GORDON STATE COLLEGE
Title IX
Student Sexual Misconduct
Policy and Procedures

Gordon State College does not tolerate sex discrimination, which includes but is not limited to sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination. These behaviors are harmful to the well-being of the Gordon State College community and its members, the learning and working environment, and collegial relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious College offenses and violations will result in discipline, with the possibility of separation from Gordon State College. State and federal laws also address conduct that may meet the College’s definitions of prohibited conduct, and criminal prosecution may occur independently of any disciplinary action imposed by the College.

**Title IX of the Education Amendments of 1972** prohibits discrimination on the basis of sex in the education programs and activities receiving federal funding. Students have the right to pursue education, including athletic programs, scholarships, and other activities, free from sex discrimination, including sexual violence and harassment. Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) requires schools that receive federal financial assistance to take necessary steps to prevent sexual assault on their campuses, and to respond promptly and effectively when an assault is reported.

**Title IV of the 1964 Civil Rights Act** (42 U.S.C. § 2000c et seq.) also requires public schools to respond to sexual assaults committed against their students.

**The Clery Act** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), commonly referred to as the Clery Act, requires colleges and universities that participate in federal financial aid programs to report annual statistics on crime on or near their campuses—including sexual assault and rape—and to develop and disseminate prevention policies.

**VAWA** The Violence Against Women Act (VAWA) established federal legal definitions of domestic violence, dating violence, sexual assault, and stalking.

**The Campus Sexual Violence Elimination Act (Campus SAVE)** was enacted in March 2013, and amends the Jeanne Clery Act, creating additional protections for victims of dating violence, domestic violence, sexual assault and stalking, as well as
creating more prescriptive requirements for prevention and awareness programs related to these offenses.

For additional information students are encouraged to visit http://knowyourix.org/title-ix/title-ix-the-basics/, empowering students to stop sexual violence.

**Title IX Coordinator** – The Title IX Coordinator is responsible for coordinating compliance at Gordon State College with Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and will oversee the College’s centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator’s responsibilities include (but are not limited to):

- Communicating with all members of the Gordon State College community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable Gordon State College policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the College’s administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and
- Responding to any complaint or report regarding conduct that violates this policy. The Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The College will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any discrimination, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in College-related programs or activities. This may include the implementation of interim restrictions(s).

Gordon State College has an obligation to make reasonable efforts to investigate and address complaints or reports of sex discrimination, including but not limited to, sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination or sexual misconduct,
whenever it becomes aware of such a complaint or report. Once made aware, Gordon State College must conduct an investigation regardless of how the information was brought to the College’s attention or the extent to which the complainant (i.e., an individual who, based on the complaint or report, was allegedly subjected to the prohibited conduct) wishes to participate or be involved.

All students are provided with access to confidential counseling resources that they may choose to use for emotional support and guidance regardless of whether they initiate any action involving the College, including any investigation by the College.

Retaliation against anyone who files a complaint alleging a violation of this policy, who participates in the internal disciplinary process, or who opposes in a reasonable manner an act believed to constitute a violation of this policy is prohibited and will not be tolerated.

Gordon State College has adopted this policy which includes investigation and disciplinary procedures that will be followed in response to allegations of sex discrimination, which is not limited to sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination. In a case of sex discrimination, sexual violence, or sexual harassment, this policy supersedes policies and procedures for other forms of misconduct.

The health, safety, and well-being of all students enrolled at Gordon State College is the College’s primary concern. There are several options available to report an incident. You may report to Gordon State College Public Safety, local law enforcement or the Title IX Coordinator. You have the right to decline law enforcement involvement if you should choose to just report to the Title IX Coordinator or Deputy Coordinator.

Seek medical attention if needed. Medical attention should be sought as soon as possible to treat physical injuries, to mitigate the risk of sexually transmitted diseases, and to preserve any forensic evidence that might be collected. Preserving evidence will be especially important if criminal action is taken. Evidence is best collected immediately; however, it may be collected up to 120 hours after the incident has occurred. If you believe that you may have been drugged, traces of the drug may be detected for up to 96 hours after ingestion.

