



PIEDMONT
UNIVERSITY

*Annual Security and Fire
Safety Report
2023*

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The Clery Act

Piedmont University is committed to creating and sustaining an education and working environment free of criminal offenses, hate crimes, weapons, drug and liquor law violations, sexual violence, domestic violence, dating violence, and stalking. The safety and well-being of our campus community is a priority for the University. The University has appointed Police Chief Jim Andrews as the Clery Administrator.

The Annual Campus Security Report is prepared in accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and includes information on crime statistics, timely warning, emergency notification, crime log, emergency response and evacuation procedures. The crime and disciplinary referral statistics reflect incidents that have occurred within the Demorest and Athens academic campuses, and those from municipal and/or county police for the public areas immediately adjacent to the campuses. In addition to these numbers, we include crime statistics for properties that are frequented by students, and owned or controlled by Piedmont University but are not immediately adjacent to the University campus, such as the Piedmont Village in Demorest and the Lillian E. Smith Center in Clayton, GA.

Preparation and Distribution of the Annual Security Report:

The Piedmont University Campus Police Chief in conjunction with the Office of Compliance, Equity & Inclusion are responsible for preparing, publishing and distributing an Annual Security Report by October 1st of each year, for the purpose of disclosing and disseminating certain information regarding crime statistics, security policies and campus law enforcement. To prepare the Annual Security Report, Piedmont University Campus Police coordinate and collaborate with many offices and departments across the University community including Administration, Student Life, Title IX, Residence Life, Campus Security Authorities and the local law enforcement agencies surrounding the main campus and in other jurisdictions where the University controls or owns property.

By October 1st of each year an e-mail notification of the report availability is sent to all current students and employees that includes the exact website to access this report and a brief description of the report content. Prospective students and employees may also request a copy of the report which can be found on our website located here: <https://www.piedmont.edu/campus-safety/>. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting Demorest Campus Police at 706-939-1349, Athens Campus Administrative Services Director at 706-433-1785 or by visiting the:

- Campus Police Office in Demorest located at 131 Rhode Island Street, Getman- Babcock Hall, Demorest, Georgia 30535;
- Admissions Office located at 1023 Central Avenue in Demorest; or
- Human Resources Office in Daniel Hall located at 115 Chapel Alley in Demorest; or
- Athens Campus Director of Administration located at 1295 Prince Avenue, Athens, GA 30601 or
- Requesting a copy by email at: campuspolice@piedmont.edu

Promoting a safe and secure environment is a campus-wide endeavor. An annual review of all policies and procedures ensures that they are up-to-date and in compliance with the Clery Act and other federal laws and statutes.

Our Commitment to Campus Safety

Piedmont University has established a Campus Safety team that consists of members of Campus Police; Student Life; Human Resources; Athletics; faculty; students; Facilities Management, Residence Life, the Office of Compliance, Equity and Inclusion, Title IX and ADA Coordinator; and the Office of Administration and Finance.

This team meets at least quarterly and is responsible for developing, reviewing, and revising protocols, policies and procedures for addressing all forms of campus safety, including violence against women.

Campus Police Authority and Jurisdiction

Per Georgia Code Annotated, Section 20-8-2, Campus Police have complete authority to apprehend and arrest anyone involved in illegal acts on-campus and areas up to 500 yards from University owned, rented and/or leased property. If minor offenses involving University rules and regulations are committed by a University student, the Campus Police may also refer the individual to the disciplinary division of Student Life and Leadership.

Major offenses such as rape (including date rape), murder, aggravated assault, domestic violence and stalking will be initially reported to and investigated by the Campus Police. Piedmont Campus Police maintain a positive professional relationship with the neighboring area local police departments: Demorest Police Department, Habersham County Sheriff's Office and Athens-Clarke County Police.

Campus Police work closely with local, state and federal police agencies and have direct radio communication with Habersham County and Athens-Clarke County 911 Emergency Systems. This direct connection with the 911 system allows for communication with police, fire and medical personnel. Other state and federal agencies will be requested to help when needed.

For improved security in our new Athens Campus location, the building and parking areas are monitored throughout the week by a private security company (BOS Security).

Reporting Procedures for Crimes

Under the supervision of Hank Knight, Director of Facilities Management and Safety, and Jim Andrews, Chief of Police for Piedmont University, the Demorest Campus has post certified peace officers on duty twenty-four (24) hours a day, seven (7) days a week. On the Athens Campus, Athens Clarke County Police are available by calling 911. If an issue occurs after 4 pm, Athens Campus has the additional aid of BOS Security.

Students, faculty, staff and visitors are encouraged to promptly and accurately report all crimes, emergencies and public safety related incidents in a prompt and accurate manner by calling:

Demorest Campus Police	706-939-1349
Athens Campus Director of Administration	706-433-1785
Athens Campus Security (after hours)	706-433-1789
Emergency Assistance	911
VP of Student Life and Leadership.....	706-778-3000 ext. 1050
Counseling Services.....	706-778-3000 ext. 1259
Director of Residence Life.....	706-778-3000 ext. 1357
Georgia Poison Control.....	1-800-282-5846

Following a reported crime, the Piedmont University Demorest Campus Police Department, Athens-Clarke County Police or Athens Campus Security will take the required action, which may include dispatching an officer or asking the victim to come to the office to file an incident report. Campus Police will investigate a report when determined necessary or contact the appropriate agency to respond to calls for off-campus reports. Every attempt to substantiate facts will be made.

If a sexual assault or rape should occur, the Campus Police and respective staff will make a referral to the Title IX Coordinator, Courtney Snow, and offer the complainant a variety of services and requested supportive measures.

including, but not limited to: Student Counseling, referral to Health Services, Sexual Assault Crisis Services and Student Life Services.

Limited Voluntary Confidential Reporting:

If a crime victim or witness does not wish to file a police report, Campus Police encourages voluntary, anonymous and confidential reports of crimes listed under the Clery Act. Every attempt to substantiate facts will be made. Voluntary and confidential reports of crime made by the following:

- Written submission: Piedmont University Police Department, P. O. Box 10, 1021 Central Avenue, Demorest, GA 30535.
- Anonymous reporting tip line: <https://piedmontcollegega.wufoo.com/forms/xuzuwo90bf11uj/>, accessible through our University web page under Campus Safety on the Resources tab.

