Annual Security Report 2019

This report has been developed in accordance with guidelines from the United States Department of Education.
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1. **Message from the Chief of Police**

This Annual Report is designed to provide you with important information about safety and security on campus. Throughout this annual report you will observe that Georgia Southwestern State University (GSW) is an extremely safety conscious campus, greatly relying on the combined efforts of students, faculty, staff, and visitors.

The GSW Department of Public Safety serves a population of approximately 3500 students and 350 faculty and staff. Public Safety serves to protect life and safeguard property. It is our responsibility to provide law enforcement deterrence and response to violations of state law and applicable local ordinances. GSW Public Safety provides continuous patrols of the University community and campus to deter acts of crime and to detect and intervene when criminal activity occurs. This service is provided 24 hours daily, 7 days a week, 365 days a year.

This Annual Report includes statistics for the previous three (3) years concerning reported crimes that occurred on-campus; in certain off-campus building or property owned or controlled by Georgia Southwestern State University; and on public property within, or immediately adjacent to and accessible from, the campus. It also includes institutional policies concerning campus security, policies concerning sexual assault, and other important matters of the University. You can obtain a copy of this report by contacting Georgia Southwestern State University Department of Public Safety or by accessing the following website at: [https://gsw.edu/campus-life/campusliving/publicsafety/crimestatistics](https://gsw.edu/campus-life/campusliving/publicsafety/crimestatistics) then select the PDF file titled “Annual Security Report.”

If at any time you have questions or would like further information about safety and security at Georgia Southwestern State University, please feel free to contact our office at:

Phone: (229) 931-2245  
Fax: (229) 931-2711  

Michael Tracy  
Chief of Police
2. **Timely Warnings**

In the event that a serious crime arises that in the judgment of the Chief of Police constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the University emergency system to students, faculty and staff.

Timely Warnings are usually distributed for the National Incident Based Reporting System (NIBRS) classification system composed of: major incidents of arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the GSW Department of Public Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other GSW community members, then a timely warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the GSW Department of Public Safety. The GSW Police Chief or his designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. Timely Warnings may also be posted for other crime classifications, as deemed necessary.

Some examples of significant emergencies or dangerous situations that could warrant a “timely warning” are: outbreak of meningitis, norovirus or other serious illness; approaching tornado, hurricane or other extreme weather conditions; earthquake; gas leak; terrorist incident; armed intruder; bomb threat; civil unrest or rioting; explosion; or nearby chemical or hazardous waste spill.

Timely Warnings may be issued through the University emergency system to students, faculty and staff. The alerts are generally written by the Chief of Police or a designee and approved and distributed to the community by University Relations.

Depending on the particular circumstances of the crime, especially in all situations that could pose an ongoing or serious threat to the community and individuals, the Department of Public Safety may also post a notice on the campus-wide electronic bulletin board on the Georgia Southwestern State University website at: [www.gsw.edu](http://www.gsw.edu) providing the university community with more immediate notification. In such instances, a copy of the notice is posted at the front door of each residence hall.

A combination of some or all of these methods may be used to issue a timely warning notice. The chart below illustrates these modalities and how they can be issued in a time of emergency.
<table>
<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending messages</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY</td>
<td>University Relations</td>
<td>GSW Public Safety</td>
<td>Chelsea Collins, Stephen Snyder, Chief Tracy, and Cody King</td>
<td>University Relations</td>
<td>GSW Public Safety</td>
</tr>
<tr>
<td>Emergency System (Mass Texts, Calls, &amp; Emails)</td>
<td>Blackboard Connect, Outdoor Alarm, Alertus</td>
<td></td>
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<tr>
<td>SECONDARY</td>
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<td>GSW Website</td>
<td>Yes</td>
<td></td>
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<td></td>
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<tr>
<td>Posters</td>
<td>If needed</td>
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</table>

Anyone with information warranting a timely warning should report the circumstances to the GSW Department of Public Safety, by phone (229-931-2245) or in person at the Office of Public Safety in the Nicholas Smarr & Jody Smith Memorial Building on the GSW campus.

Faculty, staff, and students must register to receive messages, via mass call, text, and email, from GSW’s Emergency Notification System (Blackboard Connect). Registration for this system can be done by logging in the individual’s R.A.I.N. account and following the directions.

Georgia Southwestern State University prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage University community member to report crimes promptly to University Police and to participate in and support crime prevention efforts. The University community will be much safer when all community members participate in safety and security initiatives. Because certain information in police reports is subject to disclosure by public records law, we cannot hold the entire crime report in confidence.

Crime statistics are collected for crimes that occurred on-campus: in certain off-campus building or property owned or controlled by Georgia Southwestern State University; and on public property within, or immediately adjacent to and accessible from the campus.

Campus crime, arrests and referral statistics include those reported to the GSW Public Safety or a member of the Clery Committee (including but not limited to: directors, deans, department heads, staff, student affairs, advisors to student/student organizations, athletic coaches, residence life staff), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students and current employees that provide the website to access this report. Copies of the report may also be obtained at the GSW Public Safety Office or by calling 229-931-2245. All prospective students and employees may obtain a copy from Human Resources located in Sanford Hall or by calling 229-931-2000. A description of this report is located in the Student Handbook.
4. Reporting Criminal Offenses and/or Emergencies

To Report a Crime:

While the University prefers that community members promptly report all crimes and other emergencies directly to the University Police at 229-931-2245 or 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

If a crime or an incident needs to be reported to Campus Police dial 229-931-2245 if you are located on GSW campus. Remember in using a campus phone to dial (9) 911 for life threatening emergencies. In emergency situations off campus call 911. It is critical for the safety of the entire campus community that you immediately report all incidents so that University Police can investigate the situation and determine if follow-up actions are required.

Emergency call boxes located in parking lots, and other areas throughout the campus community are also available to contact campus police. Any suspicious activity or person seen in the parking lots should be reported. In addition, suspicious persons seen loitering around vehicles, inside buildings or around residential halls should be reported to the police department.

Additionally, the “Alertus” Recipient App is available to faculty, staff, and students for download to their Android or iOS smartphones or tablets. Alertus allows users to receive push notifications on their smart devices of any situation that places the university at danger. Users can also send geo-tagged reports to the Alertus Server through the Panic Button feature, which allows for a rapid response from University Police. For more information about Alertus, visit https://www.alertus.com or contact the Public Safety office at (229) 931-2245.

GSW Public Safety has mutual aid and working agreements with Sumter County Sheriff’s Office and the City of Americus Police Department. These mutual aid and working agreements do not specifically cover the investigation of any one particular type of criminal incident. Each department augments that other within their jurisdictions during mutual investigations, arrests, and prosecutions and works together for the resolution of any incident that may have occurred in one or multiple jurisdictions.

General Procedures:

Community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes and public safety related incidents to the GSW Public Safety in a timely manner. Crimes should be reported to the GSW Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.
While everyone is responsible for reporting crimes, the following are members of the Campus Security Authority (CSA) and therefore have the authority and the duty to take action or respond to particular issues on behalf of the institution.

<table>
<thead>
<tr>
<th>Official</th>
<th>Contact Information &amp; Address</th>
<th>Phone Number &amp; E-mail Address</th>
</tr>
</thead>
</table>
| University Police & Public Safety Director    | Michael Tracy  
Nicholas Smarr & Jody Smith  
Memorial Building  
800 GSW State University Dr.  
Americus, Ga 31709                                                   | (229) 931-2245  
(229) 931-2699  
michael.tracy@gsu.edu                                               |
| President                                     | Neal Weaver  
Wheatley Administration Building – Room 212  
800 GSW State University Dr.  
Americus, Ga 31709                                                | (229) 928-1360  
zean.weaver@gsu.edu                                             |
| Vice President for Student Engagement & Success | Laura Boren  
Student Success Center – 3rd Floor  
800 GSW State University Dr.  
Americus, Ga 31709                                                  | (229) 931-2339  
laura.boren@gsu.edu                                              |
| Vice President of Business and Finance        | Cody King  
Marshall Student Center – Room 107  
800 GSW State University Dr.  
Americus, Ga 31709                                                  | (229) 931-2066  
cody.king@gsu.edu                                               |
| Provost/Vice President for Academic Affairs   | Suzanne Smith  
Wheatley Administration Building – Room 205  
800 GSW State University Dr.  
Americus, GA 31709                                                  | (229) 928-1361  
suzanne.smith@gsu.edu                                           |
| Director of Human Resources & Title IX Coordinator | Gena Wilson  
Sanford Hall – Room 109  
800 GSW State University Dr.  
Americus, Ga 31709                                                   | (229) 931-2026  
gena.wilson@gsu.edu                                             |
| Director of Student Rights & Responsibilities | Darcy Bragg  
Student Success Center – Room 3436  
800 GSW State University Dr.  
Americus, Ga 31709                                                   | (229) 931-2378  
darcy.bragg@gsu.edu                                             |
| Director/Chief Information Officer - Information & Instructional Technology | Royce Hackett  
Morgan Hall – Room 103  
800 GSW State University Dr.  
Americus, Ga 31709                                                   | (229) 931-2074  
royce.hackett@gsu.edu                                           |
Response to a Report

Dispatchers are available at (229) 931-2245 to answer your calls. In response to a call, GSW Public Safety will take the required action, either by dispatching an officer or asking the victim to report to GSW Department of Public Safety to file an incident report. All reported crimes will be investigated by the University and will become a matter of public record. All GSW Public Safety incident reports involving members of the campus community are forwarded to Student Affairs for review and referral to the Behavioral Assessment Team for potential action as appropriate.

