

D. SEXUAL MISCONDUCT POLICY

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1. PREAMBLE

Georgia State University is committed to providing a safe learning environment that supports the dignity of all members of the University community. The University will not tolerate sexual misconduct and strongly encourages members of the University community to promptly report instances of sexual misconduct. All reported instances of sexual misconduct shall be reviewed and responded to promptly, thoroughly and impartially by University officials who receive annual training regarding sexual misconduct and the related procedures. The University will not tolerate sexual misconduct and will take necessary steps to end reported sexual misconduct. This policy describes the actions that will be taken in instances of alleged sexual misconduct by Students.

In addition, Georgia State University strives to create a campus community free of abuse, harassment and sexual and intimate partner violence. Georgia State University provides educational programming and training for Students, faculty and staff which address the role everyone can take to create a violence-free campus. For more information, please visit: deanofstudents.gsu.edu.

2. EDUCATIONAL PROGRAMMING

Acts of Sexual Misconduct devastate victims and the campus community. For this reason, Georgia State University engages in risk reduction strategies emphasizing the collective responsibility of the campus community to reduce the risk of Sexual Misconduct. As a part of that effort, Georgia State University provides Sexual Misconduct prevention and education programs for new Students as well as ongoing prevention/awareness campaigns for all Students. The programs incorporate risk reduction strategies and include bystander intervention training thereby enabling community members to take a role in preventing and interrupting incidents of Sexual Misconduct. The programs also provide information regarding relevant resources, including information regarding this Sexual Misconduct Policy. For detailed information about programming and resources, please visit: deanofstudents.gsu.edu.

3. DEFINITIONS

Sexual Misconduct is a violation of University policy and Federal law and may also result in criminal prosecution. Sexual Misconduct, as defined by this policy includes Dating Violence, Domestic Violence, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Sexual Harassment, and Stalking each as more fully defined in this policy. Sexual Misconduct can occur between strangers or acquaintances, and even people involved in intimate or sexual relationships. Sexual Misconduct can be committed by men or women, and it can occur between people of the same or different gender. Examples of actions and situations that may constitute Sexual Misconduct may include, but are not limited to, the following:

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship;
- the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Non-Consensual Sexual Contact” means:

- Deliberate indecent and/or unwelcomed brushing, touching, grabbing, pinching, patting, hugging and/or kissing of a person’s intimate parts (including genitalia, groin, breast or buttocks), or clothing covering any of those areas without Effective Consent; or
- Using physical force, violence, threat, intimidation or coercion to cause a person to touch his or her own or another person’s intimate parts.

“Non-Consensual Sexual Intercourse” means penetration (anal, oral, or vaginal) by a penis, tongue, finger or inanimate object that occurs without Effective Consent.

“Sexual Exploitation” means taking sexual advantage of another person without Effective Consent which includes, but is not limited to:

- Causing or attempting to cause Incapacitation in order to gain sexual advantage over such other person;
- Causing the prostitution of another person;
- Recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (genitalia, groin, breasts, or buttocks) of another person;
- Going beyond the boundaries of consent such as allowing others to secretly watch you engage in consensual sex or sexual activity;
- Reproduction of a recorded consensual sexual act without Effective Consent for distribution (e.g. online posting of videos, photographs, or audios depicting a consensual sexual act);
- Engaging in voyeurism;
- Engaging in exhibitionism and intentionally exposing oneself in an unwelcomed manner;
- Knowingly or recklessly exposing another person to a significant risk of a STI (Sexually Transmitted Infection) or HIV.

“Sexual Harassment” means unwelcome conduct, based on sex or gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person’s University employment, academic performance or participation in University programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. The exclusive purpose of this Policy is to protect Students from sex discrimination, consistent with both federal regulatory law and the requirements of the First Amendment to the United States Constitution. Sexual Harassment may, when unwelcome, include:

- sexual advances;
- requests for sexual favors,
- acts of sexual violence;
- leering--i.e., staring in a sexually suggestive manner;
- making offensive remarks about looks, clothing or body parts;
- telling sexual or lewd jokes, making sexual gestures or displaying pornography;
- sending, forwarding or soliciting sexually suggestive letters, notes, emails or images;
- gender-based activity, not of a sexual nature, e.g., gender harassment and gender identity harassment.

