

EAST GEORGIA STATE COLLEGE

Information and Support Services for Sexual Misconduct Complainant and Respondents

Revisions Approved by President's Cabinet 3/27/18

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Immediate Response Procedures for Victims

- Get to a place of safety
- Try to preserve evidence (Sexual assault victims: do not bathe, shower, brush teeth, douche, or use toilet; place clothing in paper bag. Violence victims: take pictures of bruises or other injuries. Stalking victims: save evidence of communications such as texts, emails, voicemails, videos, writings, etc.)
- Obtain necessary medical treatment
- Report the incident so that evidence may be collected in a timely manner; * college official or EGSC Police Department can assist with report
- Role of EGSC Police Department: assist with information for filing a restraining order in local court, and enforce the restraining order issued by local court
- Consider talking to a counselor

Reporting options: reports can be filed with the college in person or anonymously, and/or with law enforcement officials

- EGSC Police Department 478-289-2090 Swainsboro / EGSC Statesboro 478-455-1606 Augusta 706-721-2911 or call 911;
- EGSC Director of Student Conduct 478-289-2360
- EGSC Title IX Coordinator: 478-289-2015
- Local Law Enforcement 911
- EGSC Counselor 478-289-2039; Statesboro: 912-623-2406, or Rape Crisis Center* (Confidential Report)
- Anonymous reporting through EGSC Hotline: <https://ega.alertline.com/gcs/welcome>
- Decline to file a complaint (EGSC may continue investigation to the extent that it can as required by Title IX)

Confidentiality

Different officials on campus are, however, able to offer varying levels of privacy to victims and respondents.

- **EGSC Police Department:** not a confidential report; will be referred to GBI; may be made public if criminal prosecution. Clery Act Annual Security Report and "Timely Warning" crime alert will **not** contain victim name or identifying information.
- **Title IX Coordinator:** due to legal mandates requiring investigation of all reports may not be able to offer full confidentiality if doing so prohibits the college's ability to maintain a safe and nondiscriminatory campus environment.
- **EGSC Counselor:** report may be kept confidential and victim identifying information shall not be made public unless disclosure is mandated by law (victim is minor, victim or third party is in imminent danger).
- **EGSC Employee:** due to legal mandates employees have a duty to report any complaints received to Title IX Coordinator.

Amnesty:

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

Support Services Available:

Counseling: Immediate crisis counseling will be available through the EGSC Counseling and Disability Services office. Employees will be then be referred to an off campus provider. Student and employee client contacts with the EGSC Counseling Center are confidential. Exceptions which require disclosure without consent include instances where the Counseling Center believes the client poses a clear and present danger to himself/herself or others and instances where the Counseling Center has reasonable cause to believe that a child (under the age of 18 years old) has been subjected to maltreatment, which may involve abuse, sexual abuse, neglect, sexual exploitation or abandonment.

Mental Health Resources and Rape Crisis Centers*: Off campus counseling and support services can be obtained through the Ogeechee Behavioral Health in Swainsboro and Statesboro Regional Sexual Assault Center- (912) 489-6060 or www.srsac.org, Rape Crisis Centers- Statesboro (866) 489-2225 and Rape Crisis Center- Vidalia (912) 538-9935 and Rape Crisis Center at University

Hospital in Augusta 706-724-5200. Such licensed off campus provider will also have a privilege with his or her clients and are subject to the above Georgia confidentiality provisions.

Victim Advocacy Programs: Victim advocate programs in Emanuel County District Attorney's Office in Swainsboro (478) 237-7846, Bulloch County District Attorney's Office in Statesboro (912) 764-9924, Augusta-Richmond County District Attorney's Office (706) 821-1135 can provide on-going information and assistance.

Legal Assistance: Georgia Legal Services (888) 220-8399 can provide legal assistance.

