

Georgia Southwestern State University

ANNUAL SECURITY REPORT 2023

NICHOLAS SMARR & JODY SMITH
MEMORIAL BUILDING

This report has been developed in accordance with guidelines from the United States Department of Education.



GEORGIA SOUTHWESTERN
STATE UNIVERSITY

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1. Message from the Director of Public Safety



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 Office of Public Safety serves a population of approximately 3300 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 Clery 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 printed copy of this report by contacting the Georgia Southwestern State University Office of Public Safety.

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

Email: public.safety@gsw.edu

Michael Lewis

Director/Chief of GSW Public Safety

2. Crime Reporting

Crimes should be reported as soon as possible to the Office of Public Safety via telephone at 229-931-2245 or in person at the Nicholas Smarr and Jody Smith Memorial Building. In an emergency, dial 911 and follow up with the Office of Public Safety when it is safe to do so. It is critical for the safety of the entire campus community that you immediately report all incidents so that the Office of Public Safety can investigate the situation and determine if follow-up actions are required. Anonymous reports can be made to Public Safety via the tip form found at <https://www.gsw.edu/public-safety>.

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 GSW Public Safety. More information about the Alertus feature for the GSW community can be found at <https://www.gsw.edu/public-safety>. Additional information about Alertus is available by visiting <https://www.alertus.com> or contacting the Public Safety office.

Student-related incidents involving discrimination, bias or harassment may be reported to the University in person or online using the form below.

- To report a student-related incident in person, please visit the Office of Student Rights and Responsibilities located in the Student Success Center (SSC) on the 3rd floor.
- Incidents involving GSW community members who are *not students* may report in person through the Department of Human Resources located in the Marshall Student Center or by visiting <https://secure.ethicspoint.com/domain/media/en/gui/76602/index.html>.

Reports will be reviewed to determine next steps which may include further investigation or disciplinary action, when appropriate. A group of University representatives from the Council on Diversity and Behavioral Intervention Team (BIT) will seek corrective measures that include outreach, dialog, education, and other related action to foster individual growth and community. Reported incidents may require following procedures outlined in the Student Code of Conduct, Employee Handbook, or Faculty Handbook. The determination of direction is at the discretion of the University. A staff member may contact you to gather additional information and/or provide support and campus resources to you.

Incident Reporting: Georgia Southwestern students, faculty, and staff may complete this [form](#) concerning incidents involving students that engage in almost any non-academic behavior that violates the Code of Conduct as stated in the Student Handbook found at <https://www.gsw.edu/student-handbook/code-of-conduct/>.

Sexual Misconduct: This [form](#) is used to report any incident that you believe to be related to sexual misconduct, including assault, dating violence, stalking, harassment, or other behavioral concerns that you believe to be rooted in sexual relationships, sexual orientation, gender identity, or gender expression.

See Something/Say Something: Use this [form](#) to report concerns regarding physical, emotional, or mental well-being of any member of the Georgia Southwestern community or if you believe that anyone may be a harm to him/herself or others. This concern may include signs of high anxiety or depression, mis-use of alcohol or substances, uncharacteristic behavior, or signs of suicidal thoughts or thoughts that may lead to harm of one’s self or others.

GSW encourages the prompt reporting of crimes or other emergencies to the Office of Public Safety and/or appropriate police agencies, when the victim of a crime elects to or is unable to make such a report.

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

Response to a Report

Dispatchers are available at the Office of Public Safety 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 the GSW Office 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 Engagement and Success for review and referral to the Behavioral Intervention Team for potential action as appropriate.

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 Office of 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 Office of Public Safety or to any other law enforcement agency if they have been the victim of a crime.

Daily Crime Log

The Office of Public Safety generates the Daily Crime Log from reports made to them directly, from Campus Security Authorities, and local law enforcement agencies. The Daily Crime Log is publicly available for inspection in person at the Office of Public Safety during regular business hours.

The Daily Crime Log contains information related to the nature/classification of the reported incident/crime, the Public Safety case number assigned, the date and time reported, the date and time occurred, the general location of the incident/crime, and the disposition (open, pending, closed, disciplinary referral, unfounded).

