Revisions to Student Handbook Code of Conduct

Non-Academic Offenses

Alcohol
For the complete policy, please view the Drug and Alcohol Policy in the Institutional Policy and Procedure Section of this document.

1. No student shall possess or consume (without a valid dental or medical prescription), distribute, manufacture or sell an alcoholic beverage or container on/off East Georgia State College property or at institutionally approved events.
2. No student shall be under the influence of alcohol while on/off East Georgia State College property or at institutionally approved events.

Drugs
For complete policy, please view the Drug and Alcohol Policy in the Institutional Policy and Procedure Section of this document.

1. No student shall possess, consume, distribute, manufacture or sell (without a valid dental or medical prescription) illegal or dangerous drugs or drug-related paraphernalia on/off East Georgia State College property or at institutionally approved events.
2. No student shall be under the influence of illegal or dangerous drugs while on/off East Georgia State College property or at institutionally approved events.

Failure to Comply

1. No student shall interfere with, or give false name to, or fail to cooperate with any properly identified college official while these persons are in the performance of their duties.
2. No student shall fail to provide student identification card when requested to do so.
3. No student shall fail to complete sanctions given as a result of a violation of the Student Conduct Code.
4. No student shall fail to meet with identified college official when summoned.

Sexual Harassment, Sexual Assault, and Sexual Misconduct Offenses

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

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 violence: 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**: is 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 (e.g., 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, threats 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.
Information and Procedures for Victims of Sexual Assault, Sexual Misconduct, Stalking, Domestic Violence and Dating Violence

Immediate Response after an Incident

- Get to a place of safety
- Try to preserve evidence (Rape 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, writings, etc.)
- Obtain necessary medical treatment
- Report the incident so that evidence may be collected in a timely manner;
  * college official or Public Safety can assist with report,
  * Public Safety can assist with information for filing a restraining order in local court, and
  * Public Safety will enforce the restraining order issued by local court
- Consider talking to a counselor

Reporting options:

- EGSC Public Safety 478-455-0150 Swainsboro / EGSC Statesboro 478-455-1606 Augusta 706-721-2911 or call 911;
- EGSC Director of Student Conduct;
- EGSC Title IX Coordinator: Students 478-289-2105; Employees: 478-289-2035
- Local Law Enforcement 911
- EGSC Counselor 478-289-2039; or Rape Crisis Center* (Confidential Report)
- Decline to file a complaint (EGSC may continue investigation to the extent that it can as required by Title IX)

Victim Confidentiality

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

- **Public Safety**: is not a confidential report; student will be referred to local law enforcement; report 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 Coordinators**: due to legal mandates requiring investigation of all reports may not be able to offer full confidentiality if doing so compromises the investigation or safety and security of campus.
- **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 reports received to Title IX Coordinator

Services Available to Victims:

Counseling: Immediate crisis counseling will be available through the EGSC Counseling and Disability Services office. Student 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 him/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, Richmond County (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, student victims have the option to change their academic and/or on-campus living and transportation situations after an alleged rape, sexual assault, or relationship offense if such changes are reasonably available, regardless of whether the student pursues disciplinary or criminal action. Contact: Dr. Tim Goodman, Vice President for Academic Affairs: 478-289-2034. Accommodations or protective measures provided to a victim will remain confidential to the extent that maintaining confidentiality would not impair the ability of the institution to provide the accommodation or protective measures.
**EGSC Disciplinary Proceedings** Upon receiving a report, the Student Conduct Office may issue a temporary no contact order pending the outcome of a conduct proceeding. The accused and the victim will each be allowed to choose a hearing advisor, a person who has had no formal legal training, to accompany them throughout the hearing and to attend meetings related to the proceeding. Both the accused and accuser shall simultaneously be informed in writing of the outcome made by the hearing panel, appeal procedures, if any, and any change to the results that occurs prior to the time that they become final, and when such results become final, within the timelines provided in the EGSC student disciplinary proceedings and appeal provisions. A student found guilty of violating the **EGSC Sexual Discrimination, Sexual Harassment and Sexual Misconduct Policy** could be criminally prosecuted in the state courts and may be suspended or expelled from the college for the first offense.

**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 social 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 this policy, Title IX policy or the college’s **Discrimination and Harassment Policy** may be subject to disciplinary action.

**Role of the Title IX Coordinator**
The Director of Student Conduct or the Title IX Coordinator will provide this written information to the victim. Public Safety and the Title IX Coordinator will refer reports to the Director of Student Conduct for the disciplinary process. An investigation will be conducted with full consideration of the victim’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 Coordinators responsible for overseeing administrative investigations in compliance with Title IX requirements are: the Director of Student Life, vsherrod@ega.edu, 478-289-2105 (student reports); and the Director of Human Resources, twoods@ega.edu, 478-289-203 (employee reports).

**Disciplinary Process for Conduct Code Violation**

**Disciplinary Sanctions**
The following are possible disciplinary sanctions which may be imposed upon a student or student organization for an infraction of the Student Conduct Code. This list shall not be taken to be exhaustive and may be enlarged or modified to meet particular circumstances in any given case.

**Non-Academic Misconduct**
1. Expulsion - permanent severance of the student’s relationship with East Georgia State College.
2. Suspension - temporary severance of the student’s relationship with East Georgia State College for a specific period of time.
3. Probation - notice to the student that any further major disciplinary violation may result in suspension.
4. Residence Hall Removal – severance of the student’s relationship with on-campus housing at East Georgia State College can be temporary or permanent.
5. Withdrawal of Recognition of Student Organization – disbanding of membership and withdrawal of recognition and privileges associated with being a student organization at East Georgia State College.
6. Educational Sanctions – specific projects to be completed by the student, such as, but not limited to, writing a research paper on a specific topic, performing community service or attending an educational event.
7. Reprimand
   a. Oral Reprimand - an oral disapproval issued to the student by the deciding disciplinary official(s).
   b. Letter Reprimand - a written statement of disapproval from the disciplinary official(s).
8. Restrictions - exclusion from participation in:
   a. Social activities
   b. Recreational areas
   c. Identification card privileges
   d. Visitation procedures inside on-campus housing
9. Restitution - reimbursement for damage to or misappropriation of property; this may take the form of appropriate service or other compensation.
10. Forced Withdrawal - from the academic course within which the offense occurred without credit for the course.
11. Class Change – removal from a specific class and placement in another.
12. Disciplinary Hold – an HOLD will be placed on a student’s East Georgia State College account when they have not completed sanctions imposed as a result of a Code of Conduct violation.

For an up-to-date copy, go to the policies and procedures page on the EGSC website.