Piedmont University Campus Police encourages anyone who is the victim or witness to crime to promptly report the incident to the Campus Police. Police reports are public records under state law, the Piedmont Campus Police cannot hold reports of crime in confidence. Non-identifying reports of Clery Act crimes can be confidentially forwarded to Campus Police by other University employees, known as Campus Security Authorities (CSA), who have significant responsibility for student and campus activities. These reports are included in the annual security report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges.

Campus Security Authorities:

Campus Security Authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- 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.

Campus Security Authorities are trained by the University annually.

Piedmont University Campus Security Authorities are:

- Demorest Campus Police: 706-939-1349: campuspolice@piedmont.edu
- Athens Campus Director of Administration: 706-433-1785 mheck@piedmont.edu
- Athens Campus Security: 706-499-1789 campuspolice@piedmont.edu
- Title IX Coordinator: 706-778-8500, ext. 1504: titleIX@piedmont.edu
- VP of Student Life and Leadership: 706-778-8500, ext. 1050: kcrowford@piedmont.edu
- Director of Residential Living: 706-778-3000, ext. 1357: tpaul@piedmont.edu
- All Resident Life Staff: 706-968-3377
- Advisors to student clubs and student activity coordinators
- Faculty members taking students on field trips, travel studies or other educational travel experiences
- Athletic Coaches and Assistant Coaches
- Piedmont University Administration:
 - President 706-776-1100: president@piedmont.edu;
 - SrVP for Administration and Finance 706-894-4206: bwright@piedmont.edu;

- VP for Academic Affairs 706-776-1110: bwillis@piedmont.edu
- VP for Student Life & Leadership 706-778-8500 ext. 1050 kcrawford@piedmont.edu
- Asst. VP for Advancement & Development 706-778-3000, ext. 1148: asutton@piedmont.edu
- Director of Athletics 706-778-8500 ext. 1266: jpeeples@piedmont.edu

Under the Clery Act, a crime is “reported” when it is brought to the attention of a Campus Security Authority, the University’s Campus Police Department, Athens Campus Director of Administration, BOSA Security, or local law enforcement personnel by a victim, witness, other third party or even the offender regardless of whether the individuals involved in the crime, or reporting the crime, are associated with the University. Once a Campus Security Authority receives a report, he or she must submit it as a crime report to Campus Police on a CSA/Incident Reporting form for investigation and possible timely warnings to the campus and community. All information on Clery Act crimes are included in yearly campus safety statistical reporting. In most cases a Campus Security Authority can fulfill his or her responsibility while still maintaining victim confidentiality. Campus Security Authorities who reported an incident to Campus Police when it occurred have met their reporting requirements for that incident.

Counselors and Confidential Reporting:

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the University community and including those who act in that role under the supervision of a licensed counselor are not required to report any information about an incident to the police or Title IX coordinator without a victim’s permission. Pastoral and professional counselors are encouraged, when they deem it appropriate, to inform the person(s) they are counseling of the University’s procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Counselors are defined as:

- *Pastoral Counselor:* An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
 - *Rev. Timothy Garvin-Leighton:* 706-778-8500 ext. 1179 or [tleighton@piedmont.edu](mailto:tleighon@piedmont.edu)
- *Professional Counselor:* An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.
 - *Director of Counseling Services, Sean Williamson:* 706-778-8500 ext. 1295 swilliamson@piedmont.edu
 - *Counselor, Keyla Stephens,* 706-778-8500 ext. 2821 kstephens@piedmont.edu
 - *Counselor, Lisa Shurtleff.* 706-778-8500 ext. 1259 lshurtleff@piedmont.edu

Anonymous Tip Line:

Confidential reports of crimes can also be made through our anonymous tip line accessible through the University web page under Resources tab on the Campus Safety page at:

<https://piedmontcollegega.wufoo.com/forms/xuzuwo90bf11uj/>

Criminal Activity Off-Campus:

For any off-campus Piedmont University student offense, the University may assist with the investigation in cooperation with local, state, or federal law enforcement. Local law enforcement routinely work and communicate with Campus Police on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. Piedmont University has no off-campus student organizations.

Timely Warnings

The Piedmont University Campus Police Department is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f). Timely warnings are triggered when the University determines that a Clery Act crime for which it must report statistics presents a serious or continuing threat to the campus community. Timely warnings are considered for, but not limited to, the following classifications of reported crimes: criminal homicide, sex offences, robbery, aggravated assault, burglary, motor vehicle theft and major incidents of arson, and may be issued for other reported crimes as deemed appropriate under the circumstances. Anyone with information about a crime, warranting a timely warning or emergency notification, should promptly report the circumstances to the Piedmont University Campus Police, by phone or in person at:

Demorest Campus: 131 Rhode Island St. (in Getman-Babcock Residence Hall)
Phone: 706-939-1349
Email: campuspolice@piedmont.edu

Athens Campus: Director of Administration or BOS Security (after hours), 1295 Prince Avenue
Phone: 706-939-1349 (Demorest Campus Police Chief)
Email: jandrews@piedmont.edu

Emergency assistance is also available by dialing 911, but Demorest Campus Police or Athens Campus Security should also be notified promptly to help emergency personnel get to the right location.

These contact numbers are available 24 hours a day, 7 days a week and 365 days a year.

When a determination is made that a timely warning is warranted, Campus Police in conjunction with University administration will take appropriate steps to ensure timely notification to the campus community. Timely warnings will be issued through the University's e-alert notification system, Piedmont App, campus email and on the University's website at: www.piedmont.edu. The timely warning will include some or all of the following information:

- the date, time, and location of the reported crime;
- a summary of the incident;
- a description of the suspect and/or vehicle, if available; and
- any other special instructions or incident specific safety tips.

For incidents involving off-campus crimes, Campus Police may issue an advisory if the crime occurred in a location used and frequented by the University community.

In order to prevent criminal activity, it takes cooperation and assistance from all students, faculty, staff and community members. All emergencies and potential criminal action should be reported in a timely manner to Campus Police or the VP of Student Life (phone # 706-778-3000 ext. 1050). This includes suspicious behavior or persons loitering in parking lots, around vehicles, inside buildings or around residence halls.