“Stalking” means engaging in a course of conduct directed toward another person that would cause a reasonable person to:

- fear for his or her safety or the safety of immediate family members or close acquaintances; or
- suffer substantial emotional distress.

General Definitions:

“Coercion”

The intimidation of a victim to compel the individual to do some act against his or her will by the use of psychological pressure, physical force, and/or threats.

“Complainant” means any person(s) who initiates an alleged violation of the Student Code of Conduct and Administrative Policies and Procedures.

“Dean of Students” means the administrative officer bearing this or similar title. This definition is only applicable to the Sexual Misconduct Policy.

“Dean of Students Designee” means the administrative officer appointed by the Dean of Students to review complaints and participate in the resolution process as outlined in this policy.

“Effective Consent” means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by Force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation of another, where the accused Student knows or reasonably should have known of such Incapacitation. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given. In addition, certain states have designated a minimum age under which a person cannot give “Effective Consent.”

“FERPA” means the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of Student education records. The law applies to Georgia State University as a recipient of funds under an applicable program of the U.S. Department of Education. (For more information: <http://www.gsu.edu/registrar/FERPA.html>).

“Force” means physical force, violence, threat, intimidation or coercion.

"Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, one does not have to be intoxicated or drunk to be considered Incapacitated. Rather, Incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.¹ The question is whether the accused Student knew, or a sober, reasonable person in the position of the accused Student should have known, that the Complainant was Incapacitated. Because Incapacitation may be difficult to discern, Students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is Incapacitated and therefore unable to give Effective Consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this Policy.

"Intimidation" means to frighten into submission, compliance, or acquiescence. Intimidate implies the presence or operation of a fear-inspiring force.

"Preponderance of Information" means that a charged violation is proven if the Information in support of the charges is more credible and convincing to the mind than the opposing Information. This standard does not require Information that frees the mind from doubt but, rather, is met when the Information when reviewed as a whole indicates that responsibility for the charged violation is more probable than not. Information as used in the statement can be any observation, admissions, statement, or document which would either directly or circumstantially indicate that the charged violation has occurred.

"Referred" means the Student(s) or Student Organization charged with-violating one or more of the provisions of the Sexual Misconduct Policy and/or Student Code of Conduct and Policies.

"Responding Student" means a Student or Student Organization named in a Sexual Misconduct complaint, but not yet charged with violating the Sexual Misconduct Policy and/or Student Code of Conduct and Policies.

4. OPTIONS FOR DISCLOSURE AND REPORTING

The options for disclosure and reporting Sexual Misconduct are listed below and assistance is available upon request to help Students review these disclosure and reporting options. University support services are available to Students regardless of whether they choose to formally report the violation to the University or to law enforcement.

A. Confidential Disclosure: Sexual Misconduct may be disclosed confidentially to Georgia State University health care providers at the following locations:

- (1) Georgia State University Counseling and Testing Center, Suite 200, 75 Piedmont Ave., N.E., 404-413-1640; or
- (2) Georgia State University Student Health Clinic, Suite D, 141 Piedmont Ave., N.E., 404-413-1950.

Disclosures made to the health care providers listed above will be held in strict confidence and will not serve as notice to the University requiring initiation of a review of the disclosed conduct. **IMPORTANT NOTE:** All University employees except those described above serve as mandatory reporters who are required to share all reports of Sexual Misconduct with administrative officials for University review.

B. University Report*: Sexual Misconduct by members of the University community should be immediately reported to one of Georgia State University's Title IX coordinators as described below:

- (1) Sexual misconduct by Students should be reported to the Dean of Students, Office of the Dean of Students, Suite 300, Student Center, 404-413-1515, deanofstudents@gsu.edu.
- (2) Sexual misconduct by faculty or staff should be reported to the Assistant Vice President of Human Resources, Office of Opportunity Development (ODO), 1 Park Place South, Suite 527, 404-413-2567.