GSW Public Safety will investigate a report when it is deemed an appropriate response. Additional information obtained via the investigation may also be forwarded to the Office of Student Judicial Services. If assistance is required from local authorities, or the local fire department, GSW Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the GSW Public Safety, will offer the victim a wide variety of services including, but not limited to health care options, counseling, and victim assistance.

All members of the campus community are encouraged to accurately and promptly report all crimes and emergencies to the campus police or to any other law enforcement agency if they have been the victim of a crime. The department maintains a daily crime log which is available for review by the public during normal business hours (8:00 AM – 5:00 PM) at the Public Safety office. The annual crime log is available at the GSW Department of Public Safety and also online.
5. Limited Voluntary Confidential Reporting

Crime Reporting

The GSW Department of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to the GSW Public Safety at (229) 931-2245. Because police reports are public records under state law, the GSW Department of Public Safety cannot hold reports of crime in confidence and therefore, does not have a procedure to allow voluntary confidential reporting of crimes. Members of the campus community can report crimes and complaints to the GSW Department of Public Safety 24 hours a day. All complaints are addressed through the official investigative process. Professional and Pastoral Counselors do not notify persons they are counseling of voluntary confidential procedures for inclusion in the annual disclosure of crime statistics because there is no procedure for this.
6. Security/Access & Maintenance of Campus

Security and Access Policy

Academic and Administrative Buildings

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, invitees and members of the general public. During non-business hours, access to all University facilities is by key or swipe card, if issued, or by admittance via the GSW Public Safety personnel. GSW Public Safety will admit only those with prior written approval to all facilities or those with an official verified purpose to be on premise with University identification (Canes Card). GSW Public Safety conduct routine security patrols of the academic and administrative buildings on campus.

Residence Halls

Residence halls are secured 24 hours a day and only residents, their authorized guests and other approved members of the campus community are permitted access to the buildings. Over extended breaks, the doors of all halls will be secured and routinely inspected by Residence Life Staff, Physical Plant, and GSW Public Safety. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Residential facilities have security measures provided by housing staff members and GSW Public Safety officers. Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic may have security surveys conducted of them.

Maintenance of Campus Facilities

The University considers security in the maintenance of campus facilities in a manner that minimizes physical safety concerns. Malfunctioning locks or light outages are reported to Plant Operations in order to be promptly repaired. Additionally, throughout the year an inspection is conducted of all University lighting and emergency call boxes.
7. **Campus Police Authority and Jurisdiction**

University Police protects and serves the campus community 24 hours a day, 365 days a year. The Department is responsible for a number of campus safety and security programs including community safety and security education, physical security, behavioral threat assessment, and special event management.

University Police officers are commissioned under Georgia law and have the same authority as municipal police officers in Georgia, being authorized to carry firearms and empowered to make arrests. All criminal incidents are investigated by the University Police and/or in conjunction with the Americus Police Department or Sumter County Sheriff’s Office. We encourage all campus community members to immediately report all crimes that occur on campus or University property to the University Police.

University Police officers complete a training course required of all state certified peace officers in the state of Georgia. Receive 20+ hours per year of in-service training certified by the Georgia Peace Officers Standards and Training Council to include the areas of Firearms Requalification and Use of Force. University Police officers are authorized under Georgia O.C.G.A. 20-3-72 to make arrests on, and within 500 yards of any property owned or controlled by the Board of Regents within the State of Georgia. If minor offenses involving University rules and regulations are committed by University student, GSW Public Safety will also refer the individual to the disciplinary division of Student Affairs. Campus Police enforce all federal, state and local laws as well as institutional policy.

Major offenses such as rape, murder, aggravated assault, and robbery are worked in conjunction with the local police and sheriff’s office when necessary. Joint investigative efforts with investigators from GSW and the local authorities are deployed to solve these serious felony crimes. In addition, GSW uses state resources including the Georgia Bureau of Investigation (GBI). The prosecution of all criminal offenses are conducted in the appropriate courts of the local jurisdictions and are reviewed by the State Solicitor’s Office and if applicable the District Attorney’s Office.

Campus Police personnel work closely with local, state, and federal police agencies and have direct communication with all area law enforcement agencies radio rooms as well as the 911 Communications Center via telephone and radio.

By mutual agreement with state and federal agencies, The GSW Department of Public Safety maintains an NLETS terminal (National Law Enforcement Telecommunications Network). Through this system police personnel can access the National Crime Information Computer System as well as the criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal enforcement information.
8. Confidential Reporting (Counselors)

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities (CSA). Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a Campus Security Authority and not required to report crimes for inclusion into the annual disclosure of crime statistics. Because police reports are public records under state law, the GSW Department of Public Safety cannot hold reports of crime in confidence and therefore pastoral and professional counselors cannot inform persons their counseling of confidential reporting procedures.

The rulemaking committee defines counselors as:

- **Pastoral Counselor**
  
  A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional Counselor**
  
  A person whose official responsibilities include providing mental health counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

9. Anonymous Tip Reporting

Anonymous Tip Reporting is a method to allow for the anonymous submission of suspected criminal activity that occurs on the GSW campus. Submitted information will be reviewed by our staff and appropriate action will be taken as warranted.

If you suspect a crime is occurring on campus and you wish to report it, fill out the form located at https://www.gsw.edu/campus-life/campusliving/publicsafety/anonymous-tip-form. Your tip is completely confidential and will aid Public Safety in making the GSW campus a safer and more secure environment. If you would like to be contacted for follow-up, please fill in your contact information in the space provided so that GSW Public Safety personnel may contact you.

*Note: This information may not be sent instantly to police officers. Any crime in progress or other emergency should be reported immediately by dialing (229) 931-2245 or 911.*
10. **Weapons on Campus**

**FIREARMS OR GUNS**

In accordance with House Bill 280 (Campus Carry) and Georgia law (O.C.G.A. §16-11-127.1), which took effect July 1, 2017, anyone who is properly licensed in the State of Georgia is allowed to carry a handgun in a concealed manner on property owned or leased by Georgia Southwestern State University with some exceptions explained below.

1. No firearm, other than a handgun, is allowed to be carried around campus or other property owned or leased by GSW.

2. Handguns must be concealed and are not allowed to be carried openly. “Concealed” is defined as “carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purpose of defense of self or others.” A license-holder may carry a handgun while it is substantially (“but not necessarily completely”) covered by an article of clothing he or she is wearing, or contained within a bag (“of a nondescript nature”) he or she is carrying, or in another similar manner that generally keeps it out of the view of others.

3. License-holders may not carry a handgun into the following locations:
   a. Buildings and property used for intercollegiate athletic sporting events.
      - i.e.: Student Success Center, baseball & softball complexes, tennis court complex, soccer field complex
   b. Residence halls;
      - i.e.: Southwestern Oaks 1, Southwestern Oaks 2, Southwestern Pines, Magnolia 1, Magnolia 2
   c. Spaces used for preschool or childcare;
      - i.e.: School of Education building
   d. Rooms and other spaces during the times when they are being used for classes in which high school students are enrolled, whether through dual enrollment and programs such as Move On When Ready. License-holders who want to carry handguns to class will need to visit the institution’s registrar, who after verifying their enrollment status will tell them which of their classes, if any, have high school students enrolled.
   e. Faculty, staff and administrative offices; or
   f. Rooms during the times when they are being used for disciplinary proceedings of any kind, including those regarding students, faculty or staff. These would include any meetings or hearings that are part of the University System's or the institution’s sexual misconduct, student conduct, dispute resolution, grievance, appeals or similar processes.

It is the responsibility of the license-holders who choose to carry handguns on campus to know the law and to understand where they can and cannot go while carrying. For additional guidance from the University System of Georgia and to read the full law and governor’s signing statement, visit [http://www.usg.edu/hb280](http://www.usg.edu/hb280).
WEAPONS (Other Than Firearms)

In accordance with House Bill 792, electroshock weapons are allowed to be in possession on campus. As of July 1, 2016, the State of Georgia added the following paragraph to Georgia Code 16-11-127.1, permitting possession of certain electroshock devices:

“(19) Any person who is 18 years of age or older or currently enrolled in classes on the campus in question and carrying, possessing, or having under such person’s control an electroshock weapon while in or on any building or real property owned by or leased to such public technical school, vocational school, college or university or other public institution of postsecondary education; provided, however, that, is such person makes use of such electroshock weapon, such use shall be in defense of self or others. The exemption under this paragraph shall apply only to such person in regard to such electroshock weapon. As used in this paragraph, the term ‘electroshock weapon’ means any commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge, including, but not limited to, a stun gun or Taser as defined in subsection (a) of Code 26 Section 16-11-106.”