**How to Report**

If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. Options for reporting are listed below:

- **Campus Police - Gordon State College Public Safety**, Gordon Hall 678-359-5111 – Open 24 hours per day, 365 days per year. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as
possible following any incident on campus that poses a threat to the safety and physical well-being of the person or following any criminal offense. The Gordon State College Public Safety Office encourages anyone who has been affected by a crime to report the incident. Reporting a crime to the Gordon State College Public Safety office does not mean that the person making the report will be required to press criminal charges. Reporting the crime to the GSC Public Safety office ensures that a record of the crime exists and aids in the preservation of any evidence that may be needed later to press charges.

- **Lamar County Sheriff or the City of Barnesville Police**: Call 911 or 770-358-5159, 24 hours per day, following any incident off campus that poses a threat to the safety and physical well-being of the person or following any criminal offense. If the incident occurred on campus, the Gordon State College Public Safety office will also be notified of the crime.

- **Southern Crescent Sexual Assault Center** - 24 Hour Crisis Line: 770-477-2177. Center phone number – 770-603-4045; E-Mail: support@scsac.org. The Southern Crescent Sexual Assault Center is an off campus agency that is located in Hampton, GA. The agency is staffed with personnel who provide support to men and women who have experienced sexual assault and/or domestic violence. They may offer assistance with reporting to law enforcement, to obtain a sexual assault kit to preserve evidence and by providing support services including advocacy and safety options.

- **Title IX Coordinator** – Ms. Sherri Gooch, Georgia House, Office of Human Resources, 678-359-5576, sherrig@gordonstate.edu. Available during business hours, (8:00 a.m. to 5:00 p.m., Monday through Friday). The Title IX Coordinator or a Deputy Coordinator will assist with taking a report regarding any sexual misconduct on campus. The Title IX Coordinator will be responsible for conducting the investigation into the incident.

- **Gordon State College Counseling Center** – (Confidential Reporting Option) 212 Student Center, 678-359-5585. Available during business hours, (8:00 a.m. to 5:00 p.m., Monday through Friday). The GSC Counseling Center is a confidential reporting option that is available to currently enrolled students who may be a victim and is not ready to report the incident except to a counselor. Counseling services are provided at no cost to students. Licensed counselors in the Counseling Center are not mandated reporters under Title IX and are not required to report any incident to the Title IX Coordinator. With permission from the student, a counselor may assist the student with making contact with the Title IX Coordinator.
Title IX Coordinator

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Policy for Victims of Sexual Assaults

It is the policy and practice of Gordon State College to provide an environment that is sensitive and responsive to victims of sexual assaults. In accordance with this position, the college has established a policy for students, employees, and others who may become victims of such assaults on its campuses. Victims are entitled to the following rights:

1. To have sexual assaults treated with seriousness.
2. To be treated with dignity.
3. To have sexual assaults investigated and adjudicated by appropriate criminal and civil authorities.
4. To receive the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities.
5. To be free from any kind of pressure by campus personnel not to report crimes or to report crimes as lesser offenses than the victims perceive.
6. To have an advisor, who is not an attorney, a family member or a spouse, in any campus disciplinary proceedings in the same manner that the institution
permits to the accused and to be notified of the outcome of such proceedings.
7. To receive the full and prompt cooperation of campus personnel in obtaining, securing, and maintaining evidence as may be necessary to the proof of criminal sexual assaults in legal proceedings.
8. To be made aware of, and assisted in exercising, options regarding mandatory testing of sexual assault suspects for communicable diseases and to be notified of the results of such testing.
9. To receive counseling from mental health services established by the college or from other victim-service agencies.
10. To be protected by campus personnel to the extent reasonably feasible from unnecessary or unwanted contact with alleged assailants.

I. Introduction

A. Overview and Purpose
Sexual Misconduct, as defined by this Policy and Procedures for Student Sexual Misconduct (this “Policy”), comprises a broad range of behavior that will not be tolerated in the college’s community of trust. Sexual Misconduct violates Federal civil rights law and also may be subject to criminal prosecution. The College is committed to fostering a community that promotes prompt reporting of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. Creating a safe and respectful environment is the responsibility of all members of the college community.

As a recipient of Federal funds, the College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct, as defined in this Policy, is a form of sex discrimination prohibited by Title IX. Gordon State College is committed to providing programs, activities and an educational environment free from sex discrimination. The rights, privileges, and opportunities in this process are extended to all parties regardless of gender, sexual orientation, and/or gender identity.