The University will protect confidentiality by not disclosing the Complainant's information to anyone outside the University, except as required by law. Within the University, a Complainant's request for confidentiality must be balanced by the University with its responsibility to provide a safe and non-discriminatory environment for the University community. Where the University cannot take disciplinary action against a Student because of a Complainant's insistence upon confidentiality, the University will

¹ Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., NCHERM Institute on Responding to Campus Sexual Misconduct. 2010, p. 49.

pursue other steps where available to limit the effects of the alleged Sexual Misconduct and attempt to prevent its recurrence.

- C. Law Enforcement Report*:** Sexual misconduct may be reported to campus or local law enforcement agencies. University officials are available to provide assistance with making such reports, upon request. Reporting to law enforcement is not required.

*Students who are considering filing a University Report or Law Enforcement Report of Sexual Misconduct are encouraged to preserve any evidence of Sexual Misconduct. Examples of evidence that would assist in an investigation of Sexual Misconduct include such things as:

- (1) clothing worn during the incident including undergarments;
- (2) sheets, bedding, and condoms, if used;
- (3) list of witnesses with contact information;
- (4) text messages, call history, social media posts; and
- (5) picture of injuries.

5. RETALIATION

Retaliation against any member of the University community who makes a report of sexual misconduct or cooperates in the review of such report is strictly prohibited and is a violation of the Sexual Misconduct Policy. Retaliation includes intimidation, harassment, threats, or other adverse action or speech. Retaliation of any kind should be promptly reported to one of Georgia State University's Title IX coordinators as described below:

- A. Retaliation by Students should be reported to the Dean of Students, Office of the Dean of Students, Suite 300, Student Center, 404-413-1515, deanofstudents@gsu.edu.
- B. Retaliation by faculty or staff should be reported to the Assistant Vice President of Human Resources, Office of Opportunity Development (ODO), 1 Park Place South, Suite 527, 404-413-2567.

6. INTERIM ACTION

In an effort to support the individuals involved during the review process, the Dean of Students may take interim action as appropriate. Examples of interim action include:

- A. Imposing a restriction that requires the Students to have no contact with each other throughout the process.
- B. Directing appropriate University officials to alter Students' academic, housing or employment arrangements, while minimizing the burden of any arrangements on the Complainant.
- C. The University will provide information about how to obtain an order of protection. The University will honor protective orders and support Students protected by such orders by making information and referrals available regarding enforcement through the court.
- D. Other interim actions that may be taken by the Dean of Students are stated in Section III B6 of the Student Code of Conduct.

7. REVIEW PROCESS

The Dean of Students will assign a Dean of Students Designee ("Designee") to conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution shall take place within sixty (60) calendar days of receipt of the complaint.

A preliminary review of all complaints will be conducted, including contacting individuals identified in the complaint, in order to determine the nature of the incident as well as any necessary interim action (see Interim Action above). Based upon the findings of fact during the preliminary review, the Designee, having consulted with the Dean of Students may determine:

- A. there is insufficient Information to pursue the investigation further. In such cases, the Designee will meet with the Complainant and the Responding Student separately to review the preliminary findings and the matter will be closed with no further action.
- B. the Complainant is reluctant to pursue the matter. In such cases, the Designee will determine whether there is sufficient independent Information to support the complaint without the participation of the Complainant. The Designee will notify the Complainant if the University intends to pursue the complaint and inform the Complainant of their rights in the process including the option to become involved again in the future.

- C. a more comprehensive review is necessary. In such cases, the Designee will commence a prompt, fair and impartial review including:
- developing a strategic investigation plan;
 - meeting with the Complainant to finalize the Complainant's statement, which will be drawn up by the Designee as a result of this meeting;
 - interviewing all relevant witnesses, summarizing the Information they are able to share and having each witness sign the summary to verify its accuracy;
 - obtaining all documentary Information that is available;
 - obtaining all physical evidence that is available;
 - completing the review promptly by analyzing all available Information without unreasonable deviation from the intended timeline.