EGSC Interim Measures: Regardless of whether you chose to pursue an investigation of the incident with EGSC or local law enforcement, interim measures may be implemented: change in academic schedules, on-campus living, employment arrangements, schedules and supervision; issuance of a no-contact directive, campus property restrictions, interim suspension and other measures designed to promote the safety and well-being of the parties and campus community. Interim measures may be implemented if such changes are reasonably available and implementation minimizes the burden on victim and respondent. If interim measures are planned, the respondent may be notified and provided an opportunity to respond, where practical, before the measures are completed. As for all others, the circumstances giving rise to the interim measures will remain confidential to the extent that maintaining confidentiality would not impair the ability of the institution to provide the interim measures.

Immigration and Visa Status Information for Immigrant Victims

Title IX and Violence Against Women Act (VAWA) provide that an immigrant student or scholar victim are entitled to the same rights and will receive the same on campus resources as non-immigrant victims. Immigrant student victims of sexual or interpersonal violence may need professional legal advice concerning the effect of common interim measures (withdrawing from courses) on visa status. An immigrant student, scholar, or employee victim should inform the EGSC Designated School Official/Director of Admissions at (478) 289-2169 or Human Resources at (478) 289-2035, as appropriate, of the event and/ or interim measures and seek the advice of an immigration attorney. Specific visa and immigration statuses exist for victims of sexual assault, domestic violence, dating violence and stalking. Students in F-1 and J-1 status desiring a reduced course load for medical reasons, or withdrawal, or other changes that result in changing visa status, should consult an immigration attorney. Employees in H-1B, O-1, E-3 or TN status desiring a leave of absence or other work absence, should consult an immigration attorney. For employees with pending US permanent resident status (green card not approved) desiring to leave employment, should consult an immigration attorney.

Resources for immigration attorneys pro bono or low cost: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>
<http://www.ailalawyer.org/>

EGSC Disciplinary Proceedings and Sanctions: the EGSC Sexual Misconduct Policy sets forth the policy and procedure and possible sanctions: see Section 8: http://www.ega.edu/offices/presidents_office/policies_and_procedures_of_the_college

Students charged with violation of the Sexual Misconduct Policy will be adjudicated under the Student Disciplinary Process. Additional Student Conduct Code violations related to the sexual misconduct charge may be heard in the Student Disciplinary Process. Possible sanctions for such additional Student Code of Conduct violations are located in the Student Disciplinary Process <http://www.ega.edu/policy/04-student-code-conduct-disciplinary-process.pdf?11618>

No Retaliation Policy: East Georgia State College absolutely prohibits any retaliation, at any time, against the complainant or against those individuals participating in the investigation. The Title IX Coordinator will advise both the complainant and the respondent of the prohibition of any retaliation, including retaliation by any individuals associated with the respondent, such as friends and team members. Anyone under the jurisdiction of the College that retaliates against the complainant or individuals participating in an investigation or proceeding under the EGSC Sexual Misconduct Policy or the college's *Non-Discrimination and Anti-Harassment Policy* may be subject to disciplinary action.

Role of the Title IX Coordinator

The Title IX Coordinator will provide a copy of this document to the complainant and respondent. EGSC Police Department will refer reports to the Title IX Coordinator and the Title IX Coordinator will assign an investigator. The EGSC Title IX Coordinator will report incidents of sexual misconduct that could result in the suspension or expulsion of the alleged offender to the USG Title IX Director and assign an investigator. The USG Title IX Director has the discretion to retain oversight or transfer to the institution. An investigation will be conducted with full consideration of the complainant's and respondent's confidentiality concerns and balancing such concerns with the college's obligation to maintain a safe and secure campus and meet its compliance obligations under Title IX. East Georgia State College's Title IX Coordinator responsible for overseeing administrative investigations in compliance with Title IX requirements is Dr Donald Avery, Associate Vice President for Academic Resources and Services, 478-289-2015; davery@ega.edu.

Inquiries concerning the application of Title IX may be referred to the address below, or contact: U.S. Department of Education, Office for Civil Rights: (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online with the agency, you may do so at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>