

**Clayton State University
Department of Public Safety
Annual Security and Fire Safety Report 2018**



Dreams. Made Real.



Message from the President

To the Clayton State University Community –

Safety on campus is one of our highest priorities, and we take great pride in being routinely considered one of the safest college campuses in the country. Although the Department of Public Safety is charged with addressing security concerns, it is up to each one of us, faculty, staff, and students, to help foster a secure and supportive environment at Clayton State University — an environment where individuals can feel safe to visit, learn, work and live. A truly safe campus can only be achieved through the cooperation of everyone. The principles of responsibility and respect are essential to any community and serve as the foundation for the success and productivity of our students, faculty and staff.

This Annual Security and Fire Safety Report contains important information about campus safety measures, statistical crime reports, and fire safety for our University community. It also describes our efforts to combat alcohol and drug abuse, as well as sexual assault prevention initiatives. This report contains the University System of Georgia Board of Regents' policies on Sexual Misconduct and Standards for Student Conduct Investigations. It also contains information about the state's new "Campus Carry" law that went into effect on July 1, 2017, and allows persons with concealed carry permits to carry handguns on college campuses, with several specific exceptions. Please take some time to read the information about the new law, as well as the full report, and help us to continue to maintain a caring and safe environment.

Dr. Tim Hynes

President

Message from the Director of Public Safety/Chief of Police

On behalf of the members of the Clayton State University Department of Public Safety, I want to personally thank all of you for your assistance in keeping our campus as one of the safest in the country. As you know, each year we produce an Annual Security and Fire Safety Report. This report is prepared to provide you with important information about the safety and security of our campus, required policies and procedures, safety programs on campus, as well as guidance for personal safety measures. The report is prepared in cooperation with the University's Department of Student Affairs and other campus departments, as well as with input from local law enforcement agencies surrounding the campus. After reviewing the report, you will see that Clayton State University continues to be a safe campus, due to the combined efforts of students, faculty, staff, and the Department of Public Safety.

This report includes statistics from the previous three years (2015-2017) for specific crimes reported to have occurred on campus, to include the student housing facilities of Laker Hall and Laker Village, as well as adjacent public properties, as defined and required by the Higher Education Opportunity Act of 2008 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). We are also committed to the prevention of, and prompt response to incidents of domestic violence, dating violence and stalking. Pursuant to the requirements of the Violence Against Women Act (Amendment to the Clery Act, effective March 2014), those statistics are also included in this report.

It is noted that these crime statistics just reflect the initial incident reports. The investigative results sometimes vary from the initial reports. The daily logs for reports of criminal activity on campus can also be reviewed at the Department of Public Safety's website at <http://www.clayton.edu/public-safety>.

Each year, an email notification is sent to all enrolled students, faculty and staff advising of the publication of the Annual Security and Fire Safety Report. Anyone, including prospective students, can obtain a copy of this report by contacting the Department of Public Safety at (678) 466-4050. It is also posted on the University's home page at www.clayton.edu with quick link to "Campus Safety and Security Information" and at the Department of Public Safety's website.

The Department of Public Safety is a full-service law enforcement agency dedicated to fostering cooperative working relationships in our University community to ensure the safety and security of an environment which is conducive to teaching, learning, research and public service. Written memoranda of understanding are maintained with surrounding law enforcement agencies to facilitate cooperation in criminal investigations and emergency responses, if needed.

As Dr. Hynes noted, this report contains information about the new "Campus Carry" law that allows persons with concealed carry permits to bring handguns on college campuses in the State of Georgia, with certain specific exceptions. This new law changes the historical culture of college campuses being gun free zones, so I encourage all to read the provisions of this new law.

We join President Hynes in the commitment to foster a secure and supportive environment at Clayton State University and we are proud to be an integral part of our University's tradition of excellence. Campus safety and security is a collaborative effort.

The Clayton State University Department of Public Safety is eager to assist and serve all of our students, staff, faculty, and guests while you are on our wonderful campus. As part of this commitment we will continue to place your safety first as we strive to be the best campus police department in the state of Georgia.

With each and every roll call the members of the Department of Public Safety embrace four basic principles:

1. Be Honest!
2. Be Professional!
3. Be a person of Integrity!
4. Don't break the law to enforce it!

These principles guide our service every day as we protect this beautiful campus and all of our community partners. Our Motto is "Semper Servare," which means, Always Protecting!

The University takes great pride in our campus community. However, this does not mean that it is immune from issues that may arise in surrounding communities. Although the University is progressive with its policies, programs, and education, it is up to each of us to maintain a sense of awareness and use reasonable judgment when living, working or visiting on our campus.

If at any time you have questions or would like further information about safety and security at Clayton State University, please contact us at:

Phone: (678) 466-4050 or email: publicsafety@clayton.edu.

Chief Antonio Long, M.A, M.P.A

Chief of Police/ Director of Public Safety



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I. Reporting Crimes

The University has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate University officials. Regardless of how you decide to report these incidents, it is critical for the safety of the entire University community that you immediately report all incidents to the Department of Public Safety/University Police (678/466-4050) to ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning communication or Emergency Notification when necessary. Incidents that occur at the Peachtree City location that require immediate response are reported to the Peachtree City Police Department and similar incidents occurring at the McDonough location are reported to the Henry County Police Department and/or the Henry County Schools Resource Officers. However, the University Police should also be notified as soon as possible for all incidents.

Reporting to University Police

We encourage all members of the University community to report all crimes and other emergencies to University Police in a timely manner. University Police has a dispatch center that is available by phone at 678/466-4050 twenty-four hours a day and is located on the second floor of Edgewater Hall. Although there are many resources available, University Police should be notified of any crime, to ensure the University can assess any and all security concerns and inform the community if there is a significant threat to the University community.

Voluntary and Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage the University community to report crimes promptly and to participate in and support crime prevention efforts. The University community is much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary and confidential report. Depending upon the circumstances of the crime you are reporting, you may be able file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the University to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases.

Anyone may call the University Police at 678/466-4050 to report information of concern. Callers may remain anonymous. Another anonymous reporting option for students, faculty, and staff is through the Rave Guardian Mobile Application (referenced in more detail below in Section III, Emergency Response Procedures). You can also use the online Tip Line on the Public Safety web page.

II. INVESTIGATIVE RESPONSE

All reports of potentially dangerous situations involving a threat of any nature to the health or safety of the campus community should be provided to the Department of Public Safety immediately upon receipt. Upon receipt of the report, the University President, or in his/her absence, the Provost will be immediately briefed by the campus Chief of Police, or in his/her absence, the Captain. At that time, a determination will be made if the campus emergency alert system should be activated prior to confirmation of the threat and/or any evacuation that may be needed. The Department will then conduct a logical investigation in attempt to confirm the report. Crimes may be reported by the following methods: phone call or email directly to the Department of Public Safety; through contact directly with campus police officers; by use of campus emergency telephones located throughout the campus; or by calling 911 if off campus.

The Chief of Police, or in his/her absence, the Captain, will be responsible for the coordination of any criminal investigation if needed, as well as providing timely updates to the University's President or his/her designee. All public dissemination of emergency or investigative information will be coordinated through the University's Office of Marketing and Communications, who handles media contacts for the University.

III. Emergency Response Procedures

The Department of Public Safety is responsible for the University's Emergency Management Plan (EMP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions.

Our priorities are:

Life safety, infrastructure integrity, and environmental protection during an emergency;
Coordination with university departments to write, maintain, test, and exercise the EMP; and
Cooperation, integration, and mutual aid with local, state and federal planning, response, and public safety agencies and their EMPs.

A summary of the University's emergency response procedures is located at <http://www.clayton.edu/public-safety>. The University routinely conducts exercises to test its emergency procedures.

To ensure the University's emergency management plan remains current and actionable, the University will conduct an emergency management exercise, at a minimum once yearly. These exercises may include tabletop drills, business continuity plan exercises for individual departments, and multi-agency tactical exercises.

Clayton State University is excited to announce its acquisition of a personal safety tool available for the campus community. In addition to the Rave Alert system which is our new emergency communication network, we have acquired the Rave Guardian Mobile Application.



Rave Guardian is a mobile phone app that enhances the safety of the campus community through real time interactive features that creates a virtual safety network.

Rave Guardian's primary features are:

Panic Button—activation will connect directly with Public Safety with GPS location and personal profile information as provided by user.

Call 911- activation link will connect to nearest 911 center.

Tip Texting—enables two-way crime tip reporting directly to Public Safety with anonymous source reporting if requested.

Personal Guardian and Safety Timer—can be used as a personal safety tool that links with Public Safety to track your current location. After entering a personal safety profile, to include personal photo, email address, telephone contacts and other emergency contact information, users can activate a timer if there is a personal safety concern as you leave a location (e.g. leaving classroom alone late at night). Timer should be set with estimated time to reach destination (e.g. vehicle in remote parking lot). Upon safe arrival at destination, user should then deactivate timer. If timer is not deactivated before timer expiration, Public Safety is notified and will contact user in attempt to determine if timer should have been deactivated. If no response, an officer will be dispatched to try and locate the user by tracking his/her path.