8. CHARGES

Based upon the findings of fact during the review process, and consultation with the Dean of Students, the Designee may initiate Student Code of Conduct (the "Code") and/or Sexual Misconduct Policy charges, as necessary. The Designee will promptly send the Student who is charged (the "Referred") a letter identifying all charges against the Referred for alleged violations of the Code and/or Sexual Misconduct Policy. The charge letter will specify allegations of misconduct in sufficient detail to enable the Referred to respond.

9. INFORMAL RESOLUTION

Members of the University community who have experienced sexual misconduct by a Student may request mediation as an informal resolution. Mediation is not an option in instances involving allegations of sexual assault, rape, or other behavior believed by the Dean of Students to jeopardize the safety of the University community. At any point during an informal resolution process, the Complainant may elect to terminate the informal process, and initiate a Formal Resolution through the Sexual Misconduct Policy.

10. FORMAL RESOLUTION

A. Administrative Conference

- (1) The Referred will be required to attend an Administrative Conference with the Designee within five (5) Business Days from the date of the charge letter. If the Referred fails to schedule or attend the required Administrative Conference the Designee may proceed with the case in the Referred's absence, including making an administrative decision about the Referred's responsibility regarding the charges.
- (2) At the Administrative Conference, the Designee will provide the Referred with the following:
 - a) an explanation of the charges;
 - b) a copy of the Code;
 - c) a copy of the complaint;
 - d) a copy of any written report resulting from the Review Process;
 - e) a review of the Referred's due process rights:
 - the right to a notice In Writing of all charges; and
 - the right to a prompt and fair hearing before an impartial Hearing Panel who may not include the person(s) who brought the charges;
 - f) an explanation of the General Conduct process including:
 - the opportunity to admit responsibility for the alleged violation, which requires choosing to have the Designee resolve the case administratively in lieu of a Hearing;
 - the opportunity to deny responsibility for the alleged violation and have a formal Hearing;
 - the opportunity to appear in person at a Hearing or not to appear with assurance that the failure to appear shall not be construed as indicative of responsibility;
 - the opportunity to select an Advisor of his or her choice to accompany and advise the Referred during a Hearing or administrative resolution process;
 - the opportunity to call witnesses to present Information on behalf of the Referred;
 - the right to a list of witnesses who will appear against him or her;
 - the opportunity to ask the Hearing Panel to pose specific questions to any witness;
 - the opportunity to receive a copy of the record of a Hearing, and;
 - the opportunity to appeal the decision as provided in the Code.

- (3) At the Administrative Conference the Referred must choose to: (1) accept responsibility for the charges and have the Designee administratively resolve the case; or (2) have a Hearing before the Sexual Misconduct Board. Ordinarily, the Referred's preference will be honored. However the University reserves the right to determine the process to be used when an interim action has been imposed upon the Referred.

B. Administrative Resolution

If the Referred accepts responsibility for the charges, their case will be resolved administratively:

- (1) The Designee will determine the appropriate disciplinary sanction(s) to apply.
- (2) In determining the sanction(s), the Designee will consider any mitigating or aggravating factors, including any prior violations of the Student Code of Conduct.
- (3) The Designee will inform both the Referred and the Complainant of the decision in writing. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any, and the right to appeal.

C. Sexual Misconduct Board Hearing

The Sexual Misconduct Board shall be comprised of five faculty, five Students and five staff members who shall be selected by the Vice President for Student Affairs and trained annually by the Dean of Students. If the Referred selects the Sexual Misconduct Board as the method of adjudication, the following process will be followed:

- (1) Composition of the Hearing Panel
 - a) The Sexual Misconduct Board Hearing, as set forth in the Sexual Misconduct Board procedures, will be conducted by a Hearing Panel comprised of three members of the Sexual Misconduct Board. Absent extenuating circumstances, each Hearing Panel should include one faculty, one Student and one staff. The Dean of Students will identify the chair of the Hearing Panel.
 - b) The Sexual Misconduct Board will establish its own rules to govern the selection process for the members of each Hearing Panel.
- (2) Pre-Hearing Procedures
 - a) The Hearing Panel members will be notified in writing of their selection.
 - b) The chairperson will convene the Hearing Panel as soon as possible following receipt of the Referred's selection of a Hearing route.
 - c) The chairperson, who may be assisted by the Dean of Students, will prepare and send a written notice to the Referred and the Complainant no less than five (5) business days prior to the date set for the Hearing. The notice will be delivered personally or sent to the Referred's and the Complainant's official University email. The notice will include:
 - A statement of the date, time, location and nature of the Hearing;
 - A copy of the charges which specifies the allegations of misconduct in sufficient detail to enable the Referred and the Complainant to respond;
 - A list of the names of all Hearing Panel members, and the university address of the chairperson.
 - d) If the Referred or the Complainant cannot attend the Hearing on the date scheduled for the Hearing due to extraordinary circumstances, he/she must notify the Hearing Panel chairperson with a written request to reschedule, including reasons for the request, no later than three (3) business days prior to the Hearing. The chairperson will determine whether to approve or deny the request to reschedule the Hearing.
 - e) If the Complainant does not want to participate in the formal resolution process, the University reserves the right to present the case in his/her absence.
 - f) The Complainant, the Referred and the Hearing Panel may arrange for witnesses to present pertinent information to the Hearing Panel. The University will try to arrange the attendance of witnesses who are members of the University community, if reasonably possible, and who are identified by the parties at least three (3) business days prior to the Hearing. The attendance of witnesses who are not members of the University community must be secured by the party wishing to have the witness present information to the Hearing Panel. Attendance of witnesses at the Hearing is preferred, however it is acceptable to obtain and present written, signed statements from witnesses if they are unable to attend.
 - g) No later than three (3) business days prior to the Hearing, the parties will exchange the following information in writing:
 - A list of the names of the witnesses who may be called to speak at the Hearing;
 - A concise summary of the anticipated statements of each witness;

- Copies of all documents or notarized statements to be presented at the Hearing; ~~and,~~
 - The name and title of the person who will present the findings of the Review Process on behalf of the university;
 - The name of the Complainant and the name and title of the Complainant's Advisor, if any; and,
 - The name of the Referred and the name and title of the Referred's Advisor, if any.
- h) Both the Referred and the Complainant may challenge the participation of any member of the Hearing Panel on the grounds of personal bias by submitting a written statement to the chairperson setting forth the basis for the challenge no later than three (3) business days prior to the Hearing. The chairperson will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Panel. If a challenge is filed against the chairperson, the Dean of Students will determine whether to uphold or deny the challenge.
- i) Members of the university community will be expected to comply with any request or directive issued by the chairperson in connection with a Student conduct proceeding, unless compliance would result in significant personal hardship or substantial interference with normal university functions.
- (3) Hearing Procedures
- a) All Hearings regarding sexual misconduct charges against individual Students or Student Organizations will be closed in accordance with FERPA. The deliberation stage of all Hearings shall also be closed.
- b) The chairperson will preside at the Hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although challenges to the introduction of specific statements or documents may be considered by the chairperson on the basis of the relevance to the charges. Information regarding prior misconduct will not be considered for the purpose of determining responsibility, but may after a finding of responsibility has been made, be considered for purposes of determining appropriate sanctions. The chairperson may establish reasonable limits upon the time allotted to the Referred and the Complainant for oral presentation and presentation of witnesses.
- c) The University will present the findings of the Review Process that resulted in Code charges.
- d) When participating in the Hearing, the Complainant has the right to present Information (e.g., Complainant's description of the incident, witness statements and document) which supports the Code charges.
- e) The Referred will present Information (e.g., the Referred's description of the incident, witness statements and documentation) on his/her own behalf which supports the denial of responsibility for the alleged Code violations.
- f) All Information, including hearsay, may be considered by the Hearing Panel, however the Hearing Panel may exclude Information during the Hearing if it is not reasonably linked to the alleged Code violation(s). The Hearing Panel will determine, during deliberations, the weight or credibility of the Information.
- g) Both the Referred and Complainant may be assisted throughout the proceeding by an Advisor. The Advisor may only communicate with his or her respective party and not directly to the Hearing Panel or other parties involved.
- h) Attendance of witnesses at the Hearing is preferred, however it is acceptable to obtain and present written, signed statements from witnesses if the witnesses are unable to attend. Each party is responsible for securing the attendance of any witnesses they believe should be questioned by the Hearing Panel.
- i) Witnesses will be excluded from the Hearing, except during their specific witness testimony.
- j) Witnesses may only be questioned by the Hearing Panel, however the Referred and Complainant will have the opportunity to ask the Hearing Panel to pose specific questions to any witness.
- k) A record shall be made of the Hearing. A copy of the record is available to the Referred or the Complainant upon payment of the cost of making the reproduction.
- l) Any falsification of Information or false testimony by any party or witness may subject that party or witness to disciplinary action in accordance with the Code.
- m) If, during the course of a Hearing, new Information is introduced which indicates that additional violations of the Code have occurred, the Hearing Panel has the discretion review the new Information and make a determination regarding responsibility for any additional violations.
- n) Upon the conclusion of the Information stage of the Hearing, the Hearing Panel will adjourn to review the Information to determine whether it is more likely than not (i.e., by the Preponderance of Information) that the Referred is responsible for having violated the Code and appropriate sanctions, if any. During deliberations, the Hearing Panel will determine the weight and credibility