As a public institution, the College also must provide due process to students accused of Sexual Misconduct. This policy is designed to provide due process for both parties while also ensuring a complainant’s protections under Title IX.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students’ rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local law enforcement.
Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the respondent.

Sexual Misconduct Offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

B. Definitions
“Complainant” refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

“Coercion” is the application of unreasonable pressure for sexual access.

“College” means Gordon State College.

“Dating Relationship Violence” means acts of violence, threat, or intimidation that harm or injure a partner in a current or former dating relationship. These acts may include, but are not limited to, sexual violence or physical abuse or the threat of such abuse. Dating relationship violence may be a single act or a pattern of behaviors.

“Domestic Violence” includes acts of violence, threat, or intimidation that harm or injure members of a family or household. A “household” exists when individuals who are married or have an intimate relationship share access to the same private living space or bathroom.

“Effective Consent” means words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by force, by ignoring or acting without regard to 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.” The minimum age of consent in Georgia is sixteen (16).


“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 is involved, incapacitation is a state beyond drunkenness or intoxication, and is defined with respect to how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

“Intercourse” includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

“Non-Consensual Sexual Contact” means:
- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force

“Non-Consensual Sexual Intercourse” means:
- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force

“Respondent” refers to the individual(s) who has been accused of prohibited conduct.

“Retaliation” refers to any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report. Retaliation may include but is not limited to threats of violence and intimidation.

“Sexual Contact” means the deliberate touching of a person’s intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause a person to touch his or her own or another person’s intimate parts.

Sexual Contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

“Sexual Exploitation” occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise
constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

• Invasion of sexual privacy;
• prostituting another student;
• non-consensual video or audio-taping of sexual activity;
• going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
• engaging in voyeurism;
• knowingly transmitting an STD or HIV to another student;
• Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation

“Sexual Harassment” means: any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions, when, gender-based verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, has the effect of unreasonably interfering with, denying or limiting someone’s ability to participate in or benefit from the College’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation for rejection of sexual harassment conduct.

“Sexual Misconduct” is a broad term encompassing “Sexual Exploitation,” “Sexual Harassment,” “Non-Consensual Sexual Contact,” and “Non-Consensual Sexual Intercourse,” as defined in this Policy. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

“Sexually Inappropriate Conduct” refers to any unwelcome sexual conduct that does not constitute sexual harassment or sexual exploitation, but is conduct that is sexual in nature, such as sexually offensive gestures or comments.

“Sexual Misconduct Panel” means the standing group of faculty and professional staff appointed by the Vice President to hear complaints of Sexual Misconduct.

“Stalking” means a course of conduct that occurs on more than one occasion and is directed at a specific person and the conduct is such that it would cause a reasonable person to feel fear, to fear for their safety, or to experience substantial emotional distress. Acts that constitute stalking may include but are not limited to threats of harm to self, others or property; following or pursuing a person; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other
types of related observation, such as making a video of a person without their permission.

“Student Code of Conduct” means the College’s Standards of Conduct, as enforced by the Student Judiciary Committee.

“Vice President” means the Vice President of Student Affairs and his or her designee.

“Vice President’s Office” means the Office of the Vice President of Student Affairs.

II. Jurisdiction; Timing; Retaliation and Related Misconduct; Criminal Proceedings

1. Personal Jurisdiction. Any person may file a complaint of Sexual Misconduct against a “Gordon State College student” under this policy. For purposes of determining personal jurisdiction, a “Gordon State College student” means any student who is registered or enrolled at the College (a) at the time of the alleged Sexual Misconduct (including Sexual Misconduct that is alleged to have occurred during any academic recess, provided that there is an expectation of such student’s continued enrollment at the College), and (b) at the time that the Title IX Coordinator or Designated Deputy Coordinator prepares and delivers to the Vice President a formal complaint against such student pursuant to Section III.B, below.

2. Geographic Jurisdiction. This Policy applies to any allegation of sexual misconduct against a College student, regardless of where the alleged sexual misconduct occurred. Although there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the College may be more difficult to investigate.

A. Timing of Complaints and Availability of Procedures. The College will hear complaints of sexual misconduct when the accused is a student. Students are encouraged to report incidents of sexual misconduct as soon as reasonably possible in order for Gordon State College officials to obtain as much evidence and to conduct a thorough and impartial investigation. Failure to report incidents in a timely manner may result in loss of witness testimony or evidence and may impair the college’s ability to enforce this policy.