The Daily Crime Log entries are recorded in the order in which the reported crimes are received. The entries are logged and updated within two business days, with the most current 60 days publicly available, and retained electronically for seven years. Archived copies will be available for public inspection within two business days of a request.

Any information that is prohibited by law or that would jeopardize confidentiality of the victim will be withheld from release.

3. Annual Disclosure of Crime Statistics

The University Clery Coordinator is responsible for collecting crime reports from Campus Security Authorities (CSAs), as defined below, for the purposes of compiling annual crime statistics. CSAs are individuals who, because of their responsibilities at GSW, have an obligation to share information with the University about alleged Clery crimes that are either reported to them and/or personally witnessed

by them. At GSW some common examples of CSAs include, but are not limited to, Public Safety personnel, Resident Assistants and Residence Life personnel, Deans of Students personnel, coaches, and Title IX personnel. Crimes reported to a pastoral or professional counselor are excluded from the issuance of Timely Warnings.

The Clery crime statistical data is imported from the electronic databases used by the Office of Public Safety, Student Affairs (including Residence Life and Fraternity and Sorority Life), Title IX and Human Resources. Clery crime data is also sent in via email to the Clery Coordinator from CSAs as soon they have knowledge of a Clery crime. The Clery Coordinator also gathers reports from local law enforcement agencies for inclusion in the central database.

The Clery Coordinator leads the Clery Act Classification Review Work Group in determining the classification and counting of crime statistics. The work group includes, but is not limited to, representatives from Public Safety, Title IX, Student Engagement and Success, Academic Affairs, Residence Life, Physical Plant, Athletics, University Relations, Human Resources, and Student Government. The work group meets quarterly, in addition to ongoing individual collaborative communications.

4. 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 Public Safety 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 at <https://www.gsw.edu/public-safety/>. Your tip is completely anonymous 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 GSW Public Safety officers. Any crime in progress or other emergency should be reported immediately by dialing (229) 931-2245 or 911.

5. Timely Warnings

If a Clery reportable crime arises which represents an ongoing threat to students and employees, a campus wide “timely warning” will be issued. Timely warnings will be issued without delay, as soon as the pertinent information is available, to the University faculty, staff, and students. Timely warnings will not include the names and other identifying information of complaints made.

The Office of Public Safety evaluates reports made to them, and from CSAs and local law enforcement officials to determine if a warning must be disseminated. Timely Warning are issued via mass phone call, text, and email to registered users in the GSW Emergency Notification System (Blackboard Connect). Registration for this system can be done by logging into R.A.I.N. and following the directions, or by contacting the Department of University Relations. Likewise, the Department of University Relations may also post a notice on the campus electronic bulletin board (GSW Drive near Felder Street) and on the Georgia Southwestern State University website at: www.gsw.edu to provide the university community with the necessary information. Flyers may also be posted at the front door of each residence hall. Additionally, timely warning information may also be sent out by Public Safety, via the

Outdoor Loud Speaker/Siren System. A combination of some or all these methods may be used to issue a timely warning notice.

Clery crimes are considered on a case-by-case basis, depending on the facts of the case and the information known by the GSW Office 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 Office of Public Safety. The Director of Public Safety, or 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.

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

6. Security, Access and Maintenance of Facilities

Security and Access to Facilities

During business hours, the University is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all University facilities is by key or card access, if issued, or by admittance via the Office of Public Safety staff after receiving confirmation about those requesting admittance. In periods of extended closing, the University will admit only those with prior approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year.

All University residence halls have exterior electronic card key swipe access control systems and camera systems. All University residence halls have interior electronic card key swipe access control systems for entrance onto the hallway. Suites/apartments, as well as interior bedrooms, have traditional lock and key sets. Main entrances have staffed desks for visitors to sign-in under the control of Residence Life. All residence halls require that the resident check-in their guest and the visitor provide picture ID. For additional information about visitation in the residence halls please contact the Office of Residence Life at (229) 931-2375 or at housing@gsw.edu.

Security cameras operational in various buildings and parking lots around campus are monitored for the potential preservation of criminal evidence in the event of a crime. GSW Public Safety and the Office of Information and Instructional Technology, in connection with Physical Plant, are responsible for operating, maintaining, and supporting safety, fire, and security systems.