of the Information presented by the parties. The deliberation stage will be closed to all but Hearing Panel members.

- o) After deliberating, the Hearing Panel shall make a non-binding recommendation to the Dean of Students within five (5) business days of the Hearing regarding the responsibility for the violation(s) and appropriate sanction(s).
- p) The Dean of Students shall then make a final decision concerning responsibility for the violation(s) and the imposition of sanctions, if any, within five (5) business days of the receipt of the Hearing Panel's recommendation.
- q) The Dean of Students will inform the Referred and the Complainant of the decision in writing. The written decision will include a statement of the charges, the determination, the sanctions to be imposed, if any, and their right to appeal.

D. Sanctions

- (1) Students or Student Organizations who are found to be responsible for a violation of the Sexual Misconduct Policy will be subject to one or more sanctions, which may be imposed on a temporary or permanent basis.
- (2) Sanctions take effect as soon as they are imposed by the Dean of Students following a determination of Student responsibility for a Code violation and remain in effect for the period imposed unless and until overturned on appeal.
- (3) Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.
- (4) Sanctions for Individual Students:
 - a) Written Reprimand: A written statement that the Student has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
 - b) Educational Sanctions: Sanctions assigned by the Dean of Students such as community service, letters of apology, educational workshop, essays or research papers.
 - c) Disciplinary Probation: Removal of the Student from good disciplinary standing. Additional restrictions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation or other University rules committed during the probationary period will subject the Student to further discipline, including suspension or expulsion.
 - d) Restitution: Reimbursement for damage or loss caused to others.
 - e) Suspension: Temporarily banned from attending classes and/or other Student privileges for a defined period of time. Course credit earned at other institutions while on suspension may not be transferred to GSU. Students who are placed on suspension (including interim suspension from the University) will be administratively withdrawn from their courses and assigned grades of W or WF (depending on whether they have exceeded their maximum number of withdrawals allowed).
 - f) Expulsion: Termination of Student status in the University community. This means that a Student is permanently banned from all classes, services, events, and property owned or controlled by Georgia State University.
 - g) Transcript Annotation: Temporary for a period of five years or permanent, as designated.
- (5) Sanctions for Student Organizations:
 - a) Written Reprimand: A written statement that the Student organization has violated regulations and notice that continuation or repetition of Code violations may result in more severe action.
 - b) Educational Sanctions: Sanctions specified by the Dean of Students such as alcohol awareness, risk management programs, community service, letters of apology, education workshops, essays or research papers.
 - c) Restrictions - Restriction of some or all of the organization's activities or privileges, including, but not limited to, use of University facilities, social or recruitment activities.
 - d) Suspension of University Charter - Temporary severance of the organization's relationship with the University for a specific period of time. The period of time and any requirements which must be satisfied prior to re-registration must be specified.
 - e) Recommendation for Charter Revocation - An official request to a national office that the local chapter's charter be revoked.
 - f) Revocation of University Charter - Permanent severance of the organization's relationship with the University.