Emergency Notifications

If a situation arises, either on or off campus, that will directly affect personal health and the operations of the University and constitutes an ongoing or continuing threat; a campus wide emergency notification will be issued to students, faculty, staff and possibly the larger community. Campus Police in conjunction with the University senior administration including the president, or the president's designee, will determine whether a situation warrants campus-wide notification upon confirmation of the emergency or dangerous situation. These notifications are determined on a case-by-case basis, withhold as confidential the names and other identifying information of the victims and are to be issued without delay to the appropriate community. Depending on

particular situations and circumstances, the University will utilize one or more of the following communication procedures to disseminate information throughout the campus or campuses:

- 1. E-Alert (Email & Text Message):** Depending upon the nature and location of an emergency situation, Piedmont may send an “E-Alert” message to all students, faculty and staff in the form of text message and email. Members can register to receive text messages at: <https://piedmont.omnilert.net/subscriber.php>.
- 2. Siren & Public-Address System:** An alert tone may be broadcast on campus using outdoor sirens. Constituents may be alerted to potential severe weather and/or threatening situations by a siren alert (Habersham County EMA/E-911 and Athens-Clarke County Siren System). On the Demorest campus, the siren is tested on a weekly basis by the Habersham County EMA/E-911, weather permitting.
- 3. Push Notification from Piedmont University Mobile Application:** Depending on the nature and location of an emergency situation, Piedmont may utilize the Piedmont University Mobile Device Application (app) to deliver an emergency notification to all app users. Users only need have the app installed on their mobile device for the push notification to deliver an emergency notification. The app administrator is the only person authorized to utilize the Push Notification feature in the app.
- 4. Web/Alert Web Bar:** In order to highlight emergency news and other alerts, Piedmont may include a scrolling bar at the header of its website: (www.piedmont.edu). The scrolling alert has a character limit of 99 characters but is clickable to view a more detailed message that has no character limit.
- 5. Social Media:** Piedmont may post messages on its main Facebook page (@PiedmontU) and on its official Twitter feed (@PiedmontGA) to reflect the proper emergency information. The Twitter feed has a maximum character limit of 140.
- 6. Switchboard Message:** Piedmont may change the external message on those calling the main switchboard line to indicate the proper emergency information, and direct callers to other information sources as appropriate.
- 7. Other:** Regular updates may also be provided to the news media.

Confirming a Significant Emergency or Dangerous Situation

Campus Police, Student Life, or University Administration may become aware of a critical incident or other emergency that potentially affects the health and/or safety of the campus community during patrol of the campus or from other local agencies. Upon confirmation from a reliable source of this type of an emergency that poses an immediate threat to the health and safety of the University campus, Campus Police will, without delay, initiate the applicable systems to ensure an emergency notification.

Determining Which Campus and Community Will Receive the Notification

Campus Administration will work with Campus Police to determine if an emergency notification should go to students, faculty and staff at the Demorest and/or Athens campus. The University may issue subsequent notifications to the larger community, including parents, neighbors and other interested parties via the Piedmont University home page: (www.piedmont.edu) to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. Other information about emergencies on campus may be shared through social media and /or local or national media.

Demorest Campus Police and Athens Administration/Campus Security play an integral role in any potential emergency situation and will maintain constant communications with the Office of the President and/or senior administration.

Emergency Action Plan

Piedmont University has an Emergency Preparedness Plan to use for general guidelines in emergency situations and to prepare individuals for immediate crisis response. The plan provides actions the University administration, faculty, staff, students and campus visitors should take in the event of many different types of emergencies.

The first step in any emergency is to report the incident to campus police and call 911 (if needed) for emergency assistance:

Demorest Campus Police: 706-939-1349

Athens Clarke County Police: 911

Athens Campus Security: 706-433-1789

Emergencies most often arrive without warning, and each individual should know the proper procedures to follow to enhance their continual safety before an emergency occurs. This plan includes the following emergency procedures:

- Emergency Notification Procedures
- Weather Related Emergencies:
 - Warning
 - Tornado/Hurricane/Flooding/Thunderstorms
- Medical Emergencies:
 - Accidental Injury to Students, Staff or Visitors
 - Large Scale Emergencies
- Campus Emergencies:
 - Fire/Trapped Inside
 - Evacuation
 - Earthquake
 - Lockdown and Shelter-in-Place
 - Weapon Threat / Armed Intruder
 - Bomb Threat
- Hazardous Material Leaks/Spills

Through the Emergency Preparedness Plan and some individual readiness, Piedmont University can enhance a continual state of readiness and safety. The Emergency Preparedness Plan can be found at:

<https://www.piedmont.edu/wp-content/uploads/2021/09/Emergency-Preparedness-Plan.pdf>

Emergency Response/Evacuation

Piedmont University will activate the Emergency Action Plan upon confirmation that a significant campus emergency or dangerous situation threatens the health or safety of the campus community. A campus-wide notification will be sent by the Campus E-Alert system, Piedmont App, University website, email and/or an alarm to signal the existence of an emergency.

Evacuation Procedures:

In the event an evacuation of the campus is necessary the following procedures should be followed:

- a. **Room Evacuation/Tornado Shelters:** students and employees will be asked to move to a shelter area in each building designated for gathering during emergencies. Room evacuation notices are posted inside all residence halls.
- b. **Building Evacuation:** Evacuation of a building will occur when an alarm sounds and/or upon notification by a Campus Police or an Emergency Response Team member. Evacuation notices that identify nearest exit doorways are posted in all campus buildings. Once outside, evacuees should proceed to an all-clear area that is at least 500 feet from the affected building. Keep streets, hydrant areas and walkways clear for emergency vehicles and authorized personnel.
- c. **Campus Evacuation:** Evacuation of all or part of the campus grounds will be announced by Campus Police and shall take place without delay.

When in a campus building, individuals should take the time to determine where *all* exits are located so that they are fully prepared in the event of a mandatory evacuation. Failure to evacuate is a violation of the law as well as University policy. Violators are subject to penalties enforced by the police, the fire department, or University officials.