The addition to Georgia Code 16-11-127.1 applies to all University System of Georgia property to include Georgia Southwestern State University.
11. Security Awareness Program

Awareness programs are defined as community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

Security awareness programs are designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. During summer orientation sessions, incoming freshmen and transfer students are introduced to general safety procedures and crime prevention tips, as well as the services offered by GSW Police. Handouts are provided and an overview is given by the Chief of Police or his designee. The presentation outlines ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees. General safety tips are provided on our website.

Upon request during the academic year, the GSW Public Safety Department, in cooperation with other University organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance/date rape), theft, alcohol safety, and common-sense safety tips. During the 2017-2018 academic year, there were ten (10) offered to the GSW community.

A common theme of all awareness and crime prevention programs is encourage students and employees to be aware of their responsibility for their own security and the security of others.

When time is of the essence, information is released to the university community through security alerts posted at the entrance to residence halls, throughout the campus, electronic email, via cell phone, and on our website located at: www.gsw.edu.
12. Crime Prevention Programs

Primary prevention programs are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Crime Prevention and Safety Awareness Programs related to personal safety and theft prevention are sponsored by various campus organizations throughout the year. GSW Public Safety, Residence Life, Student Life, the Health Center and Student Affairs facilitate programs for students, faculty and staff upon request.

During orientation sessions, incoming freshmen and transfer students are introduced to general safety procedures and crime prevention tips, as well as the services offered by GSW Police. Upon request, GSW Police also speak to students prior to Spring Break about alcohol safety tips and ways to protect oneself from sexual assault.

Programs offered by GSW Police upon request include personal safety, safety on campus, general safety, and Civilian Response to Active Shooter Events (CRASE) training. Due to the limited manpower, GSW Public Safety does not offer any prevention and safety class on a regular/scheduled basis.

Additionally, crime prevention and general safety tips are displayed on the GSW Public Safety link to the GSW website.

13. Criminal Activity Off-Campus

The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, the University Police will actively investigate certain crimes occurring on or near campus. If the University Police learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Office of Student Conduct, as appropriate.

Georgia Southwestern State University does not have any officially recognized student organizations with off-campus student housing.
14. **Alcoholic Beverages**

The possession, use, sale or distribution of alcohol on the University campus is governed by the GSW Alcohol Policy and Georgia State Law. GSW Public Safety enforces state and local ordinances pertaining to the illegal possession, use and sale of alcoholic beverages and underage drinking laws. GSW also condemns the inappropriate behavior resulting from alcoholic beverage abuse. Alcohol abuse is characterized by uncontrollable behavior which infringes upon the rights of others, potential danger to self or others, or use of alcohol outside the parameters of state and/or University policy.

- 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.
- It is illegal to furnish, sell, or provide alcoholic beverages to a person who is in a state of noticeable intoxication.
- It is illegal to charge admission to events where alcohol is provided, unless a license for sale of alcoholic beverages has been obtained.
- It is illegal for persons under the age of 21 to misrepresent (fake I.D.) themselves for the purpose of obtaining an alcoholic beverage illegally.
- It is illegal in the City of Americus to carry an open container of an alcoholic beverage.

While the Americus Police Department has primary jurisdiction in areas off campus, GSW Public Safety officers can and do respond to student-related incidents that occur on campus and in close proximity to the campus.

Further information regarding GSW Policy on alcohol and drugs can be found at [https://gsw.edu/campus-life/campusservices/judicialaffairs/alcoholeducation](https://gsw.edu/campus-life/campusservices/judicialaffairs/alcoholeducation)

15. **Illegal Drugs**

The GSW campus has been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly by the GSW Public Safety Department. Violators are subject to University disciplinary action, criminal prosecution, fines and imprisonment.

Students can also find more specific information regarding alcohol, tobacco, drugs, and other topics in Student Code of Conduct Handbook found at [https://gsw.edu/campus-life/campusservices/judicialaffairs/codeofconduct](https://gsw.edu/campus-life/campusservices/judicialaffairs/codeofconduct)
16. Alcohol and Substance Abuse Information and Related Offenses

Prevention Programs
The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and University disciplinary actions. In compliance with the Drug Free Schools and Communities Act, GSW has drug and alcohol-abuse education programs available to the University community.

Student Health Services Provides: University Health Class

Office of Student Counseling Provides: Personal Counseling, referral to community AA, ACOA, Al-Non, NA groups, referral to community, local and state treatment centers, referral to family physician

Dean of Students Provides: Student Conduct Board

Local, State & Federal Legal Sanctions

Legal Sanctions – Laws Governing Alcohol

Penalties for Alcohol – Georgia

A. Alcohol possession and selling violations
   1. Under 21 years of age
      a. Up to 6 months
      b. $300 fine
      c. Probation and/or Community Service
   2. Providing to Under 21
      a. Up to 12 months
      b. Up to $1000 fine
      c. Probation and/or Community Service

B. Driving under the influence (DUI)
   1. One day to one year’s imprisonment
   2. $300 to $1000 fine
   3. Suspension of license for a minimum of six months and up to one year
   4. Perform 20 to 40 hours of community service

C. Open-container – Americus
   1. $120-$250 fine

Penalties for Possession of Marijuana

A. Possession of Marijuana – one ounce or less (misdemeanor)
   1. Imprisonment not to exceed 12 months
   2. Or fine not exceed $1000
   3. Or both

B. Possession of Marijuana – more than one ounce (felony)
1. **Imprisonment for not less than one year nor more than 10 years**

**Public Drunkenness**

O.C.G.A. 16-11-41 defines Public drunkenness as follows:

A person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language, is guilty of a misdemeanor.

**Open Container**

O.C.G.A. 40-6-253 - Consumption of alcoholic beverage or possession of open container of alcoholic beverage in passenger area

(a) As used in this Code section, the term:

(1) "Alcoholic beverage" means:

(A) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;

(B) Wine of not less than one-half of 1 percent of alcohol by volume; or

(C) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) "Open alcoholic beverage container" means any bottle, can, or other receptacle that:

(A) Contains any amount of alcoholic beverage; and

(B)(i) Is open or has a broken seal; or

(ii) The contents of which are partially removed.

A bottle of wine that has been resealed pursuant to Code Section 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section.

(3) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position; provided, however, that such term does not include any locked glove compartment or, in a passenger car not equipped with a trunk, any area behind the rearmost upright seat or not normally occupied by the driver or passengers.

(b)(1) A person shall not:

(A) Consume any alcoholic beverage; or

(B) Possess any open alcoholic beverage container in the passenger area of any motor vehicle
which is on the roadway or shoulder of any public highway.

(2) The provisions of paragraph (1) of this subsection shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or in the living quarters of a motor home or house trailer.

(3) Only a person who consumes an alcoholic beverage or possesses an open alcoholic beverage container in violation of this Code section shall be charged with such offense; provided, however, that an operator of a motor vehicle who is alone in the passenger area of such motor vehicle shall be deemed to be in possession of any open alcoholic beverage container in such passenger area.

(c) Any person who violates this Code section is subject to a fine not to exceed $200.00.

Refusing a Chemical Test

Georgia law (O.C.G.A. 40-5-67.1) requires you to take a breath, blood, or urine test if you are arrested for a DUI. Georgia’s “implied consent” law says that if you are lawfully arrested by an officer who has probable cause to believe that you have been driving under the influence, then you consent to taking a chemical test of your blood, breath, or urine for the purpose of determining your blood alcohol content (BAC). The test must be taken as soon as possible from the time when you were last driving.

Once you are arrested the officer must read an implied consent notice to you that says if you refuse to take a chemical test, then your license will be suspended for at least one year and your refusal may be used against you in court. He or she must also explain that if you decide to take a test, then you have the option of asking for another test and you can choose who gives it, at your expense. Finally, the officer must ask you whether you are willing to take a chemical test under the implied consent law.