Security and Maintenance of Facilities

GSW values and promotes physical safety and security regarding facilities and surrounding grounds, as reflected in regular assessment and maintenance schedules. GSW also uses an electronic maintenance request system so that anyone may easily report an issue that needs immediate attention, such as burned-out lights or a malfunctioning lock. The Office of Public Safety partners with our Physical Plant team in ongoing assessments, reporting of, and mitigating safety concerns. The Office of Public Safety partners with Physical Plant, as needed, when buildings are under design by architectural firms prior to and during construction. If you see a burned-out light or other issue you may submit a maintenance

request via email to plant@gsw.edu or by completing the maintenance form found at <https://www.gsw.edu/student-life/residencelife/current-residents>.

Monthly inspections of GSW facilities include fire extinguishers, emergency lights, accessible routes; including pathways, hallways, and stairwells, and exit signs.

7. Public Safety Authority and Jurisdiction

The Office of Public Safety is an accredited law enforcement agency with fully certified officers responsible for the protection of life and property on Georgia Southwestern State University campus. Areas within the office include Administration, Patrol, Support Staff, and Training. The office operates 24 hours a day, 365 days a year. The office strictly enforces all federal, state, and local laws, as well as institutional policy.

Georgia law provides University and Campus Public Safety officers powers for offenses committed upon University System property and includes jurisdiction over offenses committed upon any public or private property within 500 yards of any property under the jurisdiction of the Board of Regents of the University System of Georgia. The law enforcement efforts of the Georgia Southwestern Office of Public Safety will generally be confined to properties of Georgia Southwestern State University. Jurisdictional authority for property within 500 yards of any property under the jurisdiction of the Board of Regents of the University System will be utilized only at the request of other agencies having original jurisdiction, or in a situation jeopardizing the life and property safety, or in other emergency situations.

All criminal incidents, including Clery reportable crimes, are investigated by the Office of Public Safety. Major offenses such as rape, murder, aggravated assault, and robbery will be worked in conjunction with the local police and sheriff's office, when necessary. GSW Public Safety has mutual aid and working agreements with Sumter County Sheriff's Office and the City of Americus Police Department. These mutual aids and working agreements do not specifically cover the investigation of any one criminal incident. Each department augments that others 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. The prosecution of all criminal offenses is 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.

8. Emergency Evacuation Procedures and Policies

The GSW Office of Public Safety utilizes the National Incident Management System, or NIMS, when responding to emergencies on campus. This system creates a combination of facilities, equipment, personnel, procedures and communication operating within a standardized organizational structure. Under NIMS, Georgia Southwestern State University has organized a Critical Emergency Response Team (CERT), which consists of representatives from various departments, including public safety and critical infrastructures on campus. The Director of Public Safety or his/her designee serves as the University Incident Commander. As such, the Director or his/her designee oversees the Critical Emergency Response Team and is the individual responsible for the command and control of all aspects of an emergency.

Georgia Southwestern State University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty and staff occurring on campus. GSW will, without delay, and

considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If there is an immediate threat to the health and safety of students or employees occurring on campus, follow-up information will be released through Blackboard Connect or other means of communication with the campus community. Information about emergency procedures is publicized at <https://www.gsw.edu/public-safety/files/quick-reference-guide-grg.pdf>.

Drills, Exercises and Training

The University conducts at least one exercise of the emergency response and evacuation procedures annually. These exercises, such as tabletop exercises, will generally be held at the beginning of a semester and will be scheduled by the Director of Public Safety, or designee. These exercises may be announced or unannounced and are designed to assess and evaluate the emergency plans and capabilities of the institution. Procedures in conjunction with the exercise will be publicized accordingly. Each exercise will be documented to include a description of the exercise, date the exercise was held, along with the beginning and ending time, and whether the exercise was announced or unannounced.

To Register for E-Notification:

Methods of communications with the GSW campus community have been developed to ensure quick and accurate distribution of information. Email, text, phone calls (via Blackboard Connect), Alertus, social media outlets, and the outdoor alarm system are the primary means of emergency notification at GSW. More information about the Alertus feature for the GSW community can be found at <https://www.gsw.edu/public-safety/>. Faculty, staff and students must register 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 to be added to Blackboard Connect.