Safety profile data is provided through Rave's secure web portal and is stored privately and securely within Rave Guardian's geo-redundant database. Profile information is only shared when the user places a panic call to Public Safety or allows a previously set Safety Timer to expire without deactivation. Caller identity is then immediately known to Public Safety so appropriate action can be taken.

Any member of the campus community can download the Rave Guardian mobile app from the Applications link on your cell phone. The service is free to all students, faculty, and staff.

The campus emergency alert system consists of the following components: an outdoor siren (connected to speakers in campus academic and administrative buildings), which can broadcast either pre-programmed or customized incident specific messages; emails; and text messages to students, faculty, and staff.

Emergency communications to the outside community will be coordinated through the University's office of Marketing and Communications.

The Department of Public Safety will immediately activate any or all components of the emergency alert system if the threat is confirmed, unless the notification, in the professional

judgment of responsible authorities, will compromise efforts to assist victims, or efforts to contain, respond to, or otherwise mitigate the emergency.

Efforts to confirm that there is a significant emergency should include interviews of witnesses and victims, and may include contact with surrounding law enforcement, health, and/or emergency response agencies, as well as the query of relevant databases.

The Department of Public Safety conducts monthly testing of the emergency alert system, which includes the testing of all the components-- outdoor siren, email, and text messaging. The tests are announced in advance through campus communications. The frequent testing ensures that all Public Safety staff who are involved with the activation are comfortable with the process. Also, any technical issues or concerns are timely identified and addressed by the Department of Public Safety.

IV. Evacuation and Shelter-in-Place Procedures

Unplanned building evacuations occur often on campus due mainly to fire alarms being inadvertently activated. Although disruptive, this provides opportunities for Public Safety to assess the evacuation process and determine effectiveness. Building coordinators have responsibility for ensuring that all occupants in their assigned areas of campus buildings are evacuated and remain a safe distance from the buildings until “all clear is advised by Public Safety. Specially designed evacuation chairs are available for use in multi-floor buildings on campus to assist those with physical disabilities, if needed.

All students, faculty, staff and visitors are required to exit the facility when the fire alarm sounds. All on duty faculty and staff will ensure that students, visitors, etc. are out of and away from the building entrances. All students must exit and stand at least 50 feet away from the entrances to the building. For Laker Hall student housing, when exiting the front of the building (nearest Clayton State Blvd.), students should walk across to the island by the security guard station. When exiting the back entrance, students should move to the grassy area in the middle of the parking lot. On call professional staff will coordinate with campus Public Safety and local fire department to address areas of safety concern. Students will be allowed to return to the building only after the all clear signal is given by the professional staff or the fire department.

If an incident occurs on or near campus that impacts the safety of the campus and the campus community is advised to “shelter- in- place”, all persons should remain in their current building location until advised by Public Safety that it is safe to leave their office, classroom, and/or building.



V. Emergency Notifications and Timely Warnings

Emergency Notifications

In the event of the confirmation by Public Safety of a significant emergency or dangerous situation that involves an immediate threat to the health or safety of the campus community and may impact any of our Clery geography (which includes main campus, Clayton State East, Huie Hall, Peachtree City or McDonough sites, or the public property immediately adjacent to campus) the Chief of Police (or in his absence, the Captain) will issue campus wide communications. The communications will be issued through the components of the Rave Mobility campus emergency alert system (text message and emails), to students, faculty, and staff, as well as through postings of information on university websites and/or public media. Additionally, outdoor sirens on campus may be activated.

Timely Warnings

In the event of a report to Public Safety or local police agencies, of a Clery Act crime occurring on our Clery geography, that is considered by Public Safety to represent a serious or continuing threat to the campus community, a Timely Warning communication will be issued. The communication will be issued as soon as sufficient information is known to enable the campus community to adequately protect themselves. Victims' names will be withheld in communications of criminal incidents. The communication will be issued through the components of the Rave Mobility campus emergency alert system (text message and emails), to students, faculty, and staff, as well as through postings of information on university websites and/or public media. Additional outdoor sirens on campus may be activated.

Anyone with information that may necessitate an Emergency Notification or a Timely Warning being disseminated should immediately report the circumstances to Public Safety at 678/466-4050 by phone or in person. The office is located in Edgewater Hall, room 207.

VI. Reporting to Other Campus Security Authorities

While the University prefers that community members promptly report all crimes and other emergencies directly to the University Police at 678/466-4050 or 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” Although encouraged to report all crimes, CSAs are only required to report what they were told, not overhears. Campus Security Authorities training is provided through a power point presentation by Public Safety, and CSA information is also posted on the Public Safety website.

While the University has many CSAs, we officially designate the following offices as places where campus community members should report crimes:

Official	Campus Address	Phone Number
University Police & Public Safety	Edgewater Hall, 2 nd Floor Room 207	678/466-4050
Vice President for Student Affairs	University Center Room 250	678/466-5444
Director for Human Resources	CSU East—Arbor Hall Room 137	678/466-4232
Office of Community Standards	University Center Room 250	678/466-5444
Department of Housing and Residence Life	Laker Village Leasing Office (physical address) 5809 North Lake Drive Morrow, Ga. 30260 (mailing address) 2000 Clayton State Blvd. Morrow, Ga. 30260	678/466-5480

Professional Counselors

According to the Clery Act, professional counselors who are appropriately credentialed and hired by Clayton State University to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the University encourages professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

VII. Missing Student Notification Policy

This policy contains the official notification procedures of Clayton State University concerning missing students who reside on campus, in accordance with the requirements of the Higher Education Opportunity Act (HEOA) of 2008. The purpose of this policy is to promote the safety and welfare of the campus community through compliance with the HEOA requirements, and should be adhered to by all members of the campus community, faculty, staff and students. In the event that a member of the campus community has reason to believe that a student who resides in an on-campus housing facility is missing, he/she should immediately notify the Clayton State University Department of Public Safety (DPS). The DPS will then notify the University's Vice President of Student Affairs or the designee, prepare a missing person report, and initiate an investigation. The DPS will also notify surrounding law enforcement agencies within 24 hours of the determination that the student is missing.

Per HEOA requirement, each student has the option to identify a confidential contact to be notified within 24 hours of the determination by the DPS or other law enforcement agency that the student is missing. If a student elects to identify a confidential contact, that information will be maintained by the University's Housing Office, and is accessible only to authorized campus officials. The information may not be disclosed, except to law enforcement officials in furtherance of a missing person's investigation. If a separate missing person's contact is not identified by the student, an investigation will still be initiated and the emergency contact on record will be notified.

If the missing student is under 18 years of age and not emancipated, he/she can still designate a confidential contact. However, in compliance with the HEOA, a legal parent or guardian will also be notified.

All students who register for on-campus housing will be advised of this policy at the time of housing check-in. During the process, specific emergency contact information will be captured, along with personal contact numbers, email address, and physical address. At that time, students will have the opportunity to provide separate missing person contact information as well, if they choose to do so.

VIII. Weapons on Campus—Laws and Policies



Guns on Campus --

Clayton State University is committed to providing a safe environment for our students, faculty, staff, and visitors.

The State of Georgia passed a law, effective on July 1, 2017, authorizing anyone who is properly licensed to carry a handgun in a concealed manner on property owned or leased by its public colleges and universities, but with specific exceptions where firearms are still prohibited (reference <http://www.usg.edu/hb280/>). For additional information and Q&A for HB280, visit http://www.usg.edu/hb280/additional_information

Possession of other “weapons” as identified in O.C.G.A. 16-11-127(a)(4) is still prohibited on campus. The only persons exempted from this law are those specifically identified in either O.C.G.A. § 16-11-127.1(c) or in O.C.G.A. § 16-11-130.

For any questions or concerns, contact the Department of Public Safety.

Electroshock Weapons--

Any person who is 18 years of age or older, **or** who is currently enrolled in classes on campus, may possess and carry an electroshock weapon while in any building or real property owned or leased by technical schools, colleges or universities, provided that the weapon may only be used in self-defense or in defense of others (O.C.G.A. §16-11-127.1)

Electroshock weapons are **defined** as any commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge, including, but not limited to, a stun gun or taser.

This law was effective on July 1, 2016. There is no requirement of a weapons permit to carry these devices. No campus property is exempt, including student housing facilities. There is no training requirement or requirement that the devices have to be concealed when being carried.



IX. Disclosure of Annual Security Report and Crime Statistics

As noted earlier, Clayton State University prepares this report to comply with the Higher Education Opportunity Act of 2008 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). (The Clery Amendment VAWA). This report can also be located at the Clayton State University Homepage at www.clayton.edu and quick link to “Campus Safety and Security Information” or by link to the Department of Public Safety’s home page.

