Policy: Sexual Misconduct

Policy Statement

The College of Coastal Georgia (“the College”) is committed to a safe and respectful environment for living, work, and study. To that end, and in accordance with federal and state law, the College does not condone interpersonal violence of any kind, including sexual and relationship violence. Every member of the College community should be aware that such behavior is prohibited by College policy, and should be familiar with College protocols for responding to reported violations.

The College is also dedicated to providing assistance and support to students who have experienced relationship and/or sexual violence (“the student”) and to making educational programs directed at prevention and awareness of relationship and sexual violence available to the campus community. In addition to cooperating with law enforcement officials in the prosecution of perpetrators, the College will take appropriate action to respond to and invoke sanctions for behavior that is found to violate this policy.

Reason for Policy

The purpose of this policy is align institutional response and conduct procedures with federal and state law related to interpersonal violence which may occur on campus or between students. This policy supports the provisions provided in Title IX which refer to sexual violence and the investigation of reported incidents.

Entities Affected By This Policy

This policy applies to all currently enrolled College students.

Who Should Read This Policy

Any individual currently enrolled at or employed by the College.
Contacts

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
<th>E-Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinator of Diversity and Inclusion</td>
<td>(912) 279-5805</td>
<td><a href="mailto:fphoenix@ccga.edu">fphoenix@ccga.edu</a></td>
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Website Address for This Policy

http://www.ccga.edu/Policy/StudentAffairsPolicies.asp

Related Documents/Resources

Non-Discrimination and Harassment Policy

Definitions

These definitions apply to the terms as they are used in this policy:

• **Consent.** The term “consent” means clearly communicating agreement or permission to participate in sexual activity. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. Such consent may be withdrawn at any time, without regard to activity preceding the withdrawal of consent. A current or previous intimate relationship is not sufficient to constitute consent. Consent may not be inferred from silence or passivity alone. Non-consent occurs when the complaining party is prevented from resisting or giving consent as a result of intoxication, or is unconscious at the time of the act, and this fact is known to the person committing the act. It is a violation of this policy to engage in any form of sexual activity without the consent of the other person.

• **Coercion.** The term “coercion” refers to the use of physical force, threat, intimidation, or exploitation of a person’s mental or physical impairment of which the accused was aware or should have been aware. Mental or physical impairment refers to the victim’s inability to understand the situation, understand the consequences of his/her choices, or to express his/her desires. This may include, but is not limited to, intoxication, being under the influence of drugs, unconsciousness, or other cognitive impairment, or being under the age of consent in the State of Georgia. The use of coercion in a sexual encounter constitutes a lack of consent. Coercion may be determined by the degree of pressured applied or other environmental factors, such as isolation or the initiator’s knowledge of impairment by alcohol and/or drugs.

• **Relationship Violence.** The term “relationship violence” refers to physically,
sexually and/or psychologically abusive behaviors used by one individual to maintain power and control over an intimate partner. Intimate partners may be dating, cohabitating, married, separated or divorced. Relationship violence can occur in same- or opposite-sex relationships. Examples of relationship violence include, but are not limited to:

- attempting or committing an act that causes fear of injury [simple assault]
- assaulting with a deadly weapon or with intent to murder, rape or rob [aggravated assault]
- intentionally causing physical harm to another; making insulting or provoking physical contact [simple battery]
- intentionally causing substantial physical harm [battery]
- following, placing under surveillance or contacting without consent for the purpose of harassing and intimidating [stalking]
- stalking in violation of a restraining or protective order, condition of probation, etc. [aggravated stalking]
- threatening to commit an crime of violence or to damage property [terroristic threats].

**Sexual Violence.** The term “sexual violence” refers to any unwanted or non-consensual sexual act. Sexual violence can be committed by acquaintances, casual or long-term dating partners, spouses or strangers. The use of alcohol, by either party, in conjunction with an incident of sexual violence, does not mitigate responsibility or diminish the seriousness of the offense. Examples of sexual violence include, but are not limited to:

- non-consensual, intentional contact with intimate body parts [sexual battery]
- non-consensual, intentional penetration with a foreign object [aggravated sexual battery]
- non-consensual penetration of the female sex organ by the male sex organ [rape]
- non-consensual oral or anal sexual acts [aggravated sodomy]
- sexual intercourse with any person under the age of 16 [statutory rape]
- sexual acts with or in the presence of a child under the age of 16 with intent to arouse or satisfy desires of either child or person [child molestation]
- lewd exposure of sexual organs in public [public indecency]

**Overview**
The College of Coastal Georgia supports the rights of all students to live and study in an environment free from sexual assault and dating violence. Sexual contact with another person without consent or with the use of threat or force violates the standards of civility, decency, and respect expected of all members of the campus community. The institution prohibits interpersonal violence of any kind, including sexual violence, relationship violence, and stalking. Every member of the campus community should be aware that such behavior is prohibited by the College’s student code of conduct, as well as by state and federal law, and be familiar with the campus protocol for responding to reported violations.

