation of Sexual Misconduct and should be designed to protect any student or other individual in the USG community.

Interim measures may include, but are not limited to: Change of housing assignment; issuance of a "no contact" directive; Restrictions or bars to entering certain institution property; Changes to academic or employment arrangements, schedules, or supervision; Interim suspension; and Other measures designed to promote the safety and well-being of the parties and the institution's community.

Informal Resolution

The Respondent and the Complainant, as parties to the matter, may have the option of selecting informal resolution as a possible resolution in certain cases where the parties agree, and it is deemed appropriate by the institution. Where a matter is not resolved through informal resolution a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. Student allegations of Title IX Sexual Misconduct against an employee may not be resolved informally.

The Complainant, the Respondent, and the institution must agree to engage in the informal resolution process and to the terms of the informal resolution. The Complainant(s) and the Respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

Student allegations of Title IX Sexual Misconduct against an employee may not be resolved informally.

Unbiased Proceedings

In all proceedings a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), and or decision makers(s) is grounds for an appeal. In proceedings involving a student Respondent any party may challenge the participation of any institution official, panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge.

Investigation

The parties shall be provided with a written notice containing the allegations, possible charges and sanctions as well as available support and interim measures. Upon receipt of the notice parties have at least 3 business days to respond in writing. The Respondent may admit or deny allegations and set forth a defense. The Complainant may respond and supplement their written notice. Throughout both parties may present witnesses and other inculpatory and exculpatory evidence.

An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview.

The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.

The Complainant and the Respondent shall have at least 10 open campus days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.

The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 open campus days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.

Hearing – Student Respondent

Where a matter is not resolved through informal resolution a hearing shall be set. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff. In no case shall a hearing to resolve a Sexual Misconduct allegation take place before the investigation report has been finalized. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing. The institution will determine how the facts or evidence will be introduced.

Notice of the date, time, and location of the hearing as well as the selected hearing panel members shall be provided to the Complainant and the Respondent at least 10 open campus days prior to the hearing. Hearings shall be conducted in-person or via video conferencing technology. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.

Each institution shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.

In Title IX Hearings the parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.

In Non-Title IX Hearings the parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the Hearing Officer for consideration. Advisors may actively assist in drafting questions. The Hearing Officer shall ask the questions as written and will limit questions only if they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal, as outlined below.

Hearing – Employee Respondent

Matters involving alleged Title IX Sexual Misconduct must be heard at a live-hearing. All Sexual Misconduct cases shall be heard by a panel of faculty and/or staff.. Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence. The institution will determine how the facts or evidence will be introduced.

Notice of the date, time, and location of the hearing as well as the designated Hearing Officer shall be provided via email at least 10 open campus days prior to the hearing. Hearings shall be conducted in-person or via video conferencing technology. Each institution shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.

The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.

Following a hearing, the parties shall be simultaneously provided a written decision via email of the hearing outcome and any resulting disciplinary or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the rationale for any disciplinary or other administrative action.

Hearing – Faculty Respondent

All Sexual Misconduct involving faculty Respondents where dismissal is a possible sanction shall, consistent with Board of Regents policy, be heard by a live-hearing panel of three to five faculty members appointed by the Faculty Senate. Notice of the panel members shall be provided to parties in writing at least 20 days prior to the hearing, and parties have at least two challenges for bias which must be made in writing at least five days in advance of the hearing. A faculty member may also waive a hearing in which case the panel shall evaluate the record.

Additional procedures for faculty Respondent matters:

An oath or affirmation shall be administered to all witnesses. The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness.

The Title IX Coordinator shall notify the President and parties simultaneously in writing of the decision and recommendation, if any, of the panel. If dismissal is recommended the President shall either approve the recommendation or if not shall advise the panel in writing of the basis prior to rendering their final decision. The panel may also recommend a lesser sanction. The President may or may not follow the recommendations of the panel.

The President shall notify the parties simultaneously in writing of their decision. Such notice shall include information about applying to the Board of Regents for discretionary review. Upon dismissal, pending possible discretionary review, the faculty member shall be suspended without pay. The Board may reinstate the faculty member with compensation from the date of suspension.

Possible Sanctions – Student Respondent

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g.,

change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

Possible Sanctions – Employee Respondent

When an employee is found responsible by our proceedings they may face: verbal warning, coaching, documentation of warning, unpaid suspension, demotion, and/or termination.

Appeals

Appeals may be made in any cases where sanctions are issued, even when such sanctions are held “in abeyance,” such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.

The Respondent or the Complainant shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal); (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing (or appeal), including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator or designee, Conduct Officer, investigator(s), decision makers(s); or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing and must set forth one or more of the bases outlined above and must be submitted within five open campus days of the date of the final written decision. The appeal should be made to the EGSC President. If an appeal is submitted, the other Party shall receive notice of the appeal, including a copy of the submission. That Party may submit, in writing and within 5 business days from the date of notification, a response to the appeal submission.

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The President's decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President's decision shall be the final decision of the institution. The Complainant or Respondent may request review of the President's decision as provided in the Board of Regents Policy Manual 6.26 Application for Discretionary Review.

Retaliation

Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any manner in the Sexual Misconduct process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Coordinator or their designee. Any person found to have engaged in retaliation shall be subject to disciplinary action.

Additional Information

For additional information about disciplinary proceedings please contact the Title IX Coordinator. **Any party to a sexual misconduct proceeding and their Advisor of Choice should review all applicable USG and EGSC policies.** USG and EGSC policies are available at these links:

[East Georgia State College \(EGSC\) Non-Discrimination and Anti-Harassment Policy](#)

<https://www.ega.edu/about/at-a-glance/policies-and-procedures-of-the-college/08-non-discrimination-and-anti-harassment-policy.html>

[6.7 Sexual Misconduct Policy](#)

<https://www.usg.edu/policymanual/section6/C2655>

[4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings](#)

https://www.usg.edu/policymanual/section4/C332/#p4.6.5_standards_for_institutional_student_conduct_investigation

[Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment](#)

https://www.usg.edu/hr/assets/hr/hrap_manual/HRAP_Prohibit_Discrimination_Harassment_Employee_Relations.pdf

Federal VAWA Offense Definitions for Disciplinary Proceedings

Sexual Assault: Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual Assault: Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Sexual Assault: Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Assault: Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

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.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence. (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By 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 in which the crime of violence occurred.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking. (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Definition of Consent

Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law.

Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent.

Consent can be withdrawn at any time by a party by using clear words or actions.