Emergency Test and Evacuation Drills

The University's RH Daniel School of Nursing & Health Sciences along with area emergency agencies hold an annual "Disaster Drill" every spring semester. Senior nursing majors organize and triage a large group of junior nursing student "patients" while being observed and graded by nursing faculty. The University's theater students assist with realistic makeup and pyrotechnics for the drill, communication students simulate a press response and campus police engage in a substantial mutual aid exercise. Agencies involved in the drill may include the local police, fire departments, hospital, EMS, sheriff's office, 911/Emergency Management Agency, county search and rescue team, Homeland Security and public health administration. Following the exercise, the University and participating agencies come together to address improvements to the disaster response.

Security and Access to Campus Facilities and Maintenance

Monday through Friday, during normal business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to most University facilities is by key or access control device, if issued, or by admittance via the Campus Police except for the dining hall, assorted laundry rooms in the residence halls and Mayflower residence hall's lobby. In periods of extended closing, Campus Police will admit individuals on a case-by-case basis.

Residence halls are secured 24 hours a day. Some facilities may have individual hours, which vary at different times of the year. Examples are the Arrendale Library and Student Commons on the Demorest Campus. In these cases, the facilities will be secured according to schedules developed by administration and the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed to have problematic security issues such as landscaping, locks, alarms, lighting, etc. will be reviewed at least annually by administrators from Student Life, Facilities Management, Campus Police, student government and other concerned areas.

Alcohol and Drugs

Piedmont University is committed to the health and well-being of the members of its staff, faculty, and student body. As part of this commitment, the University complies with all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol or illicit drugs. Violations of such laws that come to the attention of University officials will be addressed within the University and/or through prosecution in the courts. This policy applies to all Piedmont University full-time, part-time, and temporary faculty, staff, and students (hereinafter collectively referred to as "faculty/staff/students") and applies to all University-owned property and University-sponsored activities.

As administrator of certain federal-funded financial aid programs for students, Piedmont University adheres to the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. Also, as administrator of certain state-funded financial aid programs for students, Piedmont University adheres to Georgia's Drug-Free Postsecondary Educational Act of 1990.

Standards of Conduct

Piedmont University dedicates itself to the transformative power of education through reciprocal learning, the development of compassionate leaders, and the stewardship of our local and global communities. As such, we promote a community of student learning, success and wellbeing. As responsible adults, students should exhibit thoughtfulness in decision-making and disruption to the learning environment will not be tolerated and could result in housing privileges being revoked and/or removal from campus.

Students are expected to know and abide by the rules and regulations outlined in the Piedmont University Catalog, Student Handbook, and other documents which may pertain to their enrollment and matriculation at Piedmont University. Faculty and staff are expected to know and abide by the University Policies and Procedures as outlined in the Policy and Procedures Manual. Ignorance of these rules or the penalties for violation of these rules does not constitute an acceptable defense.

Sanctions and Penalties

1. University Sanctions: Any member of the Piedmont University faculty, staff, or student body who violates any of these Standards of Conduct shall be subject to corrective disciplinary actions and penalties up to and including expulsion from University academic programs, termination of employment, and referral to the appropriate state, federal, or local authorities for prosecution in the courts.
2. State, Federal, and Local Sanctions: In addition, depending on the nature of the crime, persons convicted of violating federal and state laws prohibiting the unlawful use, possession and distribution of illegal alcohol or drugs may face sanctions such as heavy fines; incarceration for various periods of time, including life; forfeiture of assets; and suspension or loss of drivers, business, or professional licenses.

Substance Abuse Health Risks and Education

The scope and impact of health risks from alcohol and drug abuse are well documented and alarming. These risks range from mood-altering to life threatening, and the consequences affect not only individuals, but also their families, communities, and society at large. The University conducts educational programs about the dangers of abuse of alcohol and other drugs in an effort to encourage and promote responsible and healthy lifestyles. The abuse of alcohol and other drugs alters behavior, distorts perception, impairs thinking, impedes judgment, and sabotages opportunity. Alcohol and drug abuse also may result in deterioration of physical health by causing or contributing to various diseases, illnesses, birth defects, and even death. These Office of Human Resource and Office of Student Life and Leadership sponsored programs relating to Alcohol and Drug Awareness and Education are offered [as required in HEA Section 120 (20 U.S.C. 100i)] as well as help for those seeking additional assistance with alcohol or drug related problems. The University also works closely with local resources to provide access to programs for treatment for individuals who are experiencing difficulty in coping with issues related to alcohol and/or drug abuse. Faculty/staff/students wishing to seek initial assistance through off-campus sources may contact Alcohol and Drug Abuse Services at 1-800-848-3649 in Gainesville or Advantage Behavioral Health at 1- 800-715-4225 in Athens. Additional substance abuse resources are:

Advantage Behavioral Health Systems (Athens, GA) 1 (855) 333-9544
Avita Community Partners (Demorest, Gainesville, and Toccoa, GA) (706) 894-3700
Black Bear Lodge (Sautee Nacoochee, GA) 1 (855) 688-0706
Freedom Hill (Demorest, GA) (706) 776-6109
Mustard Seed Counseling (Demorest, GA) (706) 894-1371
Psychiatric Professionals of Georgia (Suwanee, GA) (678)-496-9863
Ridgeview Institute Monroe (844) 350-8800
Skyland Trail (Atlanta, GA) (404) 315-8333
Summit Ridge Athens (678) 442-5858
Thriveworks Counseling (Cumming, GA) (770) 224-7008
Twin Lake Recovery Center (Monroe, GA) 1 (888) 995-2560

SAMHSA's National Helpline provides free, 24-hour information and referral assistance to local treatment facilities, support groups, and community-based organizations. 1-800-662-HELP (4357) and <http://findtreatment.SAMHSA.gov>

National Council for Behavioral Health can assist you in finding a local provider of behavioral health services and support. www.theNationalCouncil.org (click on "Find a Provider")

Drug Convictions: Student Financial Aid Eligibility

Federal Aid

Beginning with the 2021-2022 year, the U.S. Department of Education is removing the suspension of eligibility for Title IV aid, (Pell, SEOG, Federal Work Study, Federal Direct Student Loans) due to a drug conviction that occurred while receiving **Title IV aid**. Since the 2021-2022 year FAFSA is already in the processing cycle, the drug conviction question will remain on the FAFSA until the Department phases it out in the next year cycle. Institutions will ignore any flags or comment codes related to the previous drug conviction requirement and will not request resolution actions from the student. Institutions will proceed to award and disburse Title IV aid to students if they are otherwise eligible.