If not reported directly to Gordon State College’s Department of Public Safety, statistical data will be reported to the Gordon State College Department of Public Safety under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).
B. **Retaliation.** It is a violation of College policy to retaliate against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of sexual misconduct. For these purposes, “retaliation” includes intimidation, threats, harassment and other adverse action against any such complainant or third party. Retaliation should be reported promptly to the Title IX Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.

C. **Other Related Misconduct.** In accordance with this Policy, the Sexual Misconduct Panel is empowered to hear allegations of, and to impose sanctions for, sexual misconduct and any violations of the Student Code of Conduct directly related to the alleged sexual misconduct or any alleged violations of this policy. Such related misconduct may include, without limitation, violations of the rules of privacy as articulated herein, violations of the Title IX directive(s) discussed in Section III.D, below, and violations of other Standards of Conduct that occurred in the course of the alleged Sexual Misconduct. Gordon State College students, who appear before the Sexual Misconduct Panel, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony.

D. **Effect of Criminal Proceedings.** Because sexual misconduct may constitute both a violation of College policy and criminal activity, the College encourages students to report alleged sexual misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. In such cases, the complainant may not initially understand the results of the criminal investigation, the nature of criminal procedure, or the grounds for the law enforcement decision not to prosecute. The complainant in such cases may request that the Title IX Coordinator assist the complainant in seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline a prosecution.

The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding, and (except that the College’s investigation may be delayed temporarily while the criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the complainant and the college community, if necessary, as described in Section III.D, below.
III. The Process: Initial Steps

The Vice President of Student Affairs, Title IX Coordinator and Designated Deputy Coordinators, Assistant Vice-President of Human Resources, Public Safety officers, as well as others who are likely to have someone report an assault to them (i.e., RDs, RAs, nurse, etc.), and will receive annual training in sexual assault/sexual violence.

A. Intake Meeting with Complainant. Upon notice of any allegation of sexual misconduct, the Title IX Coordinator or designated Deputy Coordinator will first schedule an individual intake meeting with the complainant in order to provide to the complainant a general understanding of this policy and to identify forms of support or immediate interventions available to the complainant:

- referrals to appropriate law enforcement agencies;
- referrals for medical treatment;
- referrals for counseling at Counseling Services;
- Southern Crescent Sexual Assault Center;
- Victim and Witness Assistance Programs for the City of Barnesville and Lamar County (available only if charges are filed)

The intake meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant’s academic, housing, and/or student employment arrangements.

At the initial intake meeting with the complainant, the Title IX Coordinator or designated Deputy Coordinator will seek to determine how the complainant wishes to proceed, (i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution or does not wish to pursue resolution of any kind).

B. Complainant Wishes to Pursue Informal Resolution. If the complainant wishes to proceed with an Informal Resolution, the Title IX Coordinator or designated Deputy Coordinator will determine the name of the respondent, and the date, location and nature of the alleged sexual misconduct. The coordinator may order a preliminary investigation prior to scheduling an individual intake meeting with the respondent in order to provide to him or her with a general understanding of this Policy and to identify forms of support or immediate interventions available to him or her, as described above.

C. Complainant Wishes to Pursue Formal Resolution. If the complainant wishes to proceed with Formal Resolution, the Title IX Coordinator or designated Deputy Coordinator will promptly investigate and prepare a formal complaint to forward to the Vice President, in accordance with Section IV.C, below. The formal complaint will set forth the name of the accused student, and the date, location and nature of the alleged sexual misconduct.
D. Complainant Does not Wish to Pursue Resolution or Requests Privacy. If the complainant does not wish to pursue Formal or Informal Resolution and/or requests that his or her complaint remain private, Title IX nevertheless requires the College to investigate and take reasonable action in response to the complainant’s request. The Title IX Coordinator or designated Deputy Coordinator will inform the complainant that the College’s ability to respond may be limited. In such cases, Title IX requires the college to evaluate the complainant’s request(s) for no action in the context of the College’s commitment to provide a reasonably safe and non-discriminatory environment for all students. In order to make such an evaluation, the Title IX Coordinator or designated Deputy Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the complainant’s request(s) against the following factors: the seriousness of the alleged sexual misconduct; whether there have been other complaints of sexual misconduct against the same accused student; how much evidence is available and can be shared under FERPA without the involvement of the complainant. The Title IX Coordinator will inform the complainant if the College cannot ensure confidentiality. Even if the College cannot take disciplinary action against the accused student because the complainant insists on privacy or that the complaint not be resolved, Title IX nonetheless requires the College to take prompt and effective action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. The Title IX Coordinator reserves the authority to issue a “no-contact” order and, in collaboration with the Vice President, determine other interim measures described in Section III.E, below.