Campus crime, arrest and referral statistics may include those reported to the Department of Public Safety, designated campus officials (including but not limited to directors, deans, department heads, staff, judicial affairs, advisors to student/student organizations, and athletic staff), and local law enforcement agencies.

Copies of the annual crime reports may be obtained at Clayton State University Public Safety Office or by calling (678) 466-4050 or at the Public Safety website.

X. Crime Prevention Tips

Whether you live at Laker Village, Laker Hall, or off campus, these are some suggestions for your personal safety as well as the safety of others:

- If you travel late at night, try to travel in groups if possible. If travelling alone late at night, whether by foot or vehicle, be attentive to your surroundings at all times. Try to let a friend or roommate know your route and time of travel in advance.
- If walking alone late at night, avoid the use of IPODS or cell phones until you reach your destination. Activate the Rave Guardian personal tracking app if you have a safety concern.
- Do not accept rides from anyone with whom you are not familiar and comfortable, even if they identify themselves as students.
- If travelling by vehicle, keep keys in hand and upon entry of vehicle secure the doors and depart promptly. To sit idle in your vehicle alone late at night could be a vulnerability.
- If you are approached by or observe any suspicious persons, please contact Public Safety at 678/466-4050 ASAP if you are on campus, or call 911 if off campus. It is also requested that you program Public Safety’s number on speed dial in your cell phone.








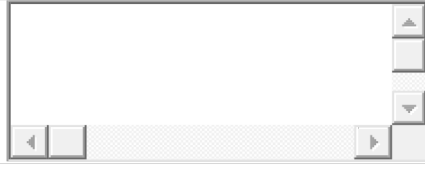

XI. Anonymous Reporting



Clayton State Police Department
ON-LINE ANONYMOUS CRIME REPORTING

This form is NOT intended to replace the normal crime reporting process. It is provided as a special service for those who wish to report criminal activity anonymously, and is accessible through our website located at www.clayton.edu/publicsafety, and link to Department of Public Safety home page, "Police Tip Line." You will not be contacted by the police because we will not know who you are unless you provide that information in this report. **This form should be used to report possible criminal activity. To report allegations of unethical activity, refer to the Clayton State University Global Hot Line for reporting instructions.**

Type of Crime:	Choose One 
Date(s) Crime Occurred:	<input type="text"/>
Time(s) Crime Occurred:	<input type="text"/>
Location of Crime:	Choose One 
Location of crime (Give street address or building name and room number, if known):	
Description of Crime(s). Please give as much detail as possible:	

Suspect Information & Identification:	
Witnesses:	
Additional Information:	
Optional Contact Information:	Name: <input type="text"/> Email Address: <input type="text"/> Telephone Number: <input type="text"/>

XII. Security and Access

During business hours, the university will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all university facilities is by key or swipe card, if issued, or by admittance via the Clayton State University Police. Clayton State University Police will admit only those with prior approval for access to facilities. Laker Hall, one of the two on campus housing facilities, is accessed only by swipe cards, and is staffed with resident advisors 24/7 in the lobby area. Laker Village, the other campus housing facility, is apartment style housing and is key accessed. The entrance gates to the main campus are locked from approximately 10:30 PM to 6:30 AM nightly. Access to the campus can be obtained through the main entrance on Clayton State Blvd. during those hours by production of a Laker ID card to security guards or by confirmation as an invitee.

Maintenance of campus grounds and facilities is an ongoing effort. Safety and security concerns (e.g. lighting in parking lots or walkways, hedges or trees that need trimming, ice on sidewalks or roadways) are reported to Public Safety routinely and promptly shared with Facilities Management personnel to address. Also, twice a year in the Fall and Spring, a Safety Walk is conducted with students, Public Safety and Facilities Management personnel participating to identify areas of concern. Concerns are also reported by police and security officers during routine campus patrols, and through the campus Parking Committee during their monthly meetings, chaired by the Chief of Police. A campus Securities Enhancement Committee, chaired by the Administrative Lieutenant, was established to review security enhancement requests as well as to identify and report security needs.



XIII. Campus Police Authority and Jurisdiction

O.C.G.A. §20-3-72, authorizes campus police (who are certified police officers in the state) to make arrests on University and Board of Regents property, as well as on public and private property within 500 yards thereof. If minor offenses involving university rules and regulations are committed by students, the campus police may also refer the individual to the Office of Community Standards.

The prosecutions of all criminal offenses, both felony and misdemeanor, are conducted through the Clayton County District Attorney's Office. Department of Public Safety personnel work closely with local, state, and federal police agencies and have direct radio communication with Morrow, Lake City, and Clayton County Police Departments. Although the University has a small cadre of security officers, they are unarmed and thus have no arrest authorities.

The University's Department of Public Safety maintains Memoranda of Understanding with the Clayton County Police Department, Clayton County Sheriff's Department, Lake City Police Department, Morrow Police Department, and the MARTA Police Department, wherein the

agencies agree to provide mutual support in the conduct of criminal investigation or in emergencies, if needed and approved by agency heads. Close relationships are maintained among these departments through joint training exercises periodically, and monthly county Chiefs meetings. Due to the adjoining jurisdictional boundaries with Morrow, Lake City, and Clayton County Police Departments, campus police officers have routine interaction with those departments' officers to ensure that information is timely communicated of any crime report that may impact the university campus.

Interaction with the Georgia State Patrol and the Georgia Bureau of Investigation is limited primarily to major accident investigations, crime scene investigations upon request, and the conduct of the investigations of shooting incidents involving campus police officers.

XIV. Security Awareness Programs

During student orientation sessions, parents are met with separately in panel sessions and informed of services offered by the Department of Public Safety. An overview is given by the Chief of Police or his designee. The presentation outlines ways to maintain personal safety and residence hall security. Crime prevention and personal safety tips are also routinely provided in campus wide emails and text messages, as well as through postings on the Department's Facebook page, website and in articles periodically published in the campus news links, Inside Clayton State, Campus Review and the Bent Tree.

During the Spring semester of 2016, a Campus Safety Task Force was charged by President Hynes to conduct a comprehensive review of campus safety, which included meetings with faculty, staff, and student groups to identify concerns, as well as the conduct of a public safety survey of the students. Upon completion of these information gathering initiatives, recommendations for improvement and enhancement were submitted to the President for review and approval. Many of these actions have been completed and others are ongoing safety initiatives.

During the past year, Public Safety initiated its second year Citizens Police Academy for students on campus. It was a ten week class that provided information about police responsibilities and liabilities, and included practical scenarios and self-defense training.

In 2018, several table top exercises have been conducted on campus with Public Safety as the coordinator, to include weather related scenarios and active shooter situations.

During the academic year, the Clayton State University Police, in cooperation with other university organizations and departments, present crime prevention programs at "town hall" type forums in the student housing facilities of Laker Hall and Laker Village, as well as in classrooms on campus, to continuously increase awareness and educate students and employees on how to become more responsible for their personal safety as well as the security of personal property. The Chief of Police has personally participated in campus forums focused on police and community relations. He and his staff have provided presentations to the student athletes, the SGA, AMERICORPS, and various other campus organizations. Examples of programs provided to the campus community are personal safety measures while on campus, sexual assault

In the fall of 2018, the President, Dr. Hynes and the Chief of Police conducted another town hall meeting to provide information to the new students on campus on the elements of the new “Campus Carry” law which included several Q & A sessions open to the campus to attend. Topic specific classes can be provided upon request of the Department of Public Safety. The University Police also undergo practical active shooter response training each year in conjunction with local police and SWAT teams.

Clayton State University policies on the use of alcohol and drugs may also be found in the Student Code of Conduct, the Faculty Handbook, the Employee Handbook and the USG Board of Regents Policy Manual.

It is the policy of the university that illicit drug use, including their manufacture, sale, distribution, dispensation, possession, or use is prohibited in the workplace, on the campus, or as part of any university activities. Sanctions imposed for violation of this policy are indicated below.

THE DANGERS OF DRUG OR ALCOHOL ABUSE IN THE WORKPLACE AND ON THE CAMPUS

There are millions of employed individuals whose job performance and productivity are adversely affected by their progressive dependence on drugs or alcohol. Reports show as many as 20% of all college students use chemical substances and drugs at a level of concern to themselves and others. Some estimate that 70% of the working population and 90% of college students consume mood-altering chemicals of some type and the cost to the United States economy is estimated to be more than 26 billion dollars per year.

Due to the increasing use of Opioids, campus police officers now carry Narcan, which is a nasal spray antidote that can be administered to reverse the effects of Opioid overdoses.