State Aid

The drug conviction requirement **remains in effect for all State aid (all HOPE/Zell and GTEG funds)**. The requirement is included in State of Georgia regulations and can only be removed or changed by State legislative action.

If you have any questions about drug conviction and how it affects your financial aid, please contact the Financial Aid Office at 706-776-0114 or finaid@piedmont.edu

Alcohol and Other Drug Policy

As administrator of certain federal-funded financial aid programs for students, Piedmont University adheres to the provisions of the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act Amendment. Also, as administrator of certain state-funded financial aid programs for students, Piedmont University adheres to Georgia's Drug-Free Postsecondary Educational Act.

Accordingly, all Piedmont University full-time, part-time, and temporary faculty, staff, and students (hereinafter collectively referred to as "faculty/staff/students") are notified of the Standards of Conduct that Piedmont University will apply to all activities conducted on college-owned property and to all other college-sponsored activities. This policy and any revisions thereto, shall be made available in the Policies and Procedures Manual and the Student Handbook to all faculty/staff/students (including student employees). A review of this policy shall be conducted once every two years.

All Piedmont University faculty/staff/students are prohibited by the university from unlawful possession, use, manufacture, dispensing, or distributing alcohol or illegal drugs on college-owned property or at university-sponsored activities. Further, no alcoholic beverages shall be served or consumed on university property, with the exception of college-owned homes occupied by faculty or staff, in which locations the consumption and service of alcohol must comply with all federal, state and local laws and the Piedmont Village Residence Hall. At university-sponsored functions attended only by students, faculty and staff, alcoholic beverage service and consumption shall comply with requirements of all federal, state and local laws.

Piedmont University expects all of its faculty/staff/students and all college-sponsored organizations to comply with applicable state, federal, or local laws pertaining to the use, possession, manufacture, dispensation, or distribution of alcohol or illegal drugs.

A full chart with recommended sanctions for alcohol/drugs/other code of conduct violations can be found in the Student Handbook:

<https://piedmont.smartcatalogiq.com/en/2023-2024/student-handbook/community-of-standards/student-code-of-conduct/>. Note that depending on the situation additional sanctions can be implemented in addition to those within the chart.

Piedmont Village Alcohol Use Policy

Recognizing the capacity of students to make sound choices, alcoholic beverages for private consumption by those residents and their guests who are 21 and over is permitted in the Village. The vitality of the academic community relies on each individual taking personal responsibility for their actions regarding alcohol use and for safeguarding the well-being of others. The abuse and illegal use of alcohol and other drugs place the health and safety of individuals at risk and directly contradicts the mission of our University and the success of our community of learners. Students whose drinking creates a risk of danger to the health and safety of themselves or others are subject to suspension and/or loss of

other University privileges, including residency in the Village.

1. If all residents of a Piedmont Village Suite are 21 years of age or older at the start of the semester, then the suite is eligible for an alcohol permit from the Department of Residence Life. If students become of legal age during the academic semester, they can schedule a meeting with the Assistant Director of the Village for an alcohol permit.
2. Alcohol is permitted only in the Village Suite where all residents are of legal drinking age.
3. No alcohol may be consumed in the presence of minors.
4. Serving or providing alcohol to anyone under the age of 21 is strictly prohibited.
5. Students who host an event in their Village Suite where alcoholic beverages are being consumed are responsible for ensuring that underage students and/or guests are not in attendance.
6. Any student, regardless of age, found to be intoxicated, will be evaluated by campus staff for medical treatment. Any student, regardless of age, requiring medical treatment, will be required to participate in alcohol evaluation and education.
7. Beer kegs in any condition, beer balls, funnels, any similar type of common source and their equivalents in volume of beer and/or alcohol content are prohibited.
8. Possession of alcohol paraphernalia is prohibited. This includes, but is not limited to: electronic alcohol signs, empty alcohol containers or bottles that could be seen as decoration within the suite, drinking game supplies, or other items deemed inappropriate by Residence Life staff.
9. Any alcohol being transported must be completely covered from open view and be taken directly to the resident's Village Suite.
10. Open containers and/or consumption of alcoholic beverages are prohibited in hallways, stairwells, lounges, parking lots, common areas (such as the volleyball court and fire pit) or on the grounds of the Village. The consumption of alcoholic beverages in any public area (outside the Village Suites) is strictly prohibited (common areas, parking lots, etc.).
11. The maximum occupancy of a Village Suite should not exceed 12 people at any given time.
12. Students who are 21 or over and choose to consume alcohol must not exhibit loud, disruptive or indecent behavior, vandalize property, or interfere with the cleanliness of the residence halls.
13. Students are responsible for the actions of their guests at all times.

All Piedmont Village residents will comply with the laws of Habersham County and the State of Georgia regarding the possession, use, and sale of alcohol. Violations of these guidelines may result in criminal charges, college sanctions and/or loss of campus housing privileges. This policy will be reviewed annually by the Piedmont University Administration.

Employee Notification of Drug-Related Convictions

In accordance with the mandates of the Drug-Free Workplace Act, and as a condition of employment at Piedmont, all employees will abide by the terms of this statement and must notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after such conviction. If the employee is a recipient of Title IV funds, the Piedmont University Office of Financial Aid must be notified immediately. Failure to make the required notification within the five-day time limit may result in disciplinary action.

Within 30 calendar days of receiving notice of a conviction, the person notified above shall consult with the Human Resources Department for possible appropriate personnel action against the employee, up

to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; who shall require the employee to participate successfully, and provide evidence of such participation, in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

Piedmont University Campus Police works with the Office of Student Life, Human Resources, and Athletics to offer additional alcohol-and drug abuse programs upon request.

Drug & Alcohol Testing

If an employee is injured on the job and requires treatment at a hospital emergency room facility, the injured employee will take drug and alcohol tests. If either test is positive, the employee will be dismissed from Piedmont University.

The University will not employ persons who use illegal drugs or abuse alcohol. Accordingly, the University shall have the right to require an employee to submit to testing for drug and/or alcohol use as a continuing condition of employment as the University deems necessary to maintain safe and efficient campus operations. An employee who refuses to submit to drug and/or alcohol testing or who tests positive may be suspended from duty pending further investigation and may be subject to discipline, up to and including immediate discharge.