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<tr>
<td>Refusal to take test</td>
<td>Suspension of license for 1 year</td>
<td>Suspension of license for 3 years</td>
<td>Suspension of license for 5 years</td>
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Once you refuse to take a test, the officer will take your license right then. It its place, he or she will give you a 30-day permit. You can request a hearing to challenge the suspension within those 30 days. If you don’t request a hearing or if you do but lose your case, then your suspension will last for one year for your first refusal or if your last refusal was more than five years earlier. However, one month after your suspension begins, you can get your license back if you complete two steps. First, you have to finish an alcohol and drug-use risk reduction program and pay a fee of $210.00 (or $200.00 if by mail). For your second refusal within five years, you lose your license for three years. You can apply for reinstatement of your license after 18 months, but you also need to have taken the risk reduction program and pay the fee. For your third and any subsequent refusal, you lose your license for five years. You must take the risk reduction program to get your license back, but you can apply only for a probationary license after
two years of your suspension. Regardless of the term of your suspension, the state may ask you to take a driving test before it gives your license back.

Carrying/Possessing False ID

O.C.G.A 16-9-4 - Manufacturing, selling, or distributing false identification document; penalty

b)(1) It shall be unlawful for any person to knowingly possess, display, or use any false, fictitious, fraudulent, or altered identification document.

(2) It shall be unlawful for any person to knowingly manufacture, alter, sell, distribute, deliver, possess with intent to sell, deliver, or distribute, or offer for sale, delivery, or distribution a false, fraudulent, or fictitious identification document or any identification document which contains any false, fictitious, or fraudulent statement or entry.

(3) It shall be unlawful for any person to knowingly manufacture, alter, sell, distribute, deliver, possess with the intent to sell, deliver, or distribute, or offer for sale, delivery, or distribution any identification document containing the trademark or trade name of another without the written consent of the owner of the trademark or trade name.

(4) It shall be unlawful for any person to knowingly possess, display, or use any false, fictitious, fraudulent, or altered identification document containing the logo or legal or official seal of a government agency or any colorable imitation thereof in furtherance of a conspiracy or attempt to commit a violation of the criminal laws of this state or of the United States or any of the several states which is punishable by imprisonment for one year or more.

(5) It shall be unlawful for any person to knowingly manufacture, alter, sell, distribute, deliver, possess with the intent to sell, deliver, or distribute, or offer for sale or distribution any other identification document containing the logo or legal or official seal of a government agency or any colorable imitation thereof without the written consent of the government agency.

(6) It shall be unlawful for any person to knowingly possess, display, or use an identification document issued to or on behalf of another person without the permission or consent of the other person for a lawful purpose, unless the identification document is possessed, displayed, or used with the intent to restore it to the other person or government agency or other entity that issued the identification document to the person.

(c) (1) Except as provided in paragraph (2) or (3) of this subsection, any person who violates the provisions of paragraph (1), (3), or (6) of subsection (b) of this Code section shall be guilty of a misdemeanor.

(2) Except as provided in paragraph (3) of this subsection, any person who violates the provisions of paragraph (1), (3), or (6) of subsection (b) of this Code section for the second or any subsequent offense shall be guilty of a felony and shall be punished by a fine of not more than $25,000.00 or by imprisonment for not more than three years, or both.
(3) Except as provided in paragraph (5) of this subsection, any person who manufactures, alters, sells, distributes, delivers, receives, possesses, or offers for sale or distribution three or more identification documents in violation of the provisions of subsection (b) of this Code section shall be punished by imprisonment for not less than three nor more than ten years, a fine not to exceed $100,000.00, or both.

(4) Except as provided in paragraph (3) or (5) of this subsection, any person who violates the provisions of paragraph (2), (4), or (5) of subsection (b) of this Code section shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $100,000.00, or both.

(5) Any person who is under 21 years of age and violates the provisions of subsection (b) of this Code section for the purpose of the identification being used to obtain entry into an age restricted facility or being used to purchase a consumable good that is age restricted, shall, upon a first conviction thereof, be guilty of a misdemeanor and upon a second or subsequent conviction shall be punished as for a misdemeanor of a high and aggravated nature.

(6) Any person convicted of an attempt or conspiracy to violate the provisions of subsection (b) of this Code section shall be punished by imprisonment, by a fine, or by both such punishments not to exceed the maximum punishment prescribed for the offense the commission of which was the object of the attempt or conspiracy.
17. Sexual Assault Prevention and Response

Georgia Southwestern State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. The University educates the student community to promote the awareness of sexual assaults, date rape, and other forcible and non-forcible sex offenses through the use of the GSW Public Safety Website, pamphlets, handouts, and the Student Handbook. Additionally, throughout the academic year, GSW Public Safety as well as other university departments and organizations, conduct programs to educate the campus community regarding sexual assault awareness. If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment.

Reporting to the Campus Police

This can be done immediately by following the procedures addressed on item number 4 of this document. The reasons for reporting to GSW Public Safety are:

1) To take action which may prevent further victimization, including issuing a crime alert to warn the campus community of an impending threat to their safety
2) To apprehend the assailant;
3) To seek justice for the wrong that has been done to you; and
4) To have the incident recorded for purposes of reporting statistics about incidents that occurred on campus.

If you choose to report the incident, a GSW Police officer will take a statement from you regarding what happened. The officer will ask you to describe the assailant(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. You may have a support person with you during the interview.

NOTE: Reporting an incident is a separate step from choosing to prosecute. When you file a report, you are NOT obligated to continue with legal proceedings or University disciplinary action. Remember, you can choose whether or not to participate in proceedings at any point.

Title IX Reporting

Individuals may also report a sex offense to the institutions Title IX coordinator. This office is responsible for coordinating the institution’s compliance with Title IX. Any individual who requires assistance from the Title IX Coordinator (students and non-students) should contact Gena Wilson, GSW Director of Human Resources & Title IX Coordinator at (229) 931-2026 or in person in room 109 of Sanford Hall. Gena can also be reached by mail at 800 Georgia Southwestern State University Drive, Americus, Georgia 31709 or by e-mail at gena.wilson@gsw.edu.

The institution’s sexual harassment policy, including a description of the grievance procedures can be found in the Georgia Southwestern State University Student Handbook. The web link for the handbook is http://www.gsw.edu/Campus-Life/ResourcesInformation/StudentHandbook/index.
The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filling a report with a police officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention

When a sexual assault victim contacts the Campus Police Department, the Sumter County Sheriff’s Office or the City of Americus Police Department, a Sexual Assault Investigator may also be notified. When requested, the University will assist the student in notifying local law enforcement agencies or notifying the campus police. The victim of sexual assault may choose for the investigation to be pursued through the criminal justice system and/or the Student Conduct Board.

**GSW Public Safety will assist the sexual assault victim regardless of the jurisdiction or when the assault occurred.**
18. Sexual Misconduct Policy

4.1.7 Student Sexual Misconduct Policy
(Last Revised August 4, 2017)

In accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the University System of Georgia (USG) does not discriminate on the basis of sex in any of its education programs or activities or in employment. The USG is committed to ensuring a safe learning and working environment for all members of the USG community. To that end, this Policy prohibits sexual misconduct, as defined herein. In order to reduce incidents of sexual misconduct, USG institutions are required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community. Such programs will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting. When sexual misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct.

Reporting Structure

All Equal Opportunity directors and others having responsibility for coordination of Title IX ("Coordinators") at USG institutions shall have a direct reporting relationship to both the institution’s President or the President’s designee and the USG System Director for Equity and Investigations ("System Director"). The President of each institution shall determine the organizational and operating reporting relationships for the Coordinators at the institution and exercise oversight of institutional issues relating to sexual misconduct. However, the System Director shall have authority to direct the Coordinators' work at each institution as needed to address system-wide issues or directives. The President of each institution shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

4.1.7.1 Definitions and Prohibited Conduct

Community: Students, faculty, and staff, as well as contractors, vendors, visitors and guests.

Complainant: An individual lodging a complaint. The complainant may not always be the alleged victim.

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 either party by using clear words or actions.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.

**Incapacitation:** The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person’s consent. It includes but is not limited to touching (or penetrating) of a person’s intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one’s own intimate parts; or forcing a person to touch his or her own or another person’s intimate parts.

**Confidential Employees:** Institution employees who have been designated by the Institution’s Coordinator to talk with an alleged victim in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

**Privileged Employees:** Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant’s or alleged victim’s wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.

**Respondent:** Individual who is alleged to have engaged in conduct that violates this policy.
**Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

**Sexual Harassment:** Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive to interfere with one’s work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one’s ability to participate in or to benefit from an institutional program or activity.

**Sexual Misconduct:** Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. 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 person’s property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
4.1.7.2 Reporting Sexual Misconduct

A complainant of sexual misconduct may, but need not, file a criminal complaint with law enforcement officials; file a misconduct report with a Responsible Employee or Coordinator; or file both. A report may be filed anonymously, although anonymous reports may make it difficult for the institution to address the complaint. Any individual who believes that he or she has been a victim of sexual misconduct is encouraged to report allegations of sexual misconduct promptly. All reports of sexual misconduct alleged to have been committed by a student must be handled consistently with requirements set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings. All reports of sexual misconduct alleged to have been committed by a non-student member of the institution community will be addressed and/or resolved through the institution’s and the Board of Regents’ applicable policies for discipline of non-students.