E. Appeals

The Complainant and the Referred Student may appeal the final determination. Grounds for appeals are limited to new Information that was not presented at the Hearing, procedural errors or that the sanction is disproportionate to the violation.

- (1) To the Vice President for Student Affairs: Appeals of the decisions of the Dean of Students, including the dismissal of complaints for lack of sufficient Information, may be made in writing by submitting a letter (an electronic submission is not acceptable) to the Vice President for Student Affairs within five Business Days after the decision is made. Grounds for appeals are limited to new Information that was not presented at the Hearing, procedural errors, or that the sanction is disproportionate to the violation. The Vice President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for additional violations. Absent extenuating circumstances, the Vice President will make a decision on the appeal within 15 Business Days.
- (2) To the President: Appeals of the decision of the Vice President for Student Affairs may be made to the President of the University within five Business Days after the vice president's decision is made. The President has the authority to uphold, remand, reverse or change the decision; decrease, increase or add sanctions; and, make a determination regarding responsibility for additional violations. The President's decision shall be final at the University level. Absent extenuating circumstances, the President will make a decision on the appeal within 15 Business Days.
- (3) To the Board of Regents: Should the aggrieved person be dissatisfied with the decision of the University President, he or she may apply to the Board of Regents of the University System of Georgia, without prejudice to his or her position, for a review of the decision. The application for review must be submitted in writing to the executive secretary of the Board within a period of 20 calendar days following the decision of the President. This application for review shall state the decision complained of and the redress desired. A review by the Board is not a matter of right but is within the sound discretion of the Board.
- (4) In the event any position in the appeal route is vacant, the appeal should be directed to the individual at the next level of appeal.

(See next page for Sexual Assault Victims Bill of Rights.)

GEORGIA STATE UNIVERSITY

SEXUAL ASSAULT VICTIMS BILL OF RIGHTS

In compliance with Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092(f), as amended by the Student Right-to-Know and Campus Security Act, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26 (April 9, 1991) and 102-325 (July 23, 1992), and the Campus Sexual Assault Victims' Bill of Rights Act of 1991, victims of campus-related sexual assaults shall be accorded the following rights by all Georgia State University campus officers, administrators and employees.

1. The right to have any and all sexual assaults against them treated with seriousness, the right to be treated with dignity, and the right for campus organizations that assist such victims to be accorded recognition.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
3. The right to be free from any kind of pressure from campus personnel to: (1) not report crimes committed against them to civil/criminal authorities or to campus law enforcement/disciplinary officials; or (2) report crimes as lesser offenses than the victims perceive them to be.
4. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report, crimes because: (1) victims are somehow "responsible" for the commission of crimes against them; (2) victims are contributorily negligent or assumed the risk of being assaulted; or (3) by reporting crimes, the victim would incur unwanted personal publicity.
5. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution affords the referred; and the right to be notified of the outcome of such proceeding.
6. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining such information (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.
7. The right to be made aware of and assisted in exercising any options as provided by State and Federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
8. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.
9. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victims.
10. In addition to the above rights, students, whether sexual assault victims or not, have a right to habitability in campus accommodations for which the college receives any compensation, direct or indirect. Habitability shall mean an environment free from sexual or physical intimidation, or any other continuing disruptive behavior that is of such a serious nature as would prevent a reasonable person from attaining their educational goals. Substantiated violations of the above listed habitability provisions shall be corrected by campus personnel by relocations, if reasonably possible, of the complainant to an acceptable, safe and secure alternative location as soon as practicable, unless the conditions of nonhabitability demonstrate the necessity of immediate action by campus personnel.