Notification and Biennial Review

All Piedmont University faculty/staff/students are notified of the Standards of Conduct that Piedmont University will apply to all activities conducted on University-owned property and to all other University-sponsored activities. This policy and any revisions thereto, shall be made available to all faculty/staff/students (including student employees) in the University's Policies and Procedures and in the Student Handbook. A review of this policy shall be conducted once every two years.

University Judicial System

Responsible behavior is expected of all Piedmont students at all times. Violations of the Student Code of Conduct may result in varying degrees of consequences. The University is not designed nor equipped to rehabilitate persons who pose a threat to the campus community or disrupt the learning environment. It may be necessary, therefore, to separate those individuals from the campus and end their relationship with the University.

When a student is observed violating a campus policy, a campus official (e.g., residence life professional staff member, resident assistant, faculty/staff member, Campus Police officer) will complete an incident report, available from the Office of Student Life. Students who witness a violation of campus policy should contact a campus official for assistance.

Judicial Process

Student disciplinary matters are to be reported to the office of Student Life and Leadership. The Vice President of Student Life and Leadership, the Dean of Students/Director of Residential Living, and the Associate and Assistant Directors of Residential Living are the primary campus officials who address policy violations along with the support of campus police. It is the goal of the university to deal with all disciplinary matters in a timely manner and include a meeting with the student to discuss what occurred, if any violations occurred, and discuss possible sanctions. Students found responsible for Student Code of Conduct violations will be adjudicated and assigned sanctions.

A student may appeal an assigned sanction when:

- The student was not accorded their procedural rights as outlined in this Handbook;
- New evidence that was unknown or unavailable at the time of the initial hearing has become available which would have significantly altered its results; or,
- The sanction imposed is substantially disproportionate to the offense (including any consideration of the student's prior offense(s)).

The appeal must be submitted in writing within **three calendar days** of the date on the sanction letter to the Dean of Students or Vice President of Student Life and Leadership.

Conduct Hearings/Student Conduct Conference

The hearing is an official proceeding of the Piedmont University Student Discipline system. It is an informal hearing with the mission to determine:

1. what occurred
2. if what occurred is a violation of University regulations, and
3. to impose an appropriate sanction if a violation has occurred

The Hearing is not a Court of Law where allegations must be proven “beyond a reasonable doubt”. During the hearing, the allegations must be proven based upon “a preponderance of evidence.” While all referred students are encouraged to participate in the hearing process, PU will adjudicate all cases and render a decision regardless of referred student participation. A notice of allegations will be sent to each student upon completion of the hearing process. Hearings can be completed by Associate Director of Residence Life, Assistant Director of Residence Life, Dean of Students, Vice President of Student Life and Campus Police or their designee.

If it is academic in nature, the Academic Dean of that college or their designee could also be included. Typically, Associate and Assistant Directors of Residence Life will hold hearing conferences for first offenses and the Dean of students will determine the best route for 2nd offenses or more serious acts of violence or federal and state law violations.

Students have the right to appeal the outcome of the decision to the Vice President for Student Life and Leadership. This appeal must be requested and submitted in writing within **three calendar days** of the date on the sanction adjudication letter.

The University’s full Judicial Process can be found in the Student Handbook:
<https://piedmont.smartcatalogiq.com/en/2023-2024/student-handbook/community-of-standards/student-code-of-conduct/>

Disciplinary Action

The following are possible disciplinary actions which may be assigned for an infraction of the Code of Conduct. This list is not exhaustive and may be modified to meet the particular circumstances of any given case.

1. **Community Service**- A specified number of hours of work to be performed by the student to give back time taken away by the action of the party involved in the violation. Assignments of Community Service hours will be emailed following sanctioning. They may include: student Life and Leadership/Housing/Student Success Center, Maintenance/Daniel Hall or off campus entities pre-approved by the Dean of Students or VPSL.
2. **Counseling**-Students may be required to receive counseling by a Piedmont University counselor, local provider, or community support group depending on the circumstances of the violation. They may request that the student meet a specified number of sessions for issues including, but not limited to, anger management, substance abuse, and personal circumstances.
3. **Citation**-Written documentation for violation of a state or federal law
4. **Disciplinary Suspension**- Temporary severance of the student's relationship with the University for a specified period of time.
5. **Drug Testing**-Random summons to look for the presence of one or more illegal or prescription drugs
6. **Drug Testing Consequences**-The threshold for THC/Cannabinoids (regardless of source marijuana or CBD supplements) as 150 ng/ml. Therefore, Piedmont University

has established the following departmental guidelines for those who are tested. Any traceable amount of THC in their system under 150 ng/ml will be treated as a first offense sanction. For those that have 150 ng/ml will be treated as a second offense level or above sanction. Failure to submit a drug test will be considered a positive test and may also be subject to additional athletic sanctions.

7. **Disciplinary Probation**-A student might be given a period of time where if further violations occur there could be additional and more serious sanctions. Violations pertaining to conduct regulations while on probation may result in severe disciplinary sanctions, to include suspension or expulsion from the institution. Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions, the issuing of a reprimand, or restitution.
8. **Education Assignment**-Assignment given to help educate and prevent continued behavior. These can be in the form of written, practical, workshop, training, or online.
9. **Expulsion**- Permanent severance of the student's relationship with the University. This severance includes being barred from campus.
10. **Fines**- A specific financial penalty charged to the student responsible. Students may be fined for damages or tampering with university property depending on the severity of the violation.
11. **Immediate Suspension**- The student may be required to leave the campus immediately if, in the opinion of the Vice President of Student Life and Leadership, the student's presence on campus would be detrimental to the institution. Suspension without a hearing shall continue until the disciplinary process is completed. Best efforts will be made to schedule and complete the disciplinary process as promptly as possible.
12. **Limited Suspension**- A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.
13. **Reprimand**-(either written or verbal)An official written or verbal notification that a student's behavior is in violation of university regulations or standards and clarifies expected behavior in the future.
14. **Restitution**- Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service, apology, or other compensation.

Disciplinary Records

Piedmont's policy regarding access to and privacy of records maintained by it concerning students is contained in the institution's FERPA policy found at <https://www.piedmont.edu/ferpa>.