E. Interim Measures. In all complaints of alleged sexual misconduct, regardless of whether the complainant wishes to pursue Formal Resolution, Informal Resolution or no resolution of any kind, the College will undertake an appropriate inquiry and take immediate action to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, at or after the intake meeting, the Title IX Coordinator may impose a “no-contact” order, which typically will include a directive that the respondent refrain from having contact with complainant, directly or through proxies, whether in person or via electronic means, pending the investigation and, if applicable, the hearing. The Title IX Coordinator, in collaboration with the Vice President, may take any further protective action that they deem appropriate concerning the interaction of the parties pending the hearing, which may include directing appropriate College officials to alter the students’ academic, college housing, and/or college employment arrangements, or other appropriate protections. Title IX requires that, when taking such steps to separate the complainant and the accused student, a school must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her classes or housing while allowing the accused student to remain. Violation(s) of the Title IX Coordinator’s and/or
the Vice President’s directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

IV. Formal Resolution
A complainant may elect to pursue a formal resolution, which typically includes a hearing before a panel of the Sexual Misconduct Panel, as more particularly described in the Section. Such a hearing is also referred to as “Formal Resolution.”

A. The Sexual Misconduct Board. The Sexual Misconduct Board (or the “Board”) is a standing group composed of faculty and professional staff appointed by the Vice-President of Student Affairs, who also appoints the Panel Chair. Formal Resolution involves a hearing before the Panel.

B. Investigation. When the complainant indicates a desire to pursue Formal Resolution, the Title IX Coordinator or Designated Deputy Coordinator will investigate. A typical investigation will be completed within sixty (60) days, if not sooner. The investigator/designee will prepare a written report which will be distributed, concurrently, the complainant and the respondent and to the Vice President. If a hearing is held, the Panel will also be provided with a copy of the report.

C. Granting/Denying a Hearing. The Investigator(s)/Designee will recommend that a hearing should be granted based on information discovered in the investigation. If the Investigator(s)/Designee recommend that a hearing should be granted, notice of that determination will be delivered, concurrently, to the complainant and the respondent and to the Vice President. The Investigator/Designee may specify which alleged violations of the Sexual Misconduct policy (i.e., which type or types of sexual misconduct) and, if applicable, which alleged violations of other, related misconduct (as described in Section II.D, above) will go forward for a hearing. A complainant whose request for a hearing is denied may appeal that decision to the Vice President, whose decision will be final.

D. Notice of Hearing: Challenges to the Sexual Misconduct Panel
If a hearing is granted by Vice President, the Panel Chair will commence the Formal Resolution process by providing written notice to both parties (the "Notice of Hearing") stating: (1) the date, time, and place of the pre-hearing meeting at which preliminary matters will be discussed, as more fully addressed in Section IV.H., below; and (2) the names of the Sexual Misconduct Panel members. A party wishing to challenge the participation of any Panel member must notify the Panel Chair, in writing, within ten (10) calendar days of receipt of the Notice of Hearing, stating the specific reason(s) for the party’s objection. The Panel Chair will determine whether the challenge has merit and reserves discretion to recommend changes in the Vice President to reconsider composition.
E. **Delivery of Notice of Hearing.** The Notice of Hearing will be delivered, at the Board Chair’s discretion, by email or in person, and will be considered effective immediately upon delivery. The hearing will take place promptly following delivery of the Notice of Hearing. The parties are expected to cooperate in the scheduling of the hearing. If either party fails to appear at the scheduled hearing, the Board Chair may postpone the proceedings or direct that the Board proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date, as outlined above.