The institution is dedicated to providing assistance and support to students who have experienced relationship and/or sexual violence through our Counseling Center, as well as other resources. In addition to cooperating with law enforcement officials in the prosecution of perpetrators, the institution will take appropriate action to respond to and invoke sanctions for behavior through the Office of Student Life for any student that is found to violate this policy. Any staff or faculty member found in violation will be handled from an employment perspective. Reporting an assault does not in any way obligate a student to pursue legal or institution disciplinary action; however, the institution, of its own initiative, may decide to pursue conduct charges if the alleged offender’s identity is known by the institution. Support is available for all aspects of the reporting process.

I. Application of the Policy

This policy, in addition to the Student Code of Conduct, governs the conduct of all College students with regard to sexual misconduct. Faculty, staff, and student conduct as it relates to non-discrimination and harassment is contained in the College’s “Non-Discrimination and Harassment” policy. This policy is available at the institution’s Policies and Procedures webpage, located at http://www.ccg.edu/Policy/.

II. Jurisdiction

In cases of sexual misconduct, the College reserves the right to take necessary and appropriate action to protect the safety and well-being of the College community. Accordingly, student sexual misconduct will be addressed whenever such acts occur, regardless of location.

III. Parallel Proceedings

Charges of sexual misconduct against students under this policy do not preclude civil and/or criminal liability under State or other law. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings. Additionally, College conduct proceedings are not restricted by
IV. Reporting Procedures

There are several basic reporting options available to members of the College community who are victims of sexual violence. These include filing an administrative complaint with the College; filing a criminal complaint with law enforcement officials; or filing an anonymous report.

a. Filing an Administrative Complaint. A student may file an administrative complaint against another student.

- Student complaints shall be filed with the Coordinator for Diversity and Inclusion, who is the designated Title IX Coordinator for the institution.

- Ideally, complaints of sexual misconduct should be submitted in writing, so that a proper investigation may begin promptly; however, all complaints will be taken seriously and investigated, whether oral or written.

- The complainant should include all the facts available regarding the sexual misconduct, such as: (a) the type of sexual misconduct experienced; (b) the name of the student who committed the sexual misconduct; (c) the nature of the incident(s) which led to the filing of the complaint, including the dates, times, and places the incident(s) occurred; (d) the names of other persons, including other students, if any, who may have knowledge of the incidents; (e) the names of others whom the student believes may have been subjected to similar sexual misconduct by this individual; (f) any alleged effects of the incident(s) on the student; and (g) any steps the employee may have already taken to try and stop the sexual misconduct.

- Students are encouraged to report the sexual misconduct as soon as possible; however, the Coordinator for Diversity and Inclusion will review all complaints of sexual misconduct, regardless of when reported.

b. Filing a Criminal Complaint. A student may file a criminal complaint with either the Campus Police Department or local law enforcement officials. A criminal complaint may be filed in conjunction with an administrative complaint. Complaints filed with the Campus Police Department will be shared with the Title IX Coordinator (the Coordinator of Diversity and Inclusion) and will be investigated thoroughly.
c. **Anonymous Complaints.** A student may file an anonymous complaint about an incident of sexual misconduct. In such situations, the information will be used, at a minimum, to collect aggregate statistical data in order to monitor service usage, detect trends, and inform educational and public information activities, including the College’s annual report on crime statistics. The link to the Campus Police Anonymous Report form can be accessed here: [http://www.ccca.edu/PublicSafety/AnonymousTipsForm.asp](http://www.ccca.edu/PublicSafety/AnonymousTipsForm.asp).

V. **Amnesty**

A student who is under the influence of alcohol and/or drugs at the time he or she is a victim of a sexual misconduct incident should not be reluctant to file a complaint for that reason. The College will not pursue disciplinary action against a student (or against a witness) who is a victim of sexual misconduct for his or her improper use of alcohol or drugs (e.g., underage drinking) at the time of the incident, if the student is making a good faith report of sexual misconduct.

VI. **The Student Conduct Process**

If, following completion of an investigation, either administrative or criminal, it is determined that appropriate College action is warranted, the following process shall be followed:

a. **Student Conduct Process.** The student will be adjudicated through the campus conduct system, as detailed in the Student Code of Conduct.

b. **No-Contact Order.** Upon receipt of a report of sexual misconduct, the Office of Student Life may issue a no-contact order between the parties involved in the case. The no-contact order prohibits communication between and/or among the parties, including, but not limited to: contact by telephone, email, hand-written note, instant messaging, text messaging, online postings/message boards, through a third person, or in person. This includes any email or message accounts that are affiliated with the parties’ identities. If any party violates the no-contact order, the Office of Student Life may pursue additional disciplinary action.

c. **Timeframe.** Investigation and adjudication of these cases will be completed as quickly as possible, but is dependent upon the complexity of the case.

d. **Communication.** The Complainant will be informed of the date and location of the hearing, whether the accused is found responsible or not responsible, and the status/outcome of any appeals to the Institute or the Board of Regents. The responsibility to communicate with both the student and the complainant will lie
e. **Contact Between the Complainant and the Student.** Students reporting sexual misconduct or harassment may choose not to be physically present at the hearing, but may participate through other pre-arranged means (e.g., written statement, telephonically, or video conference).