4.1.7.2 (A) Institutional Reports

Complainants of sexual misconduct who wish to file a report with the institution should notify a Responsible Employee or the Coordinator. Responsible Employees informed about sexual misconduct allegations involving any student should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator, consistent with their ethical and legal obligations. All members of the University System of Georgia institutions’ communities are encouraged to report incidents of sexual misconduct promptly.

The Coordinator’s identity and contact information shall be published by each institution prominently on the institution’s website, as well as in any relevant publication. Each institution may choose to have Deputy Title IX Coordinators to whom reports may be made, as well. Institutions should encourage complainants to report their complaints in writing, though oral complaints should also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of sexual misconduct, all reports should be accepted regardless of when reported.

The Coordinator shall refer to the System Director any allegation(s) of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The System Director will work with the institution to determine whether any interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require transfer to the System Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.
4.1.7.2 (B) Law Enforcement Reports

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials.

Complainants considering filing a report of sexual misconduct with law enforcement should preserve any evidence of sexual misconduct, including, but not limited to, the following:

1. Clothing worn during the incident including undergarments;
2. Sheets, bedding, and condoms, if used;
3. Lists of witnesses with contact information;
4. Text messages, call history, social media posts;
5. Pictures of injuries; and/or
6. Videos.

4.1.7.2 (C) Anonymous Reports

Each institution shall provide a mechanism by which individuals can report incidents of alleged sexual misconduct anonymously. Complainants should understand, however, that it will be more difficult for the institution to investigate and to take action upon anonymous reports.

4.1.7.2 (D) Retaliation

Anyone who, in good faith, reports what he or she believes to be misconduct under this Policy, or who participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes that he or she has been the target of retaliation for reporting, participating, cooperating in, or otherwise being associated with an investigation should immediately contact the Coordinator for the institution. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

4.1.7.2 (E) False Complaints

Individuals are prohibited from intentionally giving false statements to a system or institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

4.1.7.2 (F) Amnesty

Individuals should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual during an investigation concerning use of drugs or alcohol will not be used against the particular individual in a
disciplinary proceeding or voluntarily reported to law enforcement; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

4.1.7.3 Handling Reports of Sexual Misconduct

4.1.7.3 (A) Support Services

Once a student or employee makes a complaint or receives notice that a complaint has been made against him or her, or the coordinator otherwise learns of a complaint of sexual misconduct. The complainant, respondent and alleged victim (where applicable) should receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and legal assistance, available at the student’s institution.

Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees, regardless of where the alleged misconduct occurs.

Available support services are listed at https://gsw.edu/resources/facultyandstaff/hr/titleixcompliance/index.

4.1.7.3 (B) Interim Measures

Interim measures may be undertaken at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect the alleged victim and the community.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in Policy 4.6.5.

4.1.7.3 (C) Jurisdiction

Each USG institution shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed by a student are addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by the institution’s student conduct policies.

4.1.7.3 (D) Advisors

Both the alleged victim and 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 for the express purpose of providing advice and counsel, pursuant to the provisions of Policy 4.6.5.
4.1.7.3 (E) Informal Resolutions

Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

1) When complainant(s) and respondent agree to an informal resolution;
2) When the initial allegation could not result in expulsion;
3) When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and
4) When the investigator concludes that informal resolution is in the best interest of the parties and the institution’s community.

The alleged victim(s) and 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.

4.1.7.3 (F) Timeframe

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall keep the parties informed of the status of the investigation.

4.1.7.4 Investigations

All sexual misconduct investigations involving a student respondent, whether overseen by the institution’s Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

4.1.7.5 Hearings, Possible Sanctions and Appeals

All sexual misconduct hearings, sanctions, and appeals involving a student respondent, whether overseen by the institution’s Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All sexual misconduct adjudication involving an employee respondent, shall be addressed utilizing the institution’s employment policies and procedures.
19. Standards for Institutional Student Conduct Investigation & Disciplinary Proceedings

4.6.5 Standards for Institutional Student Conduct Investigation & Disciplinary Proceedings
(This policy will take effect Fall Semester, 2017)

This Policy establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which may be covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

4.6.5.1 Reports of Student Misconduct

Institutions must provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

1. Confidentiality: Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the institutions should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality.
2. Retaliation: Anyone who, in good faith, reports what she or he believes to be student misconduct participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution’s policy.

3. False Complaints/Statements: Individuals are prohibited from intentionally giving false statements to an institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

4. Amnesty: Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

   Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

4.6.5.2 Process for Investigating and Resolving Disputed Reports

Jurisdiction: Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution’s student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

Access to Advisors: The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The institution shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.
**Initial Evaluation of Student Conduct Reports:** Regardless of how an institution becomes aware of misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution’s policies and/or code of conduct. If the reported conduct would not be a violation of the institution’s policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought.

Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the appropriate office trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the institution shall report that case to the System Director or her designee prior to proceeding.

**Interim Measures**

Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a “no contact” directive;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the institution’s community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the alleged victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.
Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.

**Investigation**

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion) the institution’s investigation and resolution procedures must provide the additional minimal safeguards outlined below.

1. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party’s proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of
responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.

7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

Resolution/Hearing

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the respondent indicates that he or she contests the charges, the matter shall be set for a hearing and once the investigative report has been finalized and copies provided to the respondent and alleged victim (where applicable); however, the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs (or his/her designee) or the System Director.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the respondent shall have the option of having the charges heard either by an administrator (hearing officer) or a hearing panel. However, all cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel of staff and/or faculty. Sexual misconduct panel members shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act. If an administrative hearing is requested, the respondent shall use his or her discretion to determine whether the case should be heard by a hearing panel. Notice of the date, time, and location of the hearing shall be provided to the respondent, complainant, and alleged victim (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Additionally, the following standards will apply to any such hearing:

The respondent shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. Both 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 Panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent(s). In any event, the Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

1. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure
proper sequestration in a manner that ensures testimony has not been tainted, and make a
determination that such an arrangement will not unfairly disadvantage any party. Should it be
reasonably believed that a party or witness who is not physically present has presented tainted
testimony, the hearing officer or panel will disregard or discount the testimony.

In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a
separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still
give testimony in the presence of the Panel, and the opposing party must have the opportunity
to view the testimony remotely and to submit follow-up questions.

2. Formal civil rules of evidence do not apply to the investigatory or resolution process.
3. The standard of review shall be a preponderance of the evidence; however, any decision to
suspend or to expel a student must also be supported by substantial evidence at the hearing.
4. Institutions should maintain documentation of the proceedings, which may include written
findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing, both the respondent and alleged victim (where applicable) shall be
simultaneously provided a written decision via institution email (where applicable) of the
outcome and any resulting sanctions. The decision should include details on how to appeal, as
outlined below. Additionally, the written decision must summarize the evidence in support of the
sanction. The same form will be completed, regardless of whether the student opts for a hearing
panel or an administrative proceeding.

Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: the
frequency, severity, and/or nature of the offense; history of past conduct; an offender’s willingness to
accept responsibility; previous institutional response to similar conduct; strength of the evidence; and
the wellbeing of the university community. The hearing panel, hearing officer or administrator that
found that a policy violation occurred will determine sanctions and issue notice of the same, as outlined
above.

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.

4.6.5.3 Appeals

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the
following appellate procedures must be provided. The alleged offender (and in cases involving sexual
misconduct or other forms of discrimination and/or harassment, the alleged victim) 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, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information.

Appeals may be made for the above reasons in any case where sanctions are issued, even when such sanctions are held “in abeyance,” such as probationary suspension or expulsion.

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 business days of the date of the final written decision. The appeal should be made to the institution’s Vice President for Student Affairs or his/her designee.

The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of 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 Vice President or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period.

The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

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 complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President’s decision shall be the final decision of the institution.

Should the respondent or alleged victim (where applicable) wish to appeal the President’s decision, he or she may request review by the Board of Regents in accordance with the Board of Regents’ Policy on Discretionary Review.

4.6.5.4 Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student 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. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution’s designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.
20. Counseling and Support Services

The following assistance is provided for victims requiring services on or off campus for counseling, mental health, or other student services for victims of sex offenses.

On Campus

GSW Public Safety (229) 931-2245
GSW Counseling Services (229) 931-2708

Students who allege sexual assault by another student may request a change in their academic and living situations on campus after the alleged incident takes place if such changes are reasonably available. Students should initiate requests for changes in their academic and/or living situations by contacting the Office of Student Affairs and asking to speak with the Vice President of Student Affairs.

Disciplinary Action

Students who have been sexually assaulted and decide to take part in the University’s adjudication process should contact Dr. Laura Boren, Vice President for Student Engagement and Success at (229) 931-2339 or Darcy Bragg, Director of Student Rights and Responsibilities and Chief Student Conduct Officer at (229) 931-2378 to review the procedures prior to filing a formal complaint. These procedures are outlined in Section V of the GSW Student Handbook at http://www.gsw.edu/Campus-Life/ResourcesInformation/StudentHandbook/index.