Disciplinary records are defined as those records (maintained in any format) which relate exclusively to violations of the Student Code of Conduct which have been adjudicated by a campus official(s). Complaints or allegations which have been dismissed or withdrawn are not considered disciplinary records. A student disciplinary record includes and is limited to:

1. violation report,
2. sanction sheet,
3. documents presented as evidence during any hearing,
4. record of any student conduct conference meeting,
5. appeal letter with accompanying documents,
6. final disposition of appeal. Students may review their disciplinary records but will not be provided copies of them.

Students seeking to inspect their disciplinary record should make an appointment with the Dean of Students or the Vice President of Student Life and Leadership.

Repeated Violations

Repeated violations of published rules and regulations, which cumulatively indicate an unwillingness or inability to conform to the student life standards of the University, may result in dismissal.

Firearms and Weapons

Georgia law provides the owners of private property with the right to regulate the possession of firearms. Students, faculty, staff, and the general public are forbidden from having firearms, fireworks, ammunition, explosives or explosive devices or other weapons on University property. This includes the storage of such devices in automobiles parked on University property. Exception is made for licensed public safety officials employed by the University and for licensed public safety officers from other jurisdictions who are on University property in the discharge of their official duties.

Sexual Assault, Domestic Violence, Dating Violence and Stalking

Piedmont University (“Piedmont” or the “University”) has policies and procedures in place regarding the receipt, investigation, and resolution of complaints of discrimination, including sex and gender identity discrimination. The University has enacted this Sexual Misconduct Policy (the “Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

I. Title IX Non-Discrimination Policy

This Policy prohibits all forms of sexual harassment and discrimination, gender-based, harassment and discrimination, and sexual assault, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All of the foregoing conduct shall be referred to as “Prohibited Conduct.”

It is the policy of Piedmont University not to discriminate in its educational programs, activities, or employment on the basis of sex, gender identity, sexual orientation, physical or mental disability, pregnancy, race, age, religion, color, national or ethnic origin, veteran status, genetic information, or any other category protected by applicable federal, state, or local laws.

Piedmont University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title IX and Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against Piedmont community members of any sex in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. Sexual harassment cases involving two employees will be handled through the Title IX process or Title VII of the Civil Rights Act depending on the alleged Prohibited Conduct.

Upon receipt of a Formal Complaint, the University will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the University will fulfill its obligations under the Violence Against Women Act (VAWA).

Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in

response to reported Prohibited Conduct. Students, employees, or third parties who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

II. Scope of Policy

This Policy applies to all reports of Prohibited Conduct formally reported on or after the effective date of this Policy. The date of formal reports that precedes the effective date shall use the Policy in existence at the time of the report. At the time of adoption of the revised Policy, the process under the revised Policy will apply.

When used in this Policy, “Complainant” refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment. “Respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A “Third-Party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

The process begins with a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting that the University investigate the allegation of sexual misconduct.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University.

A possible violation of the Sexual Misconduct Policy is handled through an administrative process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent upon another.

1. Persons Covered by the Policy

This Policy applies to all Piedmont community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the University or on its property.

2. Locations Covered by the Policy

- a. This Policy applies to the University’s educational programs or activities which includes locations, events, or circumstances over which the University exercises substantial control over both the Complainant and Respondent and the context in which the sexual harassment occurs.
- b. On-Campus Conduct.
- c. This Policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or controlled, leased, or managed by the University. Policy also applies to any building owned or controlled by a student organization that is officially recognized by the University.
- d. University Programs.
- e. This Policy applies to conduct that occurs in the context of University employment or education programs or activities, including, but not limited to, internship programs or Athletic travel.
- f. Off-Campus Conduct.
- g. This Policy applies to all conduct that occurs on University premises and at University-sponsored activities. The University also has the discretion to discipline a student for conduct that occurs off campus, if that conduct adversely affects the Piedmont community and/or the pursuit of its objectives. The Vice President for

Student Life and Leadership, in their sole discretion and on a case-by-case basis, decides whether campus proceedings should be initiated against a student for conduct occurring off campus and refer to the appropriate office.

III. Definitions

This section defines specifically prohibited types of conduct based on sex or gender including sex or gender-based harassment and discrimination and sexual misconduct.

1. Sexual Harassment means conduct on the basis of sex that satisfies one or more the following points:
 - a) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (also known as Quid Pro Quo harassment)
 - b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. (also known as Hostile Environment)
 - c) Sexual Assault (defined below); or Dating Violence (defined below); or Domestic Violence (defined below) or Stalking (defined below).

Both women and men may be sexually harassed. Sexual harassment may occur between males and females and between persons of the same gender. Both subordinates and co-workers may be victims of sexual harassment. While a co-worker does not have the direct ability to hire or fire another co-worker, the person may influence a job evaluation or create an intolerable working environment which may be handled through the Title IX process or Title VII of the Civil Rights Act.

Sexual harassment may be physical and/ or verbal in nature. Conduct that may be considered sexual harassment include, but is not limited to the following examples of Sexual Harassment:

- i. Unwanted sexual advances or comments
- ii. Inappropriate or unwelcome touching of a person's body
- iii. Implied or overt threats of punitive employment or academic actions as a result of rejection of sexual advances

More subtle incidents may also be considered sexual harassment. Examples of more subtle sexual harassment include, but, are not limited to the following:

- i. Sending sexually-oriented texts, emails, or voice mails
- ii. Sexual jokes
- iii. Repeatedly asking for a date when the person has declined
- iv. Display of sexually-oriented cartoons, objects, posters
- v. Indirect sexual innuendo such as voice inflection when complimenting appearance or gazing at parts of the body other than the face

2. Gender-Based Harassment means harassment based on sex, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to:

- a. The frequency of the conduct;
- b. The nature and severity of the conduct;
- c. Whether the conduct was physically threatening;
- d. The effect of the conduct on the Complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities;
- e. Whether the conduct was directed at more than one person;
- f. Whether the conduct arose in the context of other discriminatory conduct; and
- g. Whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical.

