Sexual Harassment, Sexual Assault, and Sexual Misconduct Offenses

Adopted by President's Cabinet 9/23/15

Sexual harassment is unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual violence includes sexual assault, rape, sexual battery and sexual coercion. All acts of sexual violence are forms of sexual harassment. For complete policy see [http://www.ega.edu/policy/08-sexual-discrimination-harassment-and-misconduct-policy.pdf](http://www.ega.edu/policy/08-sexual-discrimination-harassment-and-misconduct-policy.pdf)

Sexual Assault: sexual penetration, no matter how slight, of the genital, anal and/or oral opening of the victim by any part of the perpetrator’s body or by the use of an object, without the victim’s consent or against the victim’s will (rape, sexual battery) Sexual Misconduct: Sexual misconduct includes sexual harassment, sexual assault, sexual violence, relationship violence and stalking. Sexual violence is a physical sexual act taken against a person’s will, or when a person is incapable of consenting (such as due to alcohol or drug use, when a person is asleep or unconscious, and/or due to intellectual disability, etc.). Relationship violence includes dating violence and domestic violence. Domestic Violence: any felony or commission of offenses of battery, simple battery, assault, simple assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass between past or present spouses, parents of the same child, or other persons living or formerly living in the same household. Dating Violance: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The length and type of relationship, and the frequency of interaction will be examined. Includes sexual or physical abuse or threat of such abuse. Stalking: following, placing under surveillance, or contacting another person without the consent of the other person for the purpose of harassing or intimidating that person. This includes a willful course of conduct which serves no legitimate purpose, is directed at a specific person and which causes the person emotional distress by placing the individual in fear for his/her safety or safety of family. • includes communication in person, by telephone, mail, broadcast, computer or any other electronic device. • can occur on any private or public property occupied by the victim. • includes a violation of a bond to keep the peace (ex: violating protective or restraining orders or a condition of pre-trial release, probation, or parole). • includes publishing contact information causing others to harass or intimidate the other person.

Consent is defined as clear words or actions that are knowingly, freely and actively given, indicating permission to engage in mutually agreed upon sexual activity. The absence of no is not a "yes". Consent cannot be given when physical force, threat, or intimidation, or sexual coercion, is used to obtain consent. • Consent may be withdrawn at any time without regard to sexual activity preceding the withdrawal of consent. • Consent may not be inferred from silence or passivity alone. • Consent is not able to be given when a person is prevented from or incapable of giving consent (i.e., due to use of drugs or alcohol, or physical or intellectual disability) and this fact is known to the person committing the act.

EGSC’s Procedure for Responding to Reports of Sexual Assault, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking

EGSC is committed to providing a safe learning and working environment, and in compliance with federal law has adopted policies and procedures to prevent and respond to incidents of sexual misconduct and abuse including sexual violence, sexual assault, domestic violence, dating violence and stalking. These guidelines apply to all faculty, staff, students, contractors and visitors. Sexual misconduct in any form violates the Student Code of Conduct and EGSC policies, and may violate Federal and State Laws. Violations of the EGSC Policy Prohibiting Sexual Discrimination, Sexual Harassment, and Sexual Misconduct are subject to disciplinary sanctions through the Office of Student Conduct and/or those outlined in applicable College policies. The offenses listed in this section, whether committed by a stranger, friend or acquaintance are serious offenses. EGSC will investigate complaints under this section.
fairly and impartially. Individuals conducting the investigation will receive annual training on issues related to these offenses and how to conduct a hearing process that protects the safety of victims and promotes accountability. A student who sexually assaults, abuses or stalks another may be subject to criminal and prosecution in a court of law and is subject to disciplinary action by EGSC. In addition to being potentially criminal actions, these offenses are some of the most underreported crimes on American college campuses. East Georgia State College encourages victims of these offenses to report them and seek assistance from appropriate campus and community resources. The below information guides students on immediate response procedures after an incident and informs the students about incident reporting options and the role of Public Safety and EGSC, confidentiality, on and off campus counseling, victim advocacy and legal assistance services, interim measures available from EGSC to protect victims, EGSC no contact orders and court issued protective orders, EGSC disciplinary proceedings and sanctions, EGSC policy prohibiting retaliation, and the role of the Title IX Coordinator. The “Information and Procedures for Victims of Sexual Assault, Sexual Misconduct, Stalking, Domestic Violence and Dating Violence” is a handout that will be provided to victims by EGSC Public Safety, Title IX Coordinator, EGSC Counselor and/or the college official receiving the report. This document is posted on the webpages of the EGSC Counselor, Public Safety, Student Affairs, Student Conduct, and Human Resources. For an up-to-date copy, go to the policies and procedures page on the EGSC website.