F. **Advisors to the Parties.** Both the complainant and the respondent may have advisors present to support and assist them during the pre-hearing, hearing, and appeal stages of the Formal Resolution process. A student may select and arrange for an advisor of his or her choosing, including another student, but the advisor may not be an attorney (see Section IV.H.4, below, for a description of the role outside counsel may play during a hearing). The Panel Chair may disallow a particular advisor where such advisor might be a witness or where such advisor’s presence, in the Panel Chair's sole determination, would be obstructive to the process or for other good cause. An advisor may not direct questions to the Panel or witnesses at the hearing, but may suggest questions in writing to the Panel and may consult with the student that he or she is assisting. The Panel Chair will not allow an advisor’s presence to inhibit the parties' sharing of information or the conduct of the hearing.

G. **Respondent Elects to Accept Responsibility.** If, at any time prior to the hearing, after reviewing the investigation report and the complainant’s list of witnesses and other evidence, the respondent elects to acknowledge his or her actions and take responsibility for the alleged sexual misconduct, he or she may request that the Panel propose a resolution to the charges and a sanction and, with the consent of the complainant, resolve the complaint without a hearing.

H. **Hearing Procedures:**

1. **Pre-Hearing Submissions.** The parties will provide the Panel Chair with a list of witnesses they wish the College to call, and copies of documents and a description of any other information they propose to present at the hearing, on or before a date set by the Chair, but at least two business days prior to the hearing. The Chair will provide each party with a copy of the list of witnesses, and identification or copies of documents or other information submitted by each party. In the absence of good cause, as determined by the Chair in his or her sole discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided to the Chair by the stated deadline.

2. **Pre-Hearing Meeting and Determination of Charges and Witnesses.** The Chair will schedule a pre-hearing meeting prior to the hearing date. At the
meeting, the Chair will review hearing procedures with the parties, separately or jointly, at the discretion of the Chair. The Chair will also review the complaint of alleged sexual misconduct (and related misconduct, if applicable), and review the parties’ respective lists of proposed witnesses to assist them in eliminating redundant information. The College reserves the right, through the Chair, (a) to add to or modify the alleged violations specified by the Vice President’s at the prehearing meeting and (b) to add witnesses to the witness lists at the pre-hearing meeting and/or at the hearing. The Vice President will provide the formal findings from the investigation at the hearing.

3. **Pre-Hearing Discussion.** The Sexual Misconduct Panel may not privately or publicly discuss the merits of the complaint with anyone not involved in the proceedings, with the parties themselves, or with anyone acting on the behalf of the parties. The Chair will provide the Panel with a copy of the Notice of Hearing, the investigation report, and the list of witnesses to be called by the college, with an instruction to avoid public and private discussion of the merits of the complaint.

4. **Conduct of the Hearing.** As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The Chair will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The College will make a good faith effort for all necessary witnesses to be present, to be available, or to have provided written statements in lieu of attending the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the Chair determines may remain anonymous. The Panel will review in advance of the hearing all the written materials provided to them by the Chair in accordance with Section IV.H.2., above. The parties will have received or been provided the opportunity to review and copy these materials during earlier stages of the pre-hearing process. The parties will be expected not to repeat undisputed details or non-material circumstances that would merely duplicate the written materials. Only the Chair and the Panel may question the individual parties and any witnesses, unless permission is granted by the Chair to modify the questioning process. Either parties or their advisors may ask the Chair to pose additional questions or inquire further into specific matters either by submitting these requests in writing or orally, at the discretion of the Chair. If necessary, a brief break may be granted to allow both parties an opportunity to prepare and submit such requests. The Chair is empowered to disallow or reframe any questions that are irrelevant or redundant. After all witnesses have been questioned, each party may make a closing statement and request a short recess to prepare it. If the Panel determines that unresolved issues exist that would be clarified by the presentation of additional information, the Chair may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to
appear without good cause or on the proposed introduction of documents or other information that should have been presented at the pre-hearing meeting.

5. **Testimony or Participation by the Student.** If the respondent fails to appear at the hearing, after being duly notified of its place and time, the Chair may postpone the proceedings or direct that the Panel proceed and determine the complaint on the basis of the evidence information available.

6. **Recording.** The Chair will arrange for the hearing to be recorded. A copy of the recording from the hearing may be requested by either party. Such recording will be arranged through the Vice-President’s Office.