1. Definitions. The following terms are defined for the purposes of this policy and are important for purposes of expressing the university's policy on a drug free workplace:

- A. *Controlled Substance* means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15, and as defined in the Official Code of Georgia Annotated (O.C.G.A.), Sections 16-13-35 to 16-13-39.
- B. *Contract* means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the federal government; or whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.
- C. *Conviction* means finding of guilt (including a plea of NOLO contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes;
- D. *Criminal drug statute* means a federal or non-federal criminal statute involving the manufacture, sale, distribution, dispensation, use, or possession of any controlled substance;
- E. *Employee* means an individual receiving a salary, wages, other compensation and/or stipend support from the university.
- F. *Federal agency or agency* means any United States executive department, military department, government corporation, government controlled corporation, or any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.
- G. *Grant* means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veteran's benefits to individuals, i.e., any benefit to veterans, their

families, or survivors by virtue of the Service of a veteran in the Armed Forces of the United States.

H. *Grantee* means a legal entity which applies for or receives a grant or contract directly from a federal agency.

I. *Illicit drug use* means the use of illegal drugs and the abuse of other drugs and alcohol.

J. *Student* means an individual registered or enrolled for credit or non-credit in a course or program offered by the university or any of its units.

K. *University activities* mean an activity officially sponsored by Clayton State University.

L. *Workplace* means the physical boundaries of the university and facilities owned or controlled by the university.

2. Philosophy. The unlawful use of drugs or abuse of other drugs and alcohol is inconsistent with the behavior expected of members of the University community. The university is committed to the development and maintenance of a drug-free environment on the campus as well as an environment that prohibits the abuse of other drugs and alcohol and has a drug and alcohol abuse prevention system in operation, accessible to all members of the University community. The university is committed to the further expansion of that program and the dissemination of drug awareness information to the members of the University community. In addition, the university is committed to enforcing the provisions of the Drug Free Communities and Schools Act Amendments of 1989 (Public Law 101-226) and the Georgia Drug-Free Postsecondary Act of 1990.

3. Health Risks

A. Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol can lead to dependence. Sudden cessation of regular alcohol use is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver.

Females who drink alcohol during pregnancy may give birth to infants with Fetal Alcohol Syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are a greater risk than other youngsters of becoming alcoholics.

Alcohol use is often related to acquaintance rape and failure to protect oneself from sexually transmitted diseases (STDs). Additionally, alcohol-related accidents are the number one cause of death in the 16-24 year old age group.

B. Designer Drugs

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, "underground" chemists modify the molecular structure of certain illegal drugs to produce analogs known as "designer drugs." These drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines.

Bootleg manufacture creates overdose and contamination risks. These substances can produce severe neurochemical damage to the brain. The narcotic analogs (fentanyl, china white) can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine (PCP) cause illusions, hallucinations, and impaired perception.

C. Cocaine

Cocaine stimulates the central nervous system. Cocaine use can cause death by cardiac arrest or respiratory failure. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Sharing contaminated needles and syringes for injecting cocaine can spread the AIDS virus, hepatitis, and other diseases. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. "Crack," or "freebase rock," is extremely addictive, and its effects are felt within ten seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures.

D. Other Stimulants

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever or heart failure. In addition to the physical effects, users often report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

E. Marijuana (Cannabis)

Most forms of cannabis can result in negative physical and mental effects. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also

shows that students do not retain knowledge when they are "high". Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system: marijuana smoke contains more cancer-causing agents than tobacco smoke. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect.

F. Hallucinogens

Lysergic acid (LSD), mescaline, and psilocybin cause delusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feeling may change rapidly. It is common to have bad psychological reactions to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or "flashbacks," can occur even after use has ceased.

Users of PCP report persistent memory problems and speech difficulties. Some of these effects may last six months to a year, following prolonged daily use. Mood disorders --depression, anxiety and violent behavior --also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior. Large doses may produce convulsions and coma, as well as heart and lung failure.

G. Depressants

The effects of depressants are in many ways similar to the effects of alcohol (which is itself a depressant). Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

XVI. PENALTIES FOR VIOLATION OF UNIVERSITY POLICY

The University policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol on the campus and at university-sponsored events held off campus is intended to protect and support the employees and students of Clayton State University. Therefore, any employee admitting to or convicted of the unlawful possession, use, or distribution of illicit drugs and/or alcohol on the campus or at university sponsored events held off campus will be subject to disciplinary action (up to and including suspension, with or without pay, and/or termination), may be referred for prosecution, and may be required to satisfactorily participate in a drug and alcohol assistance or rehabilitation program, as agreed upon between the employee and the Department of Human Resources. Further information concerning employees is available from the Department of Human Resources (phone 678-466-4230).

Any student admitting to or found to have violated Clayton State University's Student Disciplinary Policies and Procedures regarding the unlawful possession, use or distribution of illicit drugs and/or alcohol on campus or at university sponsored events (see Clayton State University Student Code of Conduct) will be subject to disciplinary action (up to and including probation, suspension, and expulsion), may be referred for prosecution, and may be requested to satisfactorily participate in a drug and alcohol assistance or rehabilitation program. Further information concerning students is available from the Office of Community Standards (phone 678-466-5444).

In addition, penalties under Georgia and federal law appear below:

XVII. PENALTIES UNDER GEORGIA LAW

<u>OFFENSE</u>	<u>MINIMUM PUNISHMENT</u>	<u>MAXIMUM PUNISHMENT</u>
"First Offender": A person never before convicted of possession of a small amount of controlled substance. (O.C.G.A. 16-132(a))	At the discretion of the judge, a First Offender may be afforded first offender treatment, resulting in no record of any conviction, if the defendant successfully completes a court monitored comprehensive rehabilitative program.	
Possession of one ounce or less of marijuana (O.C.G.A. §16-13-2 (b))		Imprisonment not to exceed 12 months and/or a fine not to exceed \$1,000, or "public works" not to exceed 12 months.
Possession of more than one ounce of marijuana (O.C.G.A. §16-1330j(2))	Confinement of not less than one year	Confinement of not more than 10 years

Trafficking in marijuana (O.C.G.A. §16-13-31 (h))	Depending on amount, minimum of five years confinement and fine of \$25,000.	Depending on amount, maximum of 30 years confinement and fine of \$1 million.
Penalty for violation of the “controlled substances” provision. (Schedule II)	Depending on amount, minimum of five years confinement.	Depending on amount, maximum of 30 years confinement; confinement for life for a second conviction of trafficking narcotics.
Possession of an alcoholic beverage by any person under age 21 (O.C.G.A. §3-3-23.1)		Confinement not to exceed 30 days, or a fine of not more than \$300, or both.
Manufacture, distribution, or dispensing drugs (includes marijuana)	A term of imprisonment not less than 5 years or more than 20 years, (with 4.5 years mandatory supervisory parole) and a minimum fine of \$250,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 for an individual and \$10,000,000 if other than an individual.
Possession of drugs (including marijuana)	A term of imprisonment not less than 1 year and a fine of not less than \$1,000 or both.	Imprisonment for not less than 90 days or more than 3 years, a fine of not less than \$5,000 plus costs of investigation and prosecution.

XVIII. Application of Drug and Alcohol Abuse Prevention Policy

The Drug and Alcohol Abuse Prevention Policy is supported by a drug free awareness and alcohol education program available to the faculty, staff and students of the university. The Clayton State University Student Code of Conduct provides for disciplinary action against any student or student organization found guilty of committing, attempting to commit, or intentionally assisting in the commission of the misuse of alcohol or other drugs (See Student Code of Conduct, Section II, Paragraph J, Subparagraphs 1, 2 & 3). Specific compliance and reporting items enumerated below (items B, C, D, E) are applicable to all persons employed on federal contracts and grants.

In support of this policy, the university:

Has established a drug free and alcohol abuse awareness program to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, the university's policy of maintaining a drug free workplace and a workplace which prohibits the illicit use of alcohol, available drug and alcohol counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations.

Will provide each student and employee a copy of this policy. In addition, all faculty, staff, and students will be notified of this policy through appropriate publications.

Will notify each university employee and each student that, as a condition of employment on a federal grant or contract, the person, once so employed, must abide by the terms of the policy, and must notify his/her supervisor and the Department of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than 5 days after such conviction.

Will notify the appropriate federal agency within 10 days after receiving notice of criminal drug statute conviction of any university employee engaged in performance of the grant or contract.

Will impose sanctions on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, by any employee so convicted. Sanctions imposed on employees for violation of this policy may include suspension, suspension without pay, and termination.

Will make a good faith effort to continue to maintain an environment that complies with the Drug Free Workplace Act 1988 and the Drug-free Schools and Communities Act Amendments of 1989.

Will conduct a biennial review of its programs to assess their effectiveness, what changes need to be made, and to ensure the uniform application of sanctions to employees and students.

IMPLEMENTATION

Implementation of this policy is a joint responsibility of the Department of Human Resources, Counseling and Psychological Services, the Department of Public Safety, the Office of the Provost, and the Department of Student Affairs. Notification of the program, including information about health risks and sanctions for violation of the policy, will be provided annually to students and employees. In addition, the university is committed to monitoring and assessing the effectiveness of this program. A biennial review of the program will be undertaken to determine its effectiveness and implement changes to the program if they are needed, as well as to ensure that its disciplinary standards are consistently enforced.