Both the complainant and the student accused of sexual harassment/assault are permitted to have an advisor present during the student conduct process. Both the complainant and the student accused of sexual harassment/assault will be informed in writing of the outcome of the University’s student conduct process. Both the complainant and the student accused of sexual harassment/assault may appeal the decision and/or the sanctions of the Student Conductor Officer, Student Conduct Board panel, and the Vice President of Student Affairs on specific relevant grounds as outlined in 2, b of “Appeal Procedures for Suspension/Expulsion” of the Code of Conduct.

A list of sanctions can be found under “Sanctions” in the Code of Conduct. Please note that this list of sanctions is not exhaustive and the University reserves the right to modify or enlarge the list at any time depending on the nature of the violation(s). The University will upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are also detailed in the student Handbook.
21. Violence Against Women Act (VAWA) Written Notice

Georgia Southwestern State University has resources for students and employees who have experienced sexual violence, dating or domestic violence or stalking.

For more information contact: Gena Wilson, Title IX Coordinator, (229) 931-2026, Sanford Hall - Room 109, 800 GSW State University Drive, Americus, Ga 31709.

Georgia Southwestern State University is committed to providing a safe learning and working environment for every member of the community and visitors. Sexual violence of any type, including sexual assault, dating violence, domestic violence, and stalking, is not tolerated. We encourage students, employees or visitors who have been affected by any of these offenses, whether on or off campus, to access the support services we provide, and consider taking action through our institutional conduct process or pursuing options available through the criminal justice system.

Rights & Options

Georgia Southwestern State University can provide students or employees who report an incident or incidents with important assistance and accommodations, where reasonably available, including:

- Assistance in reporting to on or off-campus law enforcement - Initiating institutional conduct proceedings
- No contact order - To eliminate contact with the accused
- Academic accommodations - Such as changing class sections
- Change in living arrangements - Such as changing residence halls
- Change in transportation arrangements - Such as being allowed to park in a different location
- Change in working situation - Such as being relocated to a more private or secure location

Confidentiality

When a student or employee reports an incident to the University their privacy will be respected to the fullest extent possible. The report will be shared with only those members of the campus community with a need to know, and the student or employee will be apprised of all actions taken. But be advised, that reports to the criminal justice system may create public records. Although all public records are presumed to be subject to inspection and copying, Georgia law provides that under certain circumstances some categories of information may be withheld from public disclosure. The Open Records Act ((O.C.G.A.) §§ 50-18-70 through 50-18-76) itself makes clear that such exemptions to the Act must be interpreted narrowly. The Act also provides that once exempt information is removed or “redacted” from a record, the rest of the record must be made available for inspection and copying. Two particular exemptions for law enforcement records are:

1. An exemption that gives law enforcement the discretion to withhold investigative records (other than initial incident or arrest reports) during a pending investigation or prosecution; and
2. An exemption that gives law enforcement the discretion to withhold records that would disclose the identity of a confidential source, the existence of confidential surveillance or investigation, or confidential investigative or prosecution material which would endanger the life or physical safety of any person.
Requests for confidentiality, however, may limit the University’s ability to respond to a report.

Completely confidential resources, including counseling, are identified under “Confidential Reporting.” These resources can provide critically important assistance, but reporting to them will not lead to action being taken by the University.

**Resources**

**Emergencies:**

Dial 911

**Campus Safety:** Michael Tracy, Director of Public Safety, (229) 931-2245, Nicholas Smarr & Jody Smith Memorial Building, Room 100

**Student Affairs:** Laura Boren, Vice President for Student Engagement & Success, (229) 931-2339, Student Success Center, 3rd Floor

**Human Resources:** Gena Wilson, Director of Human Resources, (229) 931-2026, Sanford Hall, Room 109

**Student Conduct Complaints:** Darcy Bragg, Director of Student Rights & Responsibilities, (229) 931-2378, Student Success Center, Room 3436

**Employee/Faculty Conduct Complaints:** Gena Wilson, Director of Human Resources, (229) 931-2026, Sanford Hall, Room 109

**Title IX Coordinator:** Gena Wilson, (229) 931-2026, Sanford Hall, Room 109

**Confidential Resources**

There are also additional resources, on and off campus, which can provide confidential assistance to students and employees.

For on campus counseling services, contact Alma G. Keita, Assistant Director of Counselling Services, (229) 931-2708, Herschel Smith Health Center. If you need assistance after business hours, contact GSW Public Safety at (229) 931-2245, 24 hours a day, 7 days a week.

For off campus counseling services, contact Providence Psychological Services, P.C., Monday-Friday, 8:00 am – 6:00 pm, (229) 928-9887, 615 Barlow Street, Americus, Ga 31709. If you need to speak with a counselor after business hours contact 24/7 Crisis Referral Georgia Crisis and Access Line at 1-800-715-4225.

**Georgia Southwestern State University Health Clinic** hours are Monday - Thursday: 8:00 am - 4:30 pm, Friday: 8:00 am - 2:30 pm, Weekends and Holidays: Closed. They are located on the 1st Floor of the Rosalynn Carter Health Human Science Building, 800 GSW State University Drive, Americus, GA 31709, (229) 931-2235.

Emergencies: (229) 931-2245 (GSW Public Safety) or 911 (Local Dispatch).
**Off-Campus Confidential Resources**

For Sexual Assault: The Lily Pad Center, (229) 435-0074, 320 West 2nd Avenue, Albany, Ga 31701.

For Relationship Abuse: The Liberty House, (229) 439-7094, P.O. Box 2046, Albany, GA 31702, 24 Hour-Hotline: 1-800-334-2836

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

**Filing a Formal Complaint with Georgia Southwestern State University**

To file a complaint against a student please contact Darcy Bragg, Director of Student Rights & Responsibilities, (229) 931-2378, Student Success Center, Room 3436, 800 GSW State University Drive, Americus, Ga 31709.

To file a complaint against an employee please contact Gena Wilson, Director of Human Resources, (229) 931-2026, Sanford Hall, Room 109, 800 GSW State University Drive, Americus, Ga 31709.

To file a complaint against a visitor please contact Michael Tracy, Director of Public Safety, (229) 931-2245, Nicholas Smarr & Jody Smith Memorial Building, Room 100, 800 GSW State University Drive, Americus, Ga 31709.

Georgia Southwestern State University strictly prohibits all acts of sexual assault, dating violence, domestic violence, and stalking. When a complaint, involving conduct on or off campus, is made the University will investigate, and may initiate disciplinary action against the accused. The conduct process shall:

- Provide a prompt, fair and impartial investigation and resolution.
- Be conducted by officials who have received annual training on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability.
- Be conducted within 60 days or less, unless there are mitigating circumstances in which case both the accuser and accused shall be notified and provided with an explanation.
- Have responsibility determined by the preponderance of the evidence standard, more likely than not, standard.

Both the accused and accuser shall have the same right to:

- The same opportunities to have others, such as advisors and witnesses, present.
- To be given timely notice of meetings at which one or the other or both may be present.
- To be accompanied by an advisor of their choice to all related meetings.
- To be informed of the procedures and deadline for appealing the outcome.
- To be informed of any change to the results that occurs prior to the time they become final.
- To be given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.
• To be simultaneously and unconditionally informed in writing of the outcome of any disciplinary action.

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Proceeding is defined as a course of action; the activities and hearings of a legal body or administrative agency.

Result is defined as something that follows naturally from a particular action, operation, or course; a consequence or outcome.


The severity of the sanction shall be consistent with the nature of the offense. Individuals found responsible may be subject to the following sanctions:

1. Expulsion—permanent disciplinary removal of the student from the University. During an expulsion period, a student may not visit the campus for reasons other than clarification of academic or behaviour record.

2. Probated Expulsion—notice that further major violation(s) of University policy shall result in expulsion.

3. Suspension—mandatory disciplinary removal of the student from the University for a specified period of time. During a suspension period, a student may not visit the campus for reasons other than clarification of academic or behaviour record. No transfer credit from another institution which is earned during the suspension period will be accepted as credit toward a degree at Georgia Southwestern State University.

4. Probated Suspension—notice that further violation(s) of University policy shall result in suspension or expulsion. This sanction may be accompanied by the restrictions and restitutions as defined below.

5. Disciplinary Probation—notice to the student that further disciplinary violation(s) may result in suspension or expulsion. This sanction is assigned a specified period of time. This disciplinary measure also may include one or more of the following:
   A. Restriction—exclusion from participation in social and recreational activities, relocation of privileges available to Georgia Southwestern State University students, exclusion from representing the University in any official capacity, or from holding office in student organizations.
   B. Restitution—reimbursement for damage or destruction of property, as determined and stipulated by the University.
   C. Community Service—assignment to work a specific number of hours on a University program or project within a specific time frame. The assignment must be related to the nature of the violation.
   D. Referral for professional assessment to the Counselling Center or off-campus professionals or organizations.