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.

Campus Wide Evacuation

In the event of a campus-wide evacuation, all persons in need of assistance or transportation are advised to go one of two rally points: to the Office of Public Safety, located in the Nicholas Smarr and Jody Smith Memorial Building, or to Southwestern Pines dormitory. Attempts will 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.

GSW CAMPUS EXACUATION ROUTES



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

9. Missing Student Protocol and Procedures

When a student who resides in on-campus student housing has been missing for 24 hours students, employees, and others should make a report to the Office of Public Safety at (229) 931-2245. (Reports may also be made to the Office of Residence Life at (229) 931-2375 or Division of Student Engagement & Success at (229) 928-1387.) Any report of a missing student not made to the Office of Public Safety must be referred to them immediately for the purposes of conducting an investigation.

All students who reside in on-campus student housing are obligated to identify a “confidential contact” to be notified by the Office of Public Safety within 24 hours in the event they are determined by a law enforcement investigation to be missing and have not returned to the campus. This person may or may not be the same as their emergency contact.

Residential students are obligated to register their confidential contact when they apply for housing and again during the annual contract renewal process with the Residential Life Intranet (StarRez). This contact information will be registered confidentially and will only be accessible to authorized campus officials and may not be disclosed except to law enforcement for the purpose of a missing person investigation.

In addition to the confidential contact, if a student is under 18 years of age and not emancipated the Office of Public Safety will notify their custodial parent or guardian within 24 hours of the determination that they are missing. Institutional officials including the University President, Director of University Relations, and VP for Business and Finance will also be notified.

The Office of Public Safety will notify the local law enforcement agency with primary jurisdiction for the surrounding community, the Americus Police Department and the Sumter County Sheriff’s Office, within 24 hours of when a residential student is determined to be missing unless that agency made the determination.

For more information about University procedures for missing students can be found at <https://www.gsw.edu/student-handbook/general-policies/missing-students>.

10. Alcoholic Beverages

Georgia Southwestern State University prohibits the possession, use and sale of alcoholic beverages on campus. The possession, use, sale or the furnishing of alcohol is allowed only when authorized at a social function in designated areas under the University’s Alcohol Events Policy or with prior approval of the University President and when authorized for educational or research purposes. The Office of Public Safety enforces the laws of the State of Georgia and local ordinances pertaining to the illegal possession, use and sale of alcoholic beverages. While other agencies have primary jurisdiction in all areas off campus, the Office of Public Safety can and does respond to student-related incidents that occur on campus or in close proximity to campus.

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://www.gsw.edu/human-resources/files/Policy-on-Alcohol--Other-Drugs-Flyer.pdf>.

11. Illegal Drugs

GSW is a “Drug Free” university. The possession, use (without a valid medical or dental prescription), manufacture, furnishing, or sale of any narcotic or dangerous drug controlled by federal or Georgia law is prohibited. Violators are subject to University disciplinary action, criminal prosecution, fines and imprisonment.

Students can find more specific information regarding alcohol and drugs at <https://www.gsw.edu/rights-responsibilities/atod>.

12. Alcohol and Drug Abuse Programming & Prevention

Georgia Southwestern State University requires new freshmen to complete online training modules that address the use and abuse of alcohol and other drugs. GSW also facilitates workshops on these topics for all student athletes and student organizations presidents. Furthermore, GSW also utilizes online training as an educational sanction for students who have violated our student conduct code related to misuse of alcohol and/or drugs.

GSW provides a confidential counseling and referral program and encourages faculty, staff, and students who feel they have a potential alcohol/other drug-related problem to utilize these services. A variety of counseling services and treatment centers is available throughout the state for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their services, some programs are free of charge. Faculty, staff, and students may obtain a list of available alcohol and other drug counseling services and treatment centers from the Human Resources Department.

A listing of the Top 27 Alcohol and Drug Rehab Centers in Georgia & Free Treatment Resources can be found at <https://www.addictions.com/rehabs/georgia/>.

13. Security Awareness & Crime Prevention Programs

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.