3. Sexual Assault means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined in 20 U.S.C. 1092(f)(6)(A)(v). Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

4. Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual (From the Federal Bureau of Investigation Uniform Crime Reporting Program Sex Offenses)

- a. 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.
- b. Forcible – Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
- c. Forcible Rape (Except Statutory Rape – The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
- d. Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- e. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- f. Sexual Assault with an Object – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary of permanent mental or physical incapacity.

g. Sex Offenses, Nonforcible (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

h. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. (https://www.law.cornell.edu/cfr/text/34/appendix-A_to_subpart_D_of_part_668)

5. Domestic Violence includes felony or misdemeanor crimes 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 receiving grant monies, or by any other person against an adult or youth victim (ages 11-24) who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. [34 USC 12291(a)(8)]

6. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- a. The length of the relationship.
- b. The type of relationship.
- c. The frequency of interaction between the persons involved in the relationship. [34 USC 12291(a)(10)]

7. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. fear for his or her safety or the safety of others; or
- b. suffer substantial emotional distress. [34 USC 12291(a)(30)]

IV. Retaliation

No recipient (the University) or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The University will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

V. Additional Policy Definitions

This section defines other terms used within the Policy that are not previously defined as Prohibited Conduct.

1. Advisor for the purposes of this Policy means any person of the Respondent or the Complainant's choosing to serve as the Advisor for the Title IX process. This person may be an attorney, but does not have to be. The Advisor has specific responsibilities and requirements for participation in the process which are outlined in the section on Rights of the Respondent and Complainant. .
2. Business Day(s) refers to a Business Day or Business Days in which the University is open for business. This is generally Monday through Thursday, from 8:00 a.m. until 5:00 p.m. and Friday, from 8:00 a.m. until 2:00 p.m. and excludes weekends, holidays, designated closures including but not limited to weather delays and closures.
3. Consent for the purposes of this Policy means that agreement to an activity is knowingly and freely given and communicated, through words or actions, to create a mutual understanding regarding the conduction of sexual activity.

Elements of consent include; but are not limited to:

- a. Consent is not valid when it involves:
 - i. Physical force, threats, or intimidation;
 - ii. Minors under the age of consent,
 - iii. Persons whose mental disabilities prohibit sound judgment;
 - iv. Persons physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption; and
 - v. Individuals who are unconscious, unaware, or otherwise physically incapacitated.
 - b. Silence cannot be interpreted as consent.
 - c. Lack of consent may also be communicated through the use of non-verbal expressions or actions indicating resistance.
 - d. Consent may be withdrawn at any time.
 - e. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
 - f. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.
4. Force means the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.
 5. Coercion means the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent cannot be obtained through coercion. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.
 - a. Examples of coercion include, but are not limited to:
 - i. Threatening to out someone based on sexual orientation, gender identity, or gender expression or
 - ii. Threatening to harm oneself if the other party does not engage in the sexual activity. Or
 - iii. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go

past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

- b. The University will evaluate the following in determining whether coercion was used:
 - i. The frequency of the application of pressure,
 - ii. The intensity of the pressure,
 - iii. The degree of isolation of the person being pressured, and
 - iv. The duration of the pressure.

6. Incapacitation means a physical or mental state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless.

Examples of incapacitation include, but are not limited to, individuals who:

- a. Are asleep; or
- b. Are unconscious; or
- c. Are unaware that sexual activity is occurring; or
- d. Cannot understand the nature of the activity or communicate due to a mental or physical condition; or
- e. Are under the influence of alcohol, drugs or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- i. Decision-making ability;
- ii. Awareness of consequences;
- iii. Ability to make informed judgments; or
- iv. Capacity to appreciate the nature and the quality of the act;

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably knew or should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis.

In particular, consent could not occur when:

- i. The Respondent failed to appreciate the Complainant's incapacitation or;
- ii. The Respondent failed to take reasonable steps to determine the Complainant's incapacitation or;
- iii. The Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's

responsibility to obtain consent.

7. Privacy means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process to the extent permitted by law.

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports and Formal Complaints under this Policy. The University also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report or Formal Complaint under this Policy, the

University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

8. Confidentiality means that information shared by an individual with designated campus or community professionals will not be revealed to any other individual without the expressed permission of the individual.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. (See the section on Resources for how to report confidentially.)

9. Official with Authority means any official of the University who has authority to institute corrective measures on behalf of the University. Piedmont University has designated the following positions as Officials with Authority:

- a. President of the University
- b. Vice President of Academic Affairs
- c. Vice President for Student Life & Leadership
- d. Title IX Coordinator
- e. Deputy Title IX Coordinator(s)

10. Responsible Employee means any employee with the obligation to report sexual harassment or the responsibility to inform a student how to report sexual harassment. The University requires that all Responsible Employees share any report of misconduct with the Title IX Coordinator.

- a. Responsible Employee is anyone who:
 - i. Has the duty to report to appropriate University officials sexual harassment or any other misconduct by students or employees; or
 - ii. A student could reasonably believe has the responsibility to assist them. All University employees who do not have legally protected confidentiality are considered Responsible Employees. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.
 - iii. A Responsible employee is any employee with supervisory or leadership responsibilities on campus, including, but not limited to, all faculty (full time, part time, and adjunct) Athletic staff (coaches, assistant coaches, trainers, and athletic administrators), administrators (those with responsibilities for administering a program or service); staff members, including SAIL Navigators, MANE Leaders, and Resident Assistants.

1. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. (§106.30)
2. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (§106.30)
3. Third-Party refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.
4. Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. (§106.30)

VI. Immunity for Victims

Piedmont University encourages the reporting of conduct violations and crimes that occur on campus or against Piedmont students. A victim might be hesitant to report a crime to a University official for fear of being charged with a policy violation themselves (i.e., underage drinking at the time of a sexual assault). It is in the best interest of the Piedmont community that a victim of a crime report the incident to a University official. To encourage reporting, Piedmont University offers victims of crimes, and may offer those who assist victims of crimes, amnesty from University policy violations related to the incident. Such amnesty is given at the discretion of the Vice President for Student Life and Leadership or their designee.

VII. Reporting Options and Resources

1. On-Campus Reporting Options

The University strongly encourages all individuals to report any violation of this Policy to the Title IX Coordinator or any University employee who is designated as an Official with Authority. The University recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

- a. Officials with Authority (See information above.)
- b. Responsible Employee (See information above.)
- c. The Title IX Coordinator or