6. Disciplinary Warning—a written reprimand regarding behaviour that violates the Student Conduct Code or University policy, which can include restriction, restitution or community service as defined above. This sanction is assigned a specified period of time.

7. Fine— in addition to the preceding disciplinary measures, appropriate fines may be imposed by the proper authority based on the severity of the infraction.

8. Mandatory withdrawal from the course and/or department within which the offense occurred. Credit for the course may or may not be recorded.
9. Residence Hall Suspension--separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
10. Residence Hall Expulsion--permanent separation of the student from the residence halls.

Depending on the severity of the incident, criminal charges could also be filed through the city or state court system.

For further information:

The GSW Student Code of Conduct can be found at https://gsw.edu/campus-life/campusservices/judicialaffairs/codeofconduct

Employee Code of Conduct can be found at https://gsw.edu/Assets/HR/files/HR%20Classified%20Employee%20Handbook.pdf
22. Sexual Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies, (Georgia Bureau of Investigation) to provide GSW with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at GSW.

The Georgia Bureau of Investigation and area Sheriff’s Offices provides GSW with a Sex Offender Registry. The Registry is maintained at two locations: the Public Safety Office and the area Sheriff’s office. The website that provides this information is as follows:
http://state.sor.gbi.ga.gov/Sort_Public/

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.
23. **Emergency Evacuation Procedures and Policies**

The GSW Emergency Action Plan includes information regarding shelter-in-place and evacuation guidelines. In conjunction with other emergency agencies, the University conducts numerous emergency response exercises each year, to include table top and field exercises. Monthly testing of the Emergency Notification System is also conducted. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. These tests are announced or unannounced. GSW Police Officers have received training in Incident Command and Rapid Response. General information about the emergency response and evacuation procedures is publicized each year as part of the University’s Clery Act compliance efforts and is available on the GSW website

https://gsw.edu/Assets/Campus%20Life/PublicSafety/files/EmergencyProceduresQRG.pdf

**Evacuation Procedures**

Evacuation of a building will occur when an alarm sounds and/or upon notification by a Public Safety Officer or a Building Coordinator. Persons being evacuated should assist disabled persons in exiting the building. Elevators are reserved for the disabled; however, in event of fire and/or earthquake, elevators should not be used. Once outside, evacuees should proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, hydrant areas, and walkways clear for emergency vehicles and authorized personnel. Individuals shall NOT return to an evacuated building unless told to do so by a University official with the authority to do so.

**Fire:**

When a building fire alarm sounds, Georgia Southwestern State University policy mandates that everyone must evacuate the building. The following steps should be observed:

- Close your door as you leave.
- If possible, know at least two escape routes from wherever you are.
- If smoke or flame is detected, and no alarm is sounding, alert others as you exit.
- During the evacuation, go to the nearest exit or exit stairwell.
- Do not use the elevator if there is one.
- Of smoke is present, keep low to the floor.
- Once outside, move away from the area.

**When Evacuation is NOT Possible:**

In a fire or fire alarm situation, always check doors to see if they are hot or warm to the touch before you open them. If heat or smoke prevents you from evacuating, return to your room and use towels or other cloth items to seal around the door. Hang a white object in the window and reclose the window (if it opens) as much as possible. Do not reopen your window (if it opens) unless forced to do so by smoke. After you have sealed your door, immediately call 911 and advise emergency responders of your location and situation. Wait for help to arrive.
Sheltering In Place

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as Tornado, Hostile Intruder, or Hazardous Material Release Outside, you should consult each relevant section for guidance.

Emergencies change as they progress. The question to ask yourself is:

Where am I safest? Inside? Outside?

Emergency Notifications – Immediate Threat

The GSW Alert Emergency Notification System may be used to communicate official information during an emergency or crisis situation that disrupts normal campus operation or threatens the immediate health or safety of the campus community. The GSW Police Department receives information from various offices/departments on campus, such as the Emergency Management Team. This system is used to notify the campus community upon confirmation of a dangerous situation or an emergency involving and immediate threat to the health or safety of students or staff on campus and when immediate action is required by the recipient.

If the GSW Public Safety Department confirms (with the assistance of key campus administrators, local first responder or National Weather Service) that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the GSW community, GSW Public Safety will determine the content of the message and will use some or all of the systems described below to communicate the threat to the GSW community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.
To Register for E-Notification:

Members of the Larger Community:

The systems below are available to members of the larger community who are interested in receiving notification information regarding emergencies on campus.

Methods of communications with the campus community have been developed to ensure quick and accurate distribution of information. Email, e-notification (Blackboard Connect), Alertus, and the outdoor alarm system are the primary means of emergency notification at Georgia Southwestern State University. In the event that an emergency/disaster should occur during normal business hours, the email system is intended for the immediate transmission of specific information regarding an emergency to all affected areas of the campus. In addition to email, the Blackboard Connect (electronic notification) and Alertus can be used to transmit vital information to everyone that has signed up for this feature. Faculty, staff and students must register each semester to receive Blackboard Connect messages through the Blackboard Connect system. Students can do this by logging into the R.A.I.N. account and following the directions. Faculty and staff personnel will need to contact the University Relations office in order to be added to Blackboard Connect.

Public Safety is responsible for disseminating up to date information to the Director of University Relations for notification to the area television, newspapers, and radio stations in an effort to notify the larger community of emergency events that have or may occur on campus. In addition, updates are posted for the community at large on the GSW main webpage. In the event of a disabled telephone system, and as another means of communications, building occupants would be notified in person by the Building Coordinators in case of a daytime emergency, and at night by Public Safety Officers.

Media Communications

The Director of University Relations or his/her designee is responsible for any news media contacts to include: development and distribution of press releases, and to initiate news broadcasts in reference to suspension of University operations with the approval of the President. In addition, the Director of University Relations or his/her designee will assist in the development and/or distribution of information to faculty/staff.

Faculty, staff and/or students will direct all requests for information from the news media to the Director of University Relations or his/her designee. Staff and/or faculty are not authorized to communicate with the media without receiving prior approval from the Director of University Relations or the President, or their designees.

All methods of communication will be tested at least annually. A description of the exercise, whether announced or unannounced, will be documented and a file maintained in the Plant Operations Department.
Primary Exits:
- East Glessner Street to South Lee Street
- Wheatley Street to Felder Street

Secondary Exits:
- GSW Drive to Felder Street
- Edgewood Drive to Felder Street

Emergency Exit (foot route only):
- Across railroad tracks to the Griffin Bell Golf Course
- Behind the lake and through the wood line to Wildwood Circle
In the event of a campus-wide evacuation, information/commands will be given via loudspeaker by Public Safety personnel. Notifications will also be given via Connect-Ed, social media, and the GSW website. All persons in need of assistance or transportation are advised to go one of two rally points: to Public Safety located in the Nicholas Smarr and Jody Smith Memorial Building or to Southwestern Pines dormitory. Attempts may be made to secure a transportation source as needed.

Handicap/disabled persons are encouraged to leave campus as soon as instructed, but in the event leaving isn’t possible, they are encouraged to contact Public Safety at (229) 931-2245 for assistance. If possible, handicap/disabled persons are encouraged to get outside of the building so they can be seen and assisted.

In the event of a mandatory evacuation, please use common sense in the most practical way to leave campus. Always exit campus on the opposite side of the emergency. Do not return to campus until told to do so via campus personnel.
24. Missing Student Protocol and Procedures

Policy Statement:

This policy contains the official notification procedures for Georgia Southwestern State University concerning missing students who live in University managed housing. This policy is a good faith effort to comply with the Higher Education Opportunity Act of 2008, Section 485. This policy is intended to promote the safety and wellbeing of residential students of Georgia Southwestern State University.

Missing Student Registration Policy:

Students will be informed each academic year that each student has the option to identify, via RAIN account, a person to be contacted by Campus Public Safety no later than 24 hours after the student is determined to be missing. This contact may not necessarily be the same as the emergency contact listed for the student. This confidential contact information will be accessible only to authorized campus officials and law enforcement and it may not be disclosed outside of a missing person investigation.

Missing Student Registration Procedure:

Each residential student will receive notice via their RAIN account that he/she must identify a person to be contacted by Campus Public Safety if the student is deemed to be missing. Each residential student may register such confidential contact information through his/her RAIN account. This process will be open at the time of completing the housing contract and may be changed at any time the student deems necessary.

Each student who files a confidential contact on his/her RAIN account is solely responsible for the accuracy of the contact phone number and for update of information should the information change.