### VII. Sanctions

Students found responsible for violating this policy may be subject to any of the following sanctions: Disciplinary Warning, Disciplinary Probation, Suspension, or Expulsion. Descriptions of these sanctions can be found in the Student Code of Conduct. Students who are also employees of the College may be subject to additional discipline through Institute employee policies.

### VIII. Appeals

A student found responsible following a conduct hearing may file a request for appeal in accordance with procedures outlined in the Student Code of Conduct.

### IX. Student Survivor Options

The following student survivor options are available for students who experience sexual or relationship violence:

- **a. Seeking Medical Care.** A physical exam should be done in all cases of sexual assault, regardless of the length of time that has elapsed since the violence. Medically related concerns may include pregnancy, sexually transmitted infections (including HIV) and physical injuries. If the violence occurred within the past 72 hours, a survivor has the option of having an evidence collection exam. Consider seeking medical attention for any physical abuse experienced.

- **b. Counseling.** Talking with a counselor can be an important step in the recovery process. Students may be able to receive services on-campus. In addition, community based organizations can often provide direct counseling services and/or referrals to appropriate counseling resources.

- **c. Administrative Services.** A student may request changes in her or his academic and living situations after a report of violence is made, and the College may grant any reasonable request for such change.

### X. Retaliation
The College will not tolerate retaliation against any person who makes a complaint of sexual misconduct, whether reported to the institution or an external agency. If any person, whether involved in the incident or not, retaliates in any way against a complainant, witness, or any other person involved in the investigation, he or she may be subject to additional disciplinary action, up to and including expulsion.

**Responsibilities**

The responsibilities each party has in connection with this policy on sexual misconduct are:

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<tr>
<th>Party</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>Campus Police</td>
<td>Ensure reporting and investigation of violations.</td>
</tr>
<tr>
<td>Coordinator of Diversity and Inclusion (Title IX Coordinator)</td>
<td>Ensure complaints of sexual misconduct are processed and investigated in accordance with Title IX and this policy.</td>
</tr>
<tr>
<td>Counseling Services</td>
<td>Ensures appropriate response to victims.</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Ensures appropriate adjudication of the campus judicial process related to this policy.</td>
</tr>
<tr>
<td>Students, Faculty, Staff</td>
<td>Comply with all aspects of this policy.</td>
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**Forms**

None

**Appendices**

Sexual Assault Victim Bill of Rights
Appendix: Sexual Assault Victims’ Bill of Rights

In 1992, Congress enacted the “Campus Sexual Assault Victims’ Bill of Rights” as part of the Higher Education Amendments of 1992. Pursuant to the law, the College is mandated to afford sexual assault victims certain basic rights, and to notify victims of their option to report their assault to the property law enforcement authorities.

Although the Bill of Rights speaks to a situation on the College campus, a student may expect the same compassionate concern and assistance from the counselors, advisors, and administrators regardless of where an incident occurs. Victims should seek assistance from the persons identified in this policy.

The following rights shall be accorded by all campus officers, administrators, and employees of The College of Coastal Georgia to victims of campus-related sexual assaults:

• The right to have any and all sexual assaults against them treated with seriousness;

• The right, as victims, to be treated with dignity;

• The right for campus organizations that assist such victims to be accorded recognition;

• The right to have the 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;

• The right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities; (The rights stated in 4 and 5 are in addition to any campus disciplinary proceedings.)

• The right to be free from any kind of pressure from campus personnel because the victims (i) did not report crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials, or (ii) reported crimes as lesser offenses than the victims perceive them to be;

• The right to be free from any kind of suggestion that campus sexual assault victims not report or under-report crimes because (i) victims are somehow “responsible” for the commission of crimes against them; (ii) victims were contributory negligent or assumed the risk of being assaulted; or (iii) by reporting crimes, they would incur unwanted personal publicity;
• The same right to legal assistance or ability to have others present in any campus disciplinary proceeding that the institution permits to the accused and the right to be notified of the outcome of such proceeding;

• The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings;

• 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;

• The right to counseling from any mental health services established by the institution, or by other victim-service entities, or by victims themselves;

• After campus sexual assaults have been reported, 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, if requested by the victim.