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 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 Public Safety. Handouts are provided and an overview is given by the Director of Public Safety or designee. The presentation outlines ways to maintain personal safety and residence hall security.

Upon request during the academic year, the GSW Office of Public Safety, in cooperation with other University organizations and departments, present crime prevention awareness sessions on sexual assault, theft, alcohol safety, dangers of drugs, and common-sense safety tips.

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.

Due to the limited manpower, GSW Public Safety does not offer any prevention and safety class on a regular/scheduled basis. A listing of the classes offered by Public Safety upon request can be found at <https://www.gsw.edu/public-safety/classes>.

Risk Reduction

GSW encourages members of the University community to help prevent and reduce acts of violence by:

- being vigilant and using safety planning,
- stepping in when they see signs of potential or escalating violence, and
- using one or more of the actions of bystander intervention to step in and distract, direct, delay, document, or delegate to someone to intervene.

Bystander Intervention

Bystander intervention is a prevention strategy that encourages witnesses to take safe action when they see a situation that might lead to sexual violence or abuse, and to support victims after an incident.

When you see a problem situation:

- Distract – Approach the victim with a reason for them to leave the situation – tell them they need to take a call, or you need to speak with them; any excuse to get them away to safety.
- Direct Action – Call out negative behavior, tell the person to stop or ask the victim if they are OK. Do this as a group if you can.
- Delay – Wait for the situation to pass then ask the victim if that are OK. Or report it later when it's safe to do so – it's never too late to act.
- Document – Work with a trusted official to file a report or file an anonymous report online.
- Delegate – Tell someone with the authority to deal with the situation, or call for help.

14. Sexual Misconduct Prevention and Response

Students, faculty, and staff are entitled to an educational and working environment free of discriminatory harassment on the bases of sex and gender. Georgia Southwestern State University is committed to ensuring a safe learning and working environments for all members of the GSW community in accordance with Title IX of the Education Amendments of 1972 (“Title IX”). GSW does not tolerate discrimination on the basis of sex in any of its education programs or activities or in employment.

GSW requires all new, transfer and dual enrolled students and new employees (including student workers) to complete population-specific online Sexual Assault Prevention training, via Vector Solutions, targeted at prevention and risk reduction of dating violence, domestic violence, sexual assault, and stalking, while creating a safe environment for those who may have been victims of these crimes. Further, all GSW employees are required to complete sexual harassment training annually through Vector Solutions. Freshman students are assigned an online Sexual Assault Prevention Training course,

which is incorporated in their University 1000 class. GSW students are not required to take annual Sexual Assault Prevention training.

The Title IX Office offers bystander intervention and sexual misconduct prevention information to the GSW community, upon request. Additionally, GSW promotes crime prevention through our See Something/Say Something program. More information about that program can be found at <https://www.gsw.edu/rights-responsibilities/incident-report>. GSW employees have access to various health programs, including relationship and family problems counseling through USG Well-Being. GSW conducts annual evaluations of the effectiveness of our sexual misconduct awareness and prevention programs through analytics provided by Vector Solutions, our third-party online program provider, and analysis of our Clery crime statistics.

Definitions under Georgia State Law

Dating Violence

O.C.G.A. § 19-13A-1:

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

(A) Any felony; or

(B) Commission of the offenses of simple battery, battery, simple assault, or stalking.

Domestic Violence

The State of Georgia does not have a Domestic Violence law, but defines Family Violence as:

O.C.G.A. § 19-13-1:

As used in this article, the term "family violence" means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Any felony; or

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

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

Sexual Assault

Georgia does not have a Sexual Assault law, but instead has a Sexual Battery law as shown below.

O.C.G.A. § 16-6-22.1:

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

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

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

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

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

Rape

O.C.G.A. § 16-6-1:

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

- (1) A female forcibly and against her will; or
- (2) A female who is less than ten years of age.

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

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

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

Sodomy; Aggravated Sodomy; Medical Expenses

O.C.G.A. § 16-6-2:

(a)

(1) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

(2) A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.