Missing Student Policy & Procedure:

If a member of the University community (faculty, staff, or student) has reason to believe that a student who resides in University-managed housing is missing, he or she should immediately notify the Campus Public Safety at 229-931-2245. Campus Police will generate a missing person report and initiate an investigation.

Campus Police will investigate the missing person report and determine if the student is missing and has been missing for more than 24 hours. Circumstances may include:

- A student is out of contact after reasonable efforts have been made to reach the student, via phone, email, text, and visits to on-campus room.
- Conditions that may indicate an act of criminality is involved
- Conditions that may indicate physical safety is in danger
- Conditions become known that indicate medicine dependence may threaten health.
- Existence of physical/mental disability indicating the student’s physical safety could be in danger.
If the student is deemed missing for more than 24 hours, Campus Police will notify area law enforcement offices and the student's confidential contact no later than 24 hours after the student is determined to be missing, regardless if the student is determined to be missing, regardless if the student is above the age of 18 or is an emancipated minor.
25. **Definitions of Clery Reportable Crimes**

**Criminal Homicide:**
- Murder/Manslaughter – the willful killing of one human being by another.
- Manslaughter by Negligence – the killing of another person through gross negligence.

**Sex Offenses:**
- Sexual Offenses/Assault – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.
- 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, forcibly and/or against that person’s will, where the victim is incapable of giving consent because his or her temporary or permanent mental or physical incapacity (or because of his or her youth). This Offense includes the rape of both males and females.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will, where the victim is incapable or giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by laws.
- Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age on consent.

**Robbery:**
- The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:**
- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.

**Burglary:**
- The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

**Motor vehicle theft:**
- The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)
Arson:

- Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Liquor Law Violations:

- The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this definition are: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities.

Drug Abuse Violations:

- The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Weapon Law Violations:

- The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

Under the Clery Act campuses are required to report campus crime statistics for certain offenses, hate crimes, arrests and disciplinary referrals to the campus judicial process. In all cases this data must be broken down according to the geographic location of the occurrence of the offense. These locations are defined as the campus “Clery Geography” under the Act.

Clery Geography

On Campus

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls and...
- Any building that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (food or retail vendor).
  - The Institution Owns or Controls: rents, leases, or has a written agreement for building or property (whole or portion)
  - Reasonably contiguous to one another: must be owned or controlled by institution, is treated by campus as part of main/core campus and covered by same security policies as rest of campus.
  - Directly support, or relate to, the institution’s educational purpose: must be owned and controlled by the institution, reasonably contiguous and supporting educational purposes of the campus. Examples: bookstore or fast food in a student campus center.

On Campus – Residential Facility

- Dormitories or other residential facilities for students on campus is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.

Non-campus Building or Property

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within contiguous geographic area of the institution.
  - Owned or Controlled by Student Organization officially recognized by school and NOT within confines of campus land.
    OR
  - Owned or controlled by school, supports or used for school’s educational purposes, frequently used by students, and is not part of the core campus.

Georgia Southwestern State University does not have any officially recognized student organizations with off-campus student housing.
Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible for the campus. Owned by a public entity i.e. city or state government and is one of the following:

- Within the campus
- Immediately borders and is accessible from campus
  - Must “touch” on campus property
  - No barrier of any kind between the on campus property and it or the barrier must be frequently ignored (i.e. fence with missing gate that leads to public property that students constantly use).

Exceptions: If schools has written agreement to use a public or privately owned piece of property such as a parking lot, this would be considered ON CAMPUS.

The Department of Public Safety at Georgia Southwestern State University maintains a close relationship with the area law enforcement agencies to ensure that it is notified of any crime report that is made directly to them.
<table>
<thead>
<tr>
<th>Offense</th>
<th>2018 On Campus</th>
<th>2018 On-Campus Student Housing</th>
<th>2018 Public Property</th>
<th>2018 Non-Campus Bldg. or Property</th>
<th>2017 On Campus</th>
<th>2017 On-Campus Student Housing</th>
<th>2017 Public Property</th>
<th>2017 Non-Campus Bldg. or Property</th>
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<th>2016 Non-Campus Bldg. or Property</th>
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** The statistics for Sex Offenses also includes those incidents reported to the Counseling Center and the Title IX Coordinator.
Unfounded Offenses

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

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Hate Crime – Includes all of the crimes listed as reportable Clery crimes that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes. Hate crimes are defined as criminal offenses that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

- **Larceny/Theft** - The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Includes: pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

- **Simple Assault** - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
• **Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

• **Destruction/Damage/Vandalism or Property (except Arson)** - To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Categories of Prejudice**

• **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

• **Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

• **Gender Identity** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

• **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

• **Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

• **Ethnicity** - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

• **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

• **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

There were no reported hate crimes for the years 2016, 2017, or 2018 on the campus of Georgia Southwestern State University.
Violence Against Women Act (VAWA)

Georgia Southwestern State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

- **Dating Violence** - In Georgia, the term Dating Violence is not defined however “Family Violence” as defined under OCGA § 19-13-1 to include some dating situations — i.e. persons who are parents of the same child, other persons living or formerly living in the same household. It includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- **Domestic Violence** - In Georgia, the term Domestic Violence is not defined but Family Violence is defined under OCGA § 19-13-1 as “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, simply battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass”.

- **Stalking** - In Georgia, Stalking is defined under OCGA § 16-5-90 as “(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.”

- Sexual Assault - Any type of sexual contact or behavior that occurs without the explicit consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape.

In Georgia, Consent is not defined in reference to sexual activity. However, Georgia Southwestern State University defines Consent as:

- Consent is an agreement between people BEFORE they engage in any kind of sexual activity. Both people have to say “YES!” clearly and freely.
- Sexual activity without consent is sexual assault or rape.
- Consent must be willing. The decision to have any type of sexual behavior must be free of force. Both partners must be free to make their own decision and have the option of whether or not to be intimate. Force can be either physical or emotional. Examples of physical force include kidnapping, using weapons, holding someone down or taking advantage of someone when they are incapacitated due to drug or alcohol use. Examples of emotional force include threats, peer pressure, blackmail, guilt or coercion.
- Consent can only happen when everyone participating is of legal age to consent to sexual activity. The age of consent in Georgia is 16 years old.

### VAWA Statistics, GSW Campus

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What Should I do if I am sexually assaulted?

- Find a safe environment - anywhere away from the attacker. Ask a trusted friend to stay with you for moral support.
- Preserve evidence of the attack - don’t bathe or brush their teeth. Write down all the details you can recall about the attack & the attacker.
- Don’t throw away any clothing or objects that might contain evidence. Save every article of clothing worn during the attack without laundering it or altering it and place them into a paper bag if available. If you choose to go to the hospital, bring the bag with you.
- Call Public Safety at (229) 931-2245, call 911, or the National Sexual Assault Hotline for free, confidential counseling, 24 hours a day at 1-800-656-HOPE.
- Get medical attention. Even with no physical injuries, it is important to determine the risks of STDs and pregnancy.
  - To preserve forensic evidence, ask the hospital to conduct a rape kit exam.
  - If the victim feels they may have been drugged, they should ask that a urine sample be collected. The sample will need to be analyzed later on by a forensic lab.
- Make sure that any sexual offenses are reported to local law enforcement authorities as soon as possible. A counselor can provide the information the victim will need to understand the process.
- Remember it’s not the victim’s fault.
- Recognize that healing from rape takes time. Give the victim all the time they need.
- Know that it’s never too late to call. Even if the attack happened years ago, the National Sexual Assault Hotline can still help. Many victims do not realize they need help until months or years later.

On campus you can contact Public Safety at (229) 931-2245, the Health Clinic at (229) 931-2235, Counseling Services at (229) 931-2708, Title IX Coordinator at (229) 931-2026.

BYSTANDER INTERVENTION

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:
- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures);
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and
- taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
SAFE AND POSITIVE OPTIONS FOR BYSTANDER INTERVENTION

- Call police or someone else in authority.
- Tell another person. Being with others is a good idea when a situation looks dangerous.
- Yell for help.
- Ask a friend in a potentially dangerous situation if he/she wants to leave and then make sure that he/she gets home safely.
- Ask a victim if he/she is okay. Provide options and a listening ear.
- Call the local crisis center for support and options.

You can help someone who is abused or who has been assaulted by listening and offering comfort. Go with her or him to the police, the hospital, or to counseling. Reinforce the message that she or he is not at fault and that it is natural to feel angry and ashamed.

Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org):

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. Leave immediately.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together.
10. **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Don’t accept drinks from people you don’t know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

**27. Annual Fire Safety Report**

Georgia Southwestern State University's Annual Fire Safety Report is in a separate document. Feel free to come by the Public Safety Office to request a hard copy or go online to the following link for the report.

[https://gsw.edu/Assets/Campus Life/PublicSafety/files/AnnualFireSafety.pdf](https://gsw.edu/Assets/Campus Life/PublicSafety/files/AnnualFireSafety.pdf)