XIX. EMPLOYEE AND STUDENT ASSISTANCE PROGRAMS

Clayton State University's Counseling and Psychological Services (CAPS) offers the following drug and alcohol abuse information, counseling, rehabilitation, and assistance programs and services:

Information and Referral: All members of the university community are eligible to consult with the professional staff of the CAPS regarding the availability of drug abuse assistance programs. Drug and alcohol abuse counseling and rehabilitation program referrals are routinely made to mutual help organizations, private hospitals, public treatment programs, and private drug treatment practitioners. It also maintains a collection of resource materials pertinent to issues of drug abuse. In addition, the CAPS office provides education on alcohol/drug abuse and related concerns for the campus community.

Individual Counseling: Individuals are seen on a short-term basis for assistance with drug-related problems. However, it is likely that CAPS will make a referral for alcohol and drug addiction. This service is available to students at no charge. Faculty and staff are able to receive short-term EAP evaluation and referral for such services.

Employee Assistance Program (EAP): Clayton State University provides access to counseling and psychological services to faculty and staff through referral to its Employee Assistance Program. The CAPS also provides information, referral, evaluation, consultation, and short-term problem solving.

4. Clayton Center Mental Health/Addictive Diseases/Developmental Disabilities: Offers counseling for anyone affected by alcohol or other drug abuse. Trained alcohol and drug abuse counselors can help select a 12-step program (AA, Alanon, NA, CA, etc.) and/or appropriate treatment. Their address is 853 Battlecreek Road, Jonesboro. Phone 770-478-1099.

Further information regarding these programs and services may be secured from Clayton State University's Counseling and Psychological Services office located Room 245 of the Student Center; Phone 678-466-5406.

UNIVERSITY RESOURCES AND CONTACT INFORMATION

The following offices/individuals may be contacted regarding questions about this policy or for assistance with drug and alcohol matters:

Department of Public Safety

Edgewater Hall, Room 207

678/466-4050

Antonio Long, Chief of Police/Director of Public Safety publicsafety@clayton.edu.

Counseling and Psychological Services

Edgewater Hall, Room 245

(678) 466-5406

Dr. Christine Smith, Director

<http://admins-services.clayton.edu/counseling/>

Human Resources

Clayton State East

Arbor Hall

(678) 466-4232

Rodney Byrd, Director

<http://admins-services.clayton.edu/ohr/>

University Health Services

Laker Village, Building 1000

(678) 466-4940

Polly Parks, Director

<http://www.clayton.edu/uhs>

Office of Community Standards

University Center, Room 250

678) 466-5444

Alicia Myrick, Assistant Director for Community Standards

<http://admins-services.clayton.edu/judicial/>

Housing and Residence Life

University Center 250

678/466-5444

Jeff Jacobs, Dean of Students and Director

www.clayton.edu/student-conduct

should then obtain the necessary medical treatment. The University Department of Public Safety strongly encourages victims to report the incidents as soon as possible to law enforcement authorities. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a University Police Officer and/or Residential Advisor if occurring in residential housing. Filing a police report with a University police officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

University police will also provide victims with a form advising them of their rights to administrative and counseling assistance through the federal Office of Civil Rights Title IX legal requirements, as well as the name of the campus Title IX Coordinator. Filing a police report will:

Ensure that a victim of sexual or physical assault receives the necessary and timely medical treatment and examination.

Provide the opportunity for collection of evidence helpful in prosecution, which may be difficult to obtain later (ideally a victim of sexual assault should not wash, use the toilet, or change clothing prior to medical/legal examination).

Ensure the victim is provided with access to free confidential counseling from on or off campus counselors specifically trained in the area of sexual assault crisis intervention.

Ensure assistance is provided in the notification of a local police department if necessary or requested by the victim.

Clayton State University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated the same as the victim for these purposes.

Don't Be Accused of Sexual Assault

First, be respectful. Anytime you are uncertain whether your partner is comfortable with your behavior, ask! You can simply say, "Are you okay with this?" "No" means no. What's more, assume that "I'm not sure" also means no.

Understand that a person who is drunk is not legally capable of giving consent. If the other person is not capable of making an informed decision, do not have sex.

Recognize that your sexual needs do not give you the right to do whatever you want. Any sexual activity should be mutually desired.

If you're going to drink, do so responsibly. Most sexual assaults on college campuses follow drinking by one or both individuals. In addition, be aware of how alcohol affects you. If drinking makes you more aggressive, you could be in danger of sexually assaulting someone. Being drunk is not a defense for committing sexual assault.

If your friend or roommate is sexually assaulting someone, do what you can to stop the assault. You can be charged with complicity if you know about an assault and fail to intervene.

Be aware that committing rape has severe consequences. For your victim, there can be years of emotional trauma, unwarranted guilt, and fear. For you, sexual assault can lead to criminal charges, attorney expenses, and prison. For both of you, a sexual assault can result in disease, pregnancy, and social stigma. An act of non-consensual sex is not worth years of regret.

University System of Georgia Board of Regents Student Sexual Misconduct Policy (4.1.7)

In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the University System of Georgia (USG) does not discriminate on the basis of sex in any of its education programs or activities or in employment. The USG is committed to ensuring a safe learning and working environment for all members of the USG community. To that end, this Policy prohibits sexual misconduct, as defined herein.

In order to reduce incidents of sexual misconduct, USG institutions are required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community. Such programs will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When sexual misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct.

Reporting Structure

All Equal Opportunity directors and others having responsibility for coordination of Title IX (“Coordinators”) at USG institutions shall have a direct reporting relationship to both the institution’s President or the President’s designee and the USG System Director for Equity and Investigations (“System Director”). The President of each institution shall determine the organizational and operating reporting relationships for the Coordinators at the institution and exercise oversight of institutional issues relating to sexual misconduct. However, the System Director shall have authority to direct the Coordinators’ work at each institution as needed to address system-wide issues or directives. The President of each institution shall consult with the System Director on significant personnel actions involving Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination.

4.1.7.1 Definitions and Prohibited Conduct

Community: Students, faculty, and staff, as well as contractors, vendors, visitors and guests.

Complainant: An individual lodging a complaint. The complainant may not always be the alleged victim.

Consent: Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally consent under Georgia law. Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time by either party by using clear words or actions.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.

Incapacitation: The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to touching (or penetrating) of a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching (or penetrating) a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.

Confidential Employees: Institution employees who have been designated by the Institution's Coordinator to talk with an alleged victim in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of alleged respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

Privileged Employees: Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.

Respondent: Individual who is alleged to have engaged in conduct that violates this Policy.

Responsible Employees: Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator.

Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

Sexual Harassment: Unwelcome verbal, nonverbal, or physical conduct, based on sex or on gender stereotypes, that is implicitly or explicitly a term or condition of employment or status in a course, program, or activity; is a basis for employment or educational decisions; or is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

Sexual Misconduct: Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method,

device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

4.1.7.2 Reporting Sexual Misconduct

A complainant of sexual misconduct may, but need not, file a criminal complaint with law enforcement officials; file a misconduct report with a Responsible Employee or Coordinator; or file both. A report may be filed anonymously, although anonymous reports may make it difficult for the institution to address the complaint. Any individual who believes that he or she has been a victim of sexual misconduct is encouraged to report allegations of sexual misconduct promptly.

All reports of sexual misconduct alleged to have been committed by a student must be handled consistently with requirements set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All reports of sexual misconduct alleged to have been committed by a non-student member of the institution community will be addressed and/or resolved through the institution's and the Board of Regents' applicable policies for discipline of non-students.

4.1.7.2 (A) Institutional Reports

Complainants of sexual misconduct who wish to file a report with the institution should notify a Responsible Employee or the Coordinator. Responsible Employees informed about sexual misconduct allegations involving any student should not attempt to resolve the situation, but must notify and report all relevant information to the Coordinator as soon as practicable. Confidential Employees are not bound by this requirement but may be required to report limited information about incidents without revealing the identities of the individuals involved to the Title IX Coordinator, consistent with their ethical and legal obligations. All members of the University System of Georgia institutions' communities are encouraged to report incidents of sexual misconduct promptly.

The Coordinator's identity and contact information shall be published by each institution prominently on the institution's website, as well as in any relevant publication. Each institution may choose to have Deputy Title IX Coordinators to whom reports may be made, as well. Institutions should encourage complainants to report their complaints in writing, though oral complaints should also be accepted, taken seriously, and investigated, to the extent possible. While complaints should be made as quickly as possible following an alleged incident of sexual misconduct, all reports should be accepted regardless of when reported.

The Coordinator shall refer to the System Director any allegation(s) of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The System Director will work with the institution to determine whether any interim measure(s) are necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require transfer to the System

Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.

4.1.7.2 (B) Law Enforcement Reports

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials.

Complainants considering filing a report of sexual misconduct with law enforcement should preserve any evidence of sexual misconduct, including, but not limited to, the following:

1. Clothing worn during the incident including undergarments;
2. Sheets, bedding, and condoms, if used;
3. Lists of witnesses with contact information;
4. Text messages, call history, social media posts;
5. Pictures of injuries; and/or
6. Videos.

4.1.7.2 (C) Anonymous Reports

Each institution shall provide a mechanism by which individuals can report incidents of alleged sexual misconduct anonymously. Complainants should understand, however, that it will be more difficult for the institution to investigate and to take action upon anonymous reports.

4.1.7.2 (D) Retaliation

Anyone who, in good faith, reports what he or she believes to be misconduct under this Policy, or who participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes that he or she has been the target of retaliation for reporting, participating, cooperating in, or otherwise being associated with an investigation should immediately contact the Coordinator for the institution. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

4.1.7.2 (E) False Complaints

Individuals are prohibited from intentionally giving false statements to a system or institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.

4.1.7.2 (F) Amnesty

Individuals should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by an individual 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.

4.1.7.3 Handling Reports of Sexual Misconduct

4.1.7.3 (A) Support Services

Once a student or employee makes a complaint or receives notice that a complaint has been made against him or her, or the coordinator otherwise learns of a complaint of sexual misconduct. The complainant, respondent and alleged victim (where applicable) should receive written information about support services, such as counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and legal assistance, available at the student's institution.

Information on support services will be provided regardless as to whether an individual elects to go forward with filing a formal complaint of sexual misconduct or with notifying law enforcement. Information on support services will also be provided to students and employees, regardless of where the alleged misconduct occurs.

Available support services should also be listed on the institution's Title IX website.

4.1.7.3 (B) Interim Measures

Interim measures may be undertaken at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect the alleged victim and the community.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard, consistent with the provisions in Policy 4.6.5.

4.1.7.3 (C) Jurisdiction

Each USG institution shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed by a student are addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by the institution's student conduct policies.

4.1.7.3 (D) Advisors

Both the alleged victim and respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense for the express purpose of providing advice and counsel, pursuant to the provisions of Policy 4.6.5.

4.1.7.3 (E) Informal Resolutions

Allegations of sexual misconduct may be resolved informally, without a determination of misconduct, if all of the following are met:

- 1) When complainant(s) and respondent agree to an informal resolution;
- 2) When the initial allegation could not result in expulsion;
- 3) When the complainant(s) and respondent(s) agree to the terms of the informal resolution; and
- 4) When the investigator concludes that informal resolution is in the best interest of the parties and the institution's community.

The alleged victim(s) and respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

4.1.7.3 (F) Timeframe

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall keep the parties informed of the status of the investigation.

4.1.7.4 Investigations

All sexual misconduct investigations involving a student respondent, whether overseen by the institution's Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

4.1.7.5 Hearings, Possible Sanctions and Appeals

All sexual misconduct hearings, sanctions, and appeals involving a student respondent, whether overseen by the institution's Coordinator or the System Director, shall follow the investigation process set forth in Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings.

All sexual misconduct adjudication involving an employee respondent, shall be addressed utilizing the institution's employment policies and procedures.

XXI. Violence Against Women Act (Amendment to the Clery Act, effective March 2014)—

Clayton State University is committed to providing a safe learning and working environment, which includes the prevention and prompt response to incidents of sexual violence including sexual assault, domestic violence, dating violence and stalking. This applies to all students, faculty, staff, contractors and visitors.

Definitions

1. **Sexual Assault:** In Georgia, Sexual Assault is defined under O.C.G.A. 16-6-5.1 as sexual contact that is perpetrated by a person who has supervisory or disciplinary authority over another individual.
2. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape--** In Georgia, Rape is defined under O.C.G.A. 16-6-1 as a “male having carnal knowledge of a female forcibly and against her will. Carnal knowledge in rape occurs when there is any penetration of the female sex organs by the male sex organs.” The Code recognizes that rape can occur even between spouses so the defendant cannot use the fact that he is married to the person accusing him of rape as a defense. Rape is punishable by death, life imprisonment with or without parole, or a minimum of 25 years imprisonment, followed by probation for life. The Clery Handbook definition of Rape is “The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.”
 - **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent (16 years of age in the State of Georgia).



What is consent?

Consent means that both people in a sexual encounter must agree to it, and either person may decide at any time that they no longer consent and want to stop the activity. Consenting to one behavior **does not** obligate you to consent to any other behaviors. Consenting on one occasion also does not obligate you to consent on any other occasion.

Consenting means only that at this particular time, you would like to engage in this particular sexual behavior.

3. **Domestic Violence:** A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic relationship as determined from the victim's perspective. In Georgia, the term Domestic Violence is not defined, but Family Violence is defined under OCGA § 19-13-1 as "The occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) Any felony or (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass".

4. **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 existence of such a relationship shall be determined based on the reporting party's Statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating relationship as determined from the victim's perspective. In Georgia, the term Dating Violence is not defined however "Family Violence" as defined under OCGA § 19-13-1 to include some dating situations – i.e. persons who are parents of the same child, other persons living or formerly living in the same household.

5. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Reportable based upon where the first incident of Stalking occurred (e.g. on campus or other location)

In Georgia, Stalking is defined under OCGA §16-5-90 as “(a)(1) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the terms ‘computer’ and ‘computer network’ shall have the same meanings as set out in Code Sect16-9-92; the term ‘contact’ shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term ‘place or places’ shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term ‘harassing and intimidating’ means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made. (2) A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person's consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.”

Reporting an Incident

If a student, employee or visitor has been the victim of sexual assault, domestic violence, dating violence or stalking on campus, they should immediately report it to the University’s Department of Public Safety located on the second floor of Edgewater Hall, in room 207, or by calling the office at 678/466-4050. In the case of an off campus emergency or ongoing threat, if possible the victim should get to a safe location and report the incident by calling 911.

Students may also report incidents to the University’s Department of Student Affairs located in the University Center, Room 250 at 678/466-5444. Employees may also report incidents to the University Health Services, located at Clayton Station, Building 1000, at 678/466-4940, or to the University’s Department of Human Resources, located at Clayton State University East, in Arbor Hall at 678/466-4230. Officials at any of these offices will assist a victim in notifying law

enforcement, including local police, if they elect to do so. Any student or employee who reports an incident of sexual violence, whether the offense occurred on or off campus, shall receive a written explanation of their Title IX Administrative Rights, Benefits and Counseling Assistance, to include information about obtaining protection or restraining orders, counseling assistance, physical and mental health treatment, victim advocacy legal assistance, visa and immigration assistance, student financial aid, and any other services available for victims within the University and in the community. The Title IX Coordinator should also be contacted by campus Mandatory Reporters, defined as anyone with a duty to report a Title IX violation, or whom the student reasonably feels has a duty to report.

Title IX Coordinator

Ms. Nikia Yallah

Assistant Director

Human Resources

Clayton State East

Arbor Hall (678) 466-4232

<http://admins-services.clayton.edu/ohr/>

Procedures That Victims Should Follow

If an incident of sexual assault, domestic violence, dating violence or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking, including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.

On Campus & Off Campus Resources

The University will also offer other important resources to the victims, including medical treatment, counseling and advocacy they may wish to utilize. A victim need not make a formal report to law enforcement or the University to access these resources.

Accommodations

Whether or not a student or employee reports to law enforcement and or pursues any formal action, if they report an incident of sexual violence the University is committed to providing them as safe learning or working environment as possible. Upon request, the University will make any reasonably available change to a victim's academic, living, transportation, and or working situation.

Protective Orders

If a victim reports to law enforcement, they may assist them in providing guidance for obtaining for a protective order from a criminal court. If an order is obtained, the University is committed to ensuring that any such order is fully upheld on all University owned and controlled property and is

also committed to protecting victims from any further harm. Assistance and guidance in pursuing protective orders can be obtained from the campus Department of Public Safety. Located in Edgewater Hall, Room 207.

Victim Confidentiality

Clayton State University recognizes the sensitive nature of sexual violence incidents and is committed to protecting the privacy of any individual who reports such an incident. Personal information shared with medical professionals and/or licensed mental health counselors will not be shared with third parties except in cases of imminent danger to the victim or a third party. Submission of Clery Act reports and other public disclosures will be done with careful attention to the protection of personally identifiable information about the victim. Also, any accommodations or protective measures that may be provided for the victim will also maintain such confidentiality to the extent necessary without impairing the ability of the University to provide adequate accommodations or protective measures.

Conduct Proceedings

Definitions

Prompt, fair, and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present;
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Advisor: Any individual who provides the accuser or accused support, guidance, or advice.

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

Unfounded Crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

The University’s Department of Student Affairs contains the Office of Community Standards, which supports the academic mission of the University by promoting a safe and respectful environment through set behavior standards which are outlined in the Student Code of Conduct.

The Department works to educate students on their rights and responsibilities in the University community, and through its processes and procedures, ensures accountability for improper behavior, upholds the requirements of due process, and applies fair, appropriate, and educational disciplinary sanctions for conduct violations.

Clayton State University strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal action, students, employees and other affiliates may also face disciplinary action by the University. Individuals found responsible for having committed such a violation may face permanent expulsion, termination of employment, suspension, probation, and any additional penalties or protective measures that may be utilized under institutional policy.

All University conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall be conducted by officials trained annually on how to investigate and conduct hearings in a manner that is prompt, fair and impartial, and in a manner that protects the safety of victims as well as witnesses, and promotes accountability. Determination of responsibility shall be made by applying the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all proceedings, including any related meetings, both the accused and accuser are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice. Disclosure of the outcome shall be made to both parties simultaneously and in writing, and with notice of the appeal procedures, as well as when the decision becomes final. Each party shall be free to share or not share the details with any third parties.

University’s Special Procedures for reporting and responding to situations involving Domestic/Intimate Partner Violence, Stalking and Sexual Misconduct Situations---

Rights of Individuals involved in Domestic/Intimate Partner Violence, Stalking and Sexual Misconduct Situations

Upon written request and in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), the institution will disclose to the alleged victim of a crime of violence, as well as a forcible or non- forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense.

All allegations involving domestic violence, dating violence, sexual assault and stalking will be treated seriously, and the victims to be treated with dignity.

1. The allegations will be investigated and adjudicated by the appropriate criminal and civil authorities, and will have assistance from campus personnel in notifying proper authorities.
2. Both parties will receive written outcomes of all disciplinary proceedings at the same time.
3. Both parties may have an advisor of their choice present during any conduct related meetings or hearings.
4. The right to cooperation from campus personnel for gathering and securing evidence.
5. The right to be informed of and assisted in exercising options of mandatory disease testing of the suspects.
6. The right to counseling (including victim service agencies).
7. The right to changes in living or academic situations if needed.

Reporting, Investigation, and Resolution Procedures

When an allegation of Domestic/Intimate Partner Violence, Stalking and Sexual Misconduct is made or a Complaint is submitted, it will be referred to the University Title IX Coordinator for determination of appropriate resolution/investigation procedures in accordance with University policy. For matters involving students, the Vice President of Student Affairs will be notified; for employees, the appropriate Dean or Vice President will be notified. It is important to note that mediation or other forms of informal resolution will not be used to resolve sexual misconduct complaints.

A report of the results of any investigation along with a recommendation for resolution of the allegation or Complaint and/or disciplinary action will be made to the appropriate Vice President within 60 days of the date the investigation was initiated. When the investigation is concluded and resolution approved by the appropriate Vice President, the Title IX Officer/or designee will notify the Complainant and Respondent of the results of the investigation and initiate prompt remedial or corrective action where warranted.

In the event the actions were of such an egregious nature that the individual would constitute a threat to the safety and well-being of members of the campus, immediate action may be taken. The accused individual shall be given written notice of the intention to impose the suspension or removal from campus and shall be afforded due process. This policy does not preclude anyone from pursuing a complaint, at any stage of the process, with any external agency.

Disciplinary Sanctions for Sexual Misconduct Violations- Possible violations for Sexual Misconduct violations include, but are not limited, to disciplinary probation, no-contact orders, developmental sanctions, educational courses, suspension, and expulsion from the University. Both the accused student and the accuser will be notified in writing of any sanctions that are imposed against the accused.

Right to Appeal

Either party involved in a Sexual Misconduct incident shall have the right to appeal a decision to the President in accordance with procedures outlined in the University's Sexual Misconduct Policy.

For additional information about student conduct proceedings, contact the Office of Community Standards in the Department of Student Affairs located in the University Center, Room 250 or at (678)466-5444. For additional information about employee conduct proceedings, contact the Department of Human Resources located at Clayton State East in Arbor Hall or at (678) 466-4230.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Programs to prevent dating violence, domestic violence, sexual assault, and stalking should include comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, and responsive to community needs, and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking should include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Awareness programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm

- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.

Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Examples of how the University Police address these program needs are: through training sessions with student housing Resident Advisors at start of Fall and Spring Semesters; annual retreat conference with Housing staff; annual sexual assault prevention and response training with the student athletes; and through participation in separate student and parent orientation panels. The University also has a Sexual Violence Prevention Committee, chaired by Human Resources and Title IX Director Nikia Yallah, which convenes periodically to identify training and resource needs. This past year, they conducted a campus wide Student Climate Survey on Campus Safety, Sexual Assault, and Unwelcomed Sexual Contact.

XXII. USG Board of Regents Policy--Standards for Student Conduct Investigation and Disciplinary Proceedings (4.6.5)

(This policy was effective Fall Semester, 2017)

This Policy establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations, which each institution must incorporate into its respective student conduct policies. The purpose of this Policy is to ensure uniformity in the quality of investigations while providing for due process that affords fairness and equity in all student conduct investigations.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which may be covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

4.6.5.1 Reports of Student Misconduct

Institutions must provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

1. **Confidentiality:** Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the institutions should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the institution and conducting an effective review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality.
2. **Retaliation:** Anyone who, in good faith, reports what she or he believes to be student misconduct participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution’s policy.
3. **False Complaints/Statements:** Individuals are prohibited from intentionally giving false statements to an institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.
4. **Amnesty:** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual

provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction. Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

4.6.5.2 Process for Investigating and Resolving Disputed Reports

Jurisdiction: Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

Access to Advisors: The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The institution shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.

Initial Evaluation of Student Conduct Reports: Regardless of how an institution becomes aware of misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought.

Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the appropriate office trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would

require oversight from the System Director, then the institution shall report that case to the System Director or her designee prior to proceeding.

Interim Measures

Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a “no contact” directive;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the institution’s community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the alleged victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.



Investigation

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant,

respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held “in abeyance,” such as probationary suspension or expulsion) the institution’s investigation and resolution procedures must provide the additional minimal safeguards outlined below.

1. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party’s proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

Resolution/Hearing

In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the respondent indicates that he or she contests the charges, the matter shall be set for a hearing and once the investigative report has been finalized and copies provided to the respondent and alleged victim (where applicable); however, the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain

student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs (or his/her designee) or the System Director.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the respondent shall have the option of having the charges heard either by an administrator (hearing officer) or a hearing panel. However, all cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel of staff and/or faculty. Sexual misconduct panel members shall receive appropriate annual training as directed by the System Director or Coordinator and required by the Clery Act. If an administrative hearing is requested, the respondent shall use his or her discretion to determine whether the case should be heard by a hearing panel. Notice of the date, time, and location of the hearing shall be provided to the respondent, complainant, and alleged victim (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Additionally, the following standards will apply to any such hearing:

The respondent shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. Both parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the hearing officer for consideration. Advisors may actively assist in drafting questions. The Panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent(s). In any event, the Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

1. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony.
In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still give testimony in the presence of the Panel, and the opposing party must have the opportunity to view the testimony remotely and to submit follow-up questions.
2. Formal civil rules of evidence do not apply to the investigatory or resolution process.
3. The standard of review shall be a preponderance of the evidence; however, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
4. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
5. Following a hearing, both the respondent and alleged victim (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence in support of the sanction. The same form will be completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

Possible Sanctions

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The hearing panel, hearing officer or administrator that found that a policy violation occurred will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

4.6.5.3 Appeals

Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided. The alleged offender (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the alleged victim) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information.

Appeals may be made for the above reasons in any case where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary suspension or expulsion. The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution's Vice President for Student Affairs or his/her designee.

The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The Vice President or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period.

The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President's decision shall be the final decision of the institution.

Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

4.6.5.4 Recusal/Challenge for Bias

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

XXIII. Hate Crimes

Defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim based upon one of the following factors:

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

Ethnicity- A preformed negative opinion or attitude toward a group of persons whose members identify with each other through a common heritage, often consisting of a common language,

common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin- A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived country of birth.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender Identity- A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

This separate requirement includes all crimes reported within the required Clery Act disclosures, and the additional crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, when the commission of any of these crimes is motivated by hate or bias.

XXIV. Definitions of Reportable Crimes Identified in the Clery Act

Criminal Homicide

Murder and non-negligent manslaughter-the willful (non-negligent) killing of one human being by another.

Manslaughter by negligence-the killing of another person through gross negligence.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape-** In Georgia, Rape is defined under O.C.G.A. 16-6-1 as a “male having carnal knowledge of a female forcibly and against her will. Carnal knowledge in rape occurs when there is any penetration of the female sex organs by the male sex organs.” The Code recognizes that rape can occur even between spouses so the defendant cannot use the fact that he is married to the person accusing him of rape as a defense. Rape is punishable by death, life imprisonment with or without parole, or a minimum of 25 years imprisonment, followed by probation for life.
The Clery Handbook definition of Rape is “The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.”
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent (16 years of age in the State of Georgia).

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, that definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts. There is no requirement that entry be forced in any way or that damage to a door, window, or frame be evident.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Domestic Violence:

A felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the victim;

By a person with whom the victim shares a child in common;

By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

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 existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***Hate Crimes reportable under the Clery Act—including all of the crimes listed above as reportable Clery crimes that manifest evidence that the victim was chosen based on one of the categories of bias listed in Section XXII, plus the following crimes:**

Larceny-Theft

Includes pickpocketing, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of a threatening words and or other conduct, but is without display of a weapon or subjecting the person to actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

XXV. Arrests and Referrals for Disciplinary Action

Liquor law violations-the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing of liquor; drinking on a train or public conveyance; and all attempts to commit any aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

Drug abuse violations-the violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapon law violations-the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

XXVI. Sexual Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal statute requires state law enforcement agencies, (Georgia Bureau of Investigation) to provide Clayton State University with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at

Clayton State University. The registry is to be maintained at the University's Department of Public Safety. The Georgia Sex Offenders Registry is located at <http://gbi.georgia.gov/georgiasex-offender-registry>.

The CSCPA further amended the Family Education Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

XXVII. Criminal Offenses Reportable Under the Clery Act for Clayton State University (2015-2017)

Clery Geography defined--

On-Campus—Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; or Any building or property that is within or reasonably contiguous to the areas identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

Residential Facility—Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

Non Campus Building or Property—Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonable contiguous geographic area of the institution.

Public Property—All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Clery Statistics for calendar years 2015, 2016, and 2017

Occurrences of Hate Crimes

No Hate Crimes in 2015, 2016, or 2017

Criminal Offenses - On campus

Criminal Offense	Total occurrences On campus		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	1	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	1	1	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	2
h. Aggravated Assault	0	0	2
i. Burglary	1	2	0
j. Motor vehicle theft (Does not include theft from a motor vehicle)	2	1	2
k. Arson	0	0	0

Criminal Offenses - On campus Student Housing Facilities

Criminal Offense	Total occurrences On campus Student Housing Facilities		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	1	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	1	1	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	1
h. Aggravated Assault	0	0	0
i. Burglary	1	2	0
j. Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	1

Criminal Offenses - Public Property

Criminal Offense	Total occurrences On Public Property		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated Assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	0



Criminal Offenses - Public Property

Criminal Offense	Total occurrences On Public Property		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated Assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	0

Criminal Offenses – Non campus

Criminal Offense	Total occurrences in or on Non campus building or property		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	1	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	2	1	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	1	0
g. Robbery	0	0	0
h. Aggravated Assault	0	0	2
i. Burglary	2	2	0
j. Motor vehicle theft (Does not include theft from a motor vehicle)	1	1	2
k. Arson	0	0	0

VAWA Offenses - On campus

Crime	Total occurrences On campus		
	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating violence	2	4	0
c. Stalking	0	0	0

VAWA Offenses - On campus Student Housing Facilities

Crime	Total occurrences On campus Student Housing Facilities		
	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating violence	2	3	0
c. Stalking	0	0	0

Arrests - On campus

Crime	Number of Arrests		
	2015	2016	2017
a. Weapons: carry, possessing, etc.	2	0	0
b. Drug abuse violations	4	2	1
c. Liquor law violations	0	0	0

VAWA Offenses - On campus

Crime	Total occurrences On campus		
	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating violence	2	4	0
c. Stalking	0	0	0

VAWA Offenses - On campus Student Housing Facilities

Crime	Total occurrences On campus Student Housing Facilities		
	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating violence	2	3	0
c. Stalking	0	0	0

Arrests - On campus

Crime	Number of Arrests		
	2015	2016	2017
a. Weapons: carry, possessing, etc.	2	0	0
b. Drug abuse violations	4	2	0
c. Liquor law violations	0	0	0

Arrests - On campus student Housing Facilities

Crime	Number of Arrests		
	2015	2016	2017
a. Weapons: carry, possessing, etc.	2	0	0
b. Drug abuse violations	4	2	2
c. Liquor law violations	0	0	0

XXVIII. Judicial Referrals to Clayton State University

Disciplinary Actions - On campus

Crime	Number of persons referred for Disciplinary Actions		
	2015	2016	2017
a. Weapons: carry, possessing, etc.	0	0	0
b. Drug abuse violations	42	19	9
c. Liquor law violations	35	3	6

Disciplinary Actions - On campus Student Housing Facilities

Crime	Number of persons referred for Disciplinary Actions		
	2015	2016	2017
a. Weapons: carry, possessing, etc.	0	0	0
b. Drug abuse violations	42	19	8
c. Liquor law violations	34	3	6

Unfounded Crimes

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded.”

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	Number		
	2015	2016	2017
a. Total unfounded crimes	0	0	0

XXIX. Fire Safety Report

Fires - On campus Student Housing Facilities

Total Housing Facilities: 2		Housing Facilities		
Name of facility	Street Address	2015 Number of Fires	2016 Number of Fires	2017 Number of Fires
a. Laker Hall	2000 Clayton State Blvd.	0	0	0
b. Laker Village Apts.	North Lake Drive	0	2	2
Total		0	2	2

Nature of Fires in 2017

- Laker Hall —On November 5th 2017, Officers responded to a Laker Hall room on the 2nd floor in reference to the front door of a dormitory room being set ablaze. Upon further investigation, a suspect was identified and a warrant was obtained for their subsequent arrest.
- Laker Hall—On November 11th 2017 officers responded to a Laker Hall dormitory room referencing smoke coming from a small trash can. The fire was ignited from an incense stick being placed in the trash can, mistakenly.

Fire Safety Systems

Laker Hall

- Fire system monitored by alarm company contractor Simplex Grinnell.
- Horns with flashers, smoke detectors and sprinkler systems in hallways.
- Individual smoke detectors in each suite.
- Fire extinguishers in each hallway.

Laker Village

- Fire system monitored by alarm company contractor Cornerstone Security (with dispatch to University Police and Morrow Fire Dept.).
- Individual smoke detectors in each room/suite.
- Horns with flashers as required in rooms, common areas, and building breezeways.
- Fire extinguishers in each kitchen suite as well as in building breezeways. □ Stove hood suppression systems installed in Phase II units.



Fire Drills and Evacuation Procedures

Fire drills are conducted monthly at Laker Hall. Students residing in both Laker Hall and Laker Village are advised to only use stairs during evacuations and drills and to proceed to most remote areas of parking lot away from the fire.

Policies or Rules on Portable Electrical Appliances, Smoking, and Open Flames

Each student resident of University Housing signs a housing contract before occupancy, which states, in part, as follows:

- a. Student shall not use or store in student's room, storage area or common area any of the following.....
 - i. Electrical items other than clocks, radios, stereo equipment, televisions, computers, or other low wattage appliances. Microwave ovens must use less than ten amps of power. Mini-refrigerators must be 4.5 cubic feet or smaller.
 - ii. Outside television or radio antennas or satellite dishes....
 - iii. Motorcycles
 - iv. Neon signs
 - v. Open flame burning items (i.e. burned or unburned candles, incense, etc.), or exposed heated-coil appliances
 - vi. Halogen-touzier lamps
 - vii. Air conditioning units
- b. The student will not tamper with any fire equipment, i.e. pull alarms, hoses, fire extinguishers, heat sensors, smoke detectors, sprinkler heads, etc. Violations of the above will result in a fine and/or notification to the Clayton State University Police, Office of Community Standards, and/or local law enforcement agencies for possible disciplinary action/criminal charges.

Policies for Safety Education and Training Programs

- a. Clayton State University is a tobacco free campus. The use of all forms of tobacco products on property owned, leased, rented, in the possession of, or in any way used by Clayton State University or its affiliates is expressly prohibited. "Tobacco Products" is defined as cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco such as hookahs, or simulate the use of tobacco such as electronic cigarettes.
- b. In August of each year, general fire safety training is conducted during student staff training, and a refresher is conducted in January for any new hires.

Titles of Persons Who Should be Contacted if a Fire is Reported in Laker Hall or Laker Village

- Department of Public Safety Dispatch (24/7 coverage)
- Mya Richardson, Residential Facility Manager
- Bob Morton, Director of Residence Life
- Jeff Jacobs, Dean of Students

Plans for Future Improvements in Fire Safety

Public Safety continues to train its staff on life safety systems to assist with proper monitoring of alarm panels and troubleshooting fire safety systems all campus buildings.



Fire Log Entries for the student housing facilities of Laker Village and Laker Hall are maintained at www.clayton.edu/publicsafety.

XXX. Campus Clery Geography Map