(b)

(1) Except as provided in subsection (d) of this Code section, a person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(2) A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by a split sentence that is a term of imprisonment for not less than 25 years and not exceeding life imprisonment, followed by probation for life. Any person convicted under this Code section of the offense of aggravated sodomy shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10- 6.1 and 17-10-7.

(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be financially

responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

- (d) If the victim is at least 13 but less than 16 years of age and the person convicted of sodomy is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

Fondling

The State of Georgia does not have a definition for Fondling, however what the Clery Act defines as fondling is included in the State definition of Sexual Battery provided above.

Incest

O.C.G.A. § 16-6-22:

- (a) A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2, with a person whom he or she knows he or she is related to either by blood or by marriage as follows:
 - (1) Father and child or stepchild;
 - (2) Mother and child or stepchild;
 - (3) Siblings of the whole blood or of the half blood;
 - (4) Grandparent and grandchild of the whole blood or of the half blood;
 - (5) Aunt and niece or nephew of the whole blood or of the half blood; or
 - (6) Uncle and niece or nephew of the whole blood or of the half blood.
- (b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

Statutory Rape

O.C.G.A. § 16-6-3:

- (a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.
- (b) Except as provided in subsection (c) of this Code section, a person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years. Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.
- (c) If the victim is at least 14 but less than 16 years of age and the person convicted of statutory rape is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor.

Stalking

O.C.G.A. § 16-5-90:

- (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 12 and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.
 - (b) Except as provided in subsection (c) of this Code section, a person who commits the offense of stalking is guilty of a misdemeanor.
 - (c) Upon the second conviction, and all subsequent convictions, for stalking, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years.
 - (d) Before sentencing a defendant for any conviction of stalking under this Code section or aggravated stalking under Code Section 16-5-91, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender. At the time of sentencing, the judge is authorized to issue a permanent restraining order against the offender to protect the person stalked and the members of such person's immediate family, and the judge is authorized to require psychological treatment of the offender as a part of the sentence, or as a condition for suspension or stay of sentence, or for probation.

Consent

While Georgia does not define consent there is a published definition of "Without his consent" in O.C.G.A. § 16-1-3:

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

15. Sexual Misconduct Policies and Procedures

Georgia Southwestern State University expressly prohibits sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking consistent with the requirements of Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and University System of Georgia policy. The University educates the student community to promote the awareness of sexual assaults, date rape, and other sex offenses using 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.

Sexual Misconduct Reporting

Reports of sexual misconduct should be made to the 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 the Title IX Coordinator at (229) 928-1387 or in person in room 3429 of the Student Success Center. The Title IX Coordinator may also be reached by mail at 800 Georgia Southwestern State University Drive, Americus, Georgia 31709 or by e-mail at titleix@gsw.edu. This [form](#) may also be used to report any incident that you believe to be related to sexual misconduct, including assault, dating violence, stalking, harassment, or other behavioral concerns that you believe to be rooted in sexual relationships, sexual orientation, gender identity, or gender expression.

Students and employees have the option to notify law enforcement authorities, including GSW Public Safety and local law enforcement. The Title IX Coordinator will assist in making reports to law enforcement if desired. 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. GSW Public Safety will assist the sexual assault victim regardless of the jurisdiction or when the assault occurred.

Preserving Evidence

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

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

Accommodation and Supportive Measures

If you have reported being the victim of sexual misconduct, the University offers confidential options to ensure your continued safety and equal access to educational opportunities. These services are available regardless of whether the Complainant chooses to report the crime to GSW Public Safety or local law enforcement. In addition, these services are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. When the Title IX Coordinator has received information regarding an allegation of sexual misconduct, the involved individuals will be

provided written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge. These services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, changing workplace arrangements, assistance with alternate transportation, and other services. Immigration and visa assistance can be obtained by contacting International Studies at the Office of First Year Experience at (229) 931-7010, in person in room 141 at Canes Central, by mail at 800 GSW State University Drive, Americus, GA 31709, or by email at international@gsw.edu. The University will maintain as confidential any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the supportive measures.