7. **Standard of Proof.** The Department of Education’s Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged Sexual Misconduct under a “preponderance of the evidence” standard and that is the standard adopted by this Policy. A preponderance of the evidence means that the information shows it is “more likely than not” that the respondent violated this policy. In the context of a hearing hereunder, the respondent will be found to be responsible for the alleged sexual misconduct if the Panel, by a majority vote, concludes that such sexual misconduct more likely than not occurred based upon careful review of all information presented.

8. **Impact Statement.** If the Panel determines that the respondent is responsible for sexual misconduct, (i.e., that the sexual misconduct more likely than not occurred), the complainant may present the Panel with a statement recommending a sanction. The statement may be verbal or written. The respondent will be provided an opportunity to respond to the Impact Statement. The Panel is not bound by these statements in determining a sanction. Witnesses, other than the parties, normally are not permitted at the Impact Statement phase of the hearing; however, the Chair reserves discretion to permit the presence of other persons.

9. **Sanction.** The Panel may impose any sanction that it finds to be fair and proportionate to the violation. In determining an appropriate sanction, the Panel may consider any record of past violations of the Student Code of Conduct, as well as the nature and severity of such past violation(s). The Board will consider as part of its deliberations whether the accused student poses a continuing risk to the complainant and/or the College community. The sanction decision will be made by the Panel by majority vote. Any sanction imposed will be explained or supported in the written decision of the Panel. Sanctions may include but are not limited to the following disciplinary measures:
• Expulsion - Permanent, forced withdrawal from the College.
• Disciplinary Suspension - Forced withdrawal from the College for a specified time.
• Disciplinary Probation - Notice to the respondent that any further disciplinary violation may result in suspension or expulsion.
• Restrictions - Exclusion from participating in:
  o Social activities
  o Identification card privileges (cafeteria, library, etc.)
  o Parking areas
• Reprimand:
  o Oral Reprimand – an oral disapproval issued to the respondent.
  o Letter Reprimand - a written statement of disapproval to the respondent.
• Housing Penalties - Expulsion from Gordon State College housing; suspension from housing; housing relocation; residence hall restrictions; other.
• Other educational or developmental sanctions.

10. Decision. Within 48 hours from the conclusion of the hearing (or such longer time as the Chair may for good cause, determine), the Chair will provide to the complainant and the respondent, concurrently, and to the Vice President, a copy of the Panel's written decision.

11. Appeals. Either party may appeal the Panel’s decision to the Student Judicial Committee by notifying the Vice President in writing within three (3) calendar days of the date of the Panel's decision. All appeals will be governed by the procedures of the Student Judicial Committee.

V. Informal Resolution
A complainant who wishes to file a formal complaint with the Title IX Coordinator or designated Deputy Coordinator, but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as “Informal Resolution,” as more particularly described in this Section. Although less formal than Formal Resolution, Informal Resolution is an appropriate resolution process; it is not mediation. The accused student is expected to attend, but is not required to participate.

A. Purpose of Informal Resolution. Informal Resolution provides an opportunity for the complainant to confront the respondent, in the presence of, and facilitated by, the Panel Chair or a designee of the Chair, as described in Section V.B, below, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and his or her wishes and expectations regarding protection in the future. The respondent will have an opportunity to respond.

B. Presiding Officer. The complainant and the respondent each may bring an advisor to the Informal Resolution. The Panel Chair or a designee of the Chair
will preside over the Informal Resolution, and may elect to be assisted by another member of the Panel or senior staff of the Vice President.

C. **Outcome of Informal Resolution.** If in the course of the informal resolution the respondent admits to violating the sexual misconduct policy, that admission will serve as a finding of responsibility that is final and cannot be appealed. The Chair will recommend a sanction which the respondent can accept or reject. If accepted, the process is concluded. If the respondent rejects the sanction recommended by the Chair, the Panel is convened on the issue of sanction, only. Procedures for Formal Resolution are followed with respect only to the imposition of an appropriate sanction. Where responsibility is contested by the respondent, Informal Resolution may, nonetheless, result in the imposition by the Vice President of protective actions agreed upon by the parties, or based on information derived from the proceedings (with or without such agreement), taken together with any other relevant information known to the College at the time of the Informal Resolution.

**Election of Formal Resolution.** The College or the complainant may, at any time, prior to the conclusion of the Informal Adjudication, elect to end such proceedings and initiate Formal Resolution instead. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

D. **Privacy of Informal Resolution.** In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

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Final: Presented and approved by Cabinet 2/23/2016
Human Resources