



<b>Policy Title:</b> Sexual Misconduct Policy	
<b>Functional Area:</b> Office of Title IX Coordinator	
<b>Purpose:</b> To foster an environment in which all members of the campus community are safe, secure and free from sexual misconduct of any form.	
<b>Documents (Info) Needed:</b>	
<b>Responsible Executive/Office:</b>	Title IX Coordinator
<b>Reviewed By &lt;or&gt; Reviewed By:</b>	
<b>Related Policies:</b> None	
<b>Date Created:</b> July 1, 2016	<b>Date Approved:</b> July 1, 2016
<b>Date Last Revised:</b>	<b>Effective Date:</b> July 1, 2016

**POLICY/ STATEMENT OF POLICY:**

Savannah State University prohibits all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. Such conduct violates the ethical values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. In furtherance of this policy, Savannah State University has adopted the following standards of conduct for all members of our community – students, faculty, and staff, as well as, University vendors, contractors, visitors, guests, and third parties – with respect to sexual misconduct. These standards apply equally to all regardless of the sex, gender, sexual orientation, gender identify, or gender expression of any the individuals involved.

**REASON FOR THIS POLICY**

Savannah State University is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual misconduct of any form. Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – will be grounded upon mutual respect, open communication, and clear consent. When learning of conduct or behavior that may not meet these standards, community members are expected to take an active role in upholding this policy and promoting the inherent dignity of all individuals.

**INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY**

The policy is applicable to all Savannah State University students, faculty, and staff, as well as contractors, vendors, visitors, guests or other third parties.

**WHO SHOULD KNOW THIS POLICY**

All Savannah State University community members, including students, faculty and staff, as well as University vendors, contractors, visitors, guests, volunteers, and third parties.

**EXCLUSIONS**



None.

**CONTACTS**

Subject	Contact	Telephone	E-mail/Web Address
Policy Clarification	Title IX Coordinator	912-358-4221	<a href="mailto:Title9@savannahstate.edu">Title9@savannahstate.edu</a> <a href="http://www.savannahstate.edu/title-ix">www.savannahstate.edu/title-ix</a>

**DEFINITIONS**

The terms and definitions used here are important components of the Sexual Misconduct policy. The definitions are intended to give meaning to these terms in the context of the Savannah State University community. Criminal and other applicable state laws may use different definitions.

**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. 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. Minors under the age of 16 cannot legally consent under Georgia law.

**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.

**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, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the jurisdiction, 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.

**Incapacitation:** The physical and/or mental inability to make informed, rational judgments, and can result from mental disability, sleep, involuntary physical restraint, 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:** An intentional sexual touching upon a person, without consent or where the person is incapacitated, and/or by force, by another person or with any object. Sexual contact includes but is not limited to, intentional contact with the breasts, buttocks, groin, or genitals, or touching another with these body parts, or making another touch the alleged victim or themselves with or on any of these body parts.

**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. Further, Privileged Employees must still submit anonymous statistical information for Clery Act purposes.

**Respondent:** Individual who is accused 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 Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a 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, etc.). Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of prohibited conduct).

**Sexual Assault:** An umbrella term referring to a range of nonconsensual sexual contact, which can occur in many forms including but not limited to rape and sexual battery.

**Sexual Exploitation:** "Sexual Exploitation" occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to 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 video or audio of sexual activity;

4. Non-consensual distribution of video or audio of sexual activity, even if the sexual activity or video or audio taken of sexual activity was consensual;
5. Intentional observation of unconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual;
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 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/educational decisions; or has the purpose or effect of interfering 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 benefit from an institutional program or activity.

**Stalking:** Engaging in a course of conduct directed toward another person based upon sex that would cause a reasonable person (i) to fear for his or her safety or the safety of immediate family members or close acquaintances, or (ii) to suffer substantial emotional distress.

## RESPONSIBILITIES

N/A

## PROCEDURES

[AUDIT001 Title IX Sexual Misconduct](#)

## RELATED DOCUMENTS, FORMS AND TOOLS

Forms and Tools can be found on the Title Nine website, [www.savannahstate.edu/title-ix/](http://www.savannahstate.edu/title-ix/)

- Savannah State University Sexual Misconduct Report Form
- Campus, Community and National Resources
- Sexual Misconduct Common Questions

## HISTORY AND UPDATES

New Document [DO NOT ALTER -- Populated by the System/Updated by the System]

## APPENDIX