Disciplinary Proceedings

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

Disciplinary complaints may be made by any campus community member and should be directed to the Title IX Coordinator (students and non-students) at (229) 928-1387 or in person in room 3429 of the Student Success Center. The Title IX Coordinator may also be reached by mail at 800 Georgia Southwestern State University Drive, Americus, Georgia 31709 or by e-mail at titleix@gsw.edu. Complaints made to the Title IX Coordinator will not initiate a law enforcement investigation.

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

What to Expect

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

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

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

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

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

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

Prompt, Fair, and Impartial Proceedings

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

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

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

Timeframes and Notice

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

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

Amnesty

Information reported by a student during the Sexual Misconduct process concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily

reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Advisor of Choice

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

In Title IX Sexual Misconduct cases the advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

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

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

Interim Measures

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

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

Informal Resolution

Once an investigation has begun if the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate. Student allegations of Title IX Sexual Misconduct against an employee may not be resolved informally.

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

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

Unbiased Proceedings

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

Investigation

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

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

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

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

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

Hearing – Student Respondent

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

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

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

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

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

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

Hearing – Employee Respondent

Matters involving alleged Title IX Sexual Misconduct must be heard at a live hearing. Institutions may determine whether the live hearing is conducted by a single administrative decision maker (such as the Chief Human Resources Officer, the Chief Academic Officer, or their designee) or by a panel. Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence. The institution will determine how the facts or evidence will be introduced.

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

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

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

Possible Sanctions – Student Respondent

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

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

Possible Sanctions – Employee Respondent

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

Appeals

An appeal must be submitted in writing and within five (5) business days of the date of notification of the findings of the Hearing Panel. If an appeal is submitted, the other Party shall receive notice of the appeal, including a copy of the submission. That Party may submit, in writing and within five (5) business days from the date of notification, a response to the appeal submission. A decision on an appeal may only be rendered once the filing deadline has passed, including the deadline for the other Party to respond to the appeal submission.

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

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. The Appellate Officer 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 any lower 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 Appellate Officer will render a decision no later than seven (7) business days after receiving all materials, barring exigent circumstances. The Appellate Officer's decision will be in writing and include a rationale. The institution will inform the Parties simultaneously and in writing of the outcome of the appeal. This shall be the final decision of the institution.

Further review, such as a Discretionary Review, if available, is governed under the policies and procedures of the Board of Regents of the University System of Georgia.

Appeals received after the designated deadlines above will not be considered unless the institution or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the

deadline the last decision on the matter will become final, and notice shall be provided simultaneously and in writing to both Complainant and Respondent.

Retaliation

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

Additional Information

The institution's sexual harassment policy, including a description of the grievance procedures for students can be found in the Georgia Southwestern State University Student Handbook at <https://www.gsw.edu/student-handbook/>.

The institution's description of the grievance procedures for employees can be found on the Human Resources at <https://www.gsw.edu/human-resources/personnel-policies/policies-procedures-manual>.

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

6.7 Sexual Misconduct Policy

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

4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

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

Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment

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

16. Sex Offender Registry

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

17. Counseling Services

The Counseling Center educates students for life by providing a variety of services and programs that are consistent and consonant with the strategic plan goals of the Institution and the Division of Student Engagement and Success. Services include short-term individual counseling, group counseling, testing

and assessment, crisis intervention, referral services, as well as outreach programming, and consultation for faculty and staff, family and friends of Georgia Southwestern State University students. This assistance is provided for victims requiring services on or off campus for counseling, mental health, or other student services for victims of sex offenses.

Georgia Southwestern State University is dedicated to ensuring every student has access to support whenever and wherever they need it. GSW offers both on-campus and off-campus counseling resources at no cost to the students. On-campus counseling services are available Monday through Friday from 8am – 5pm by calling (229) 931-2676, by visiting the Counseling Services office on the 3rd floor of the Student Success Center, or via email at counseling@gsw.edu. Many of the off-campus options are available 24/7/365 for in-the-moment support regardless of time of day or location. For more information about counseling options, feel free to visit GSW Counseling Services website at <https://www.gsw.edu/health-counseling/counseling-services>.

18. Student Code of Conduct Procedures

Georgia Southwestern State University Office of Student Rights and Responsibilities aims to promote a campus environment that supports the overall educational mission of the University, to protect the University community from disruption and harm, to encourage appropriate standards of individual and group behavior, and to foster ethical standards and civic virtues. In order to achieve the environment and educational goals of the University and to protect the rights and privileges of its students, the University has adopted a Student Code of Conduct for individuals and organizations and has established a Student Conduct Process.

This Student Code of Conduct provides information to students and organizations about their rights and responsibilities as members of the University community. All procedures for responding to possible violations of policies, including specifics of the Student Conduct Process, a listing of possible sanctions, and the appeals procedures are included in the Student Code of Conduct. These procedures promote due process and fundamental fairness to all involved in the University's Student Conduct Process. More information about these procedures can be found at <https://www.gsw.edu/student-handbook/code-of-conduct/>. The GSW Student Conduct Code ensures compliance with the procedural standards outlined the *University System of Georgia's Board of Regent's Policy Manual 4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings* and *6.7 Sexual Misconduct Policy*.

19. Recordkeeping

For a period of seven (7) years, the University will maintain records of:

1. Each investigation conducted under this policy, including any determination regarding responsibility and any audio or audio-visual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to University programs or activities;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;
4. Any supportive measures or actions taken in response to a report or formal complaint under this policy and the rationale for the measure/response; and
5. All materials used to train Title IX Coordinators, investigators, decision-makers who facilitate an informal resolution process.

6. Public Safety generated reports (including evidence gathered, written statements, audio-visual recordings, photos, etc.)
7. All reports/materials provided by CSAs
8. Crime and Fire Logs
9. All Timely Warning documentation (to include decision, evidence issued)
10. All Emergency Notification documentation (to include decision, evidence issued)

20. Crime Statistics

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.

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 GSW Clery Geography Map can be found at <https://www.gsw.edu/public-safety/files/gsw-clery-geography-map.pdf>.

Criminal Offenses, GSW Campus (last 3 years)

Offense		On Campus	On- Campus Student Housing	Public Property	Non- Campus Bldg. or Property
Criminal Homicide					
<i>Murder and Non-Negligent Manslaughter</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Negligent Manslaughter</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Sex Offenses					
<i>Rape</i>	2022	0	0	0	0
	2021	1	1	0	1
	2020	5	5	0	0
<i>Fondling</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Incest</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Statutory Rape</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft (does not include theft <i>from</i> a vehicle)	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Arrests and Disciplinary Actions, GSW Campus

Other Offenses		Arrest				Judicial Referral			
		On Campus	On-Campus Student Housing	Public Property	Non-Campus Bldg. or Property	On Campus	On-Campus Student Housing	Public Property	Non-Campus Bldg. or Property
Liquor Law Violations	2022	1	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
	2020	0	0	0	0	1	1	0	0
Drug Abuse Violations	2022	0	0	0	0	1	1	0	0
	2021	0	0	0	0	4	4	0	0
	2020	0	0	0	0	17	17	0	0
Illegal Weapons Possession	2022	4	3	0	0	0	0	0	0
	2021	1	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0
VAWA Amendment New Offenses									
<i>Dating violence</i>	2022	0	0	0	0				
	2021	1	1	0	0				
	2020	2	1	0	0				
<i>Domestic Violence</i>	2022	0	0	0	0				
	2021	0	0	0	0				
	2020	0	0	0	0				
<i>Stalking</i>	2022	0	0	0	0				
	2021	0	0	0	0				
	2020	4	0	0	0				

** The statistics for Sex Offenses also includes those incidents reported to the Counseling Center, and the Title IX Coordinator.

There were no reported hate crimes for the years 2020, 2021, or 2022 on the campus of Georgia Southwestern State University.

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.

UNFOUNDED					
Offense		On Campus	On-Campus Student Housing	Public Property	Non-Campus Bldg. or Property
Criminal Homicide					
<i>Murder and Non-Negligent Manslaughter</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Negligent Manslaughter</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Sex Offenses					
<i>Rape</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Fondling</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Incest</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<i>Statutory Rape</i>	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft (do not include theft <i>from</i> a motor vehicle)	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Abuse Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Illegal Weapons Possession	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

21. 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 view it at <https://www.gsw.edu/public-safety/files/GSW-Fire-Safety-Report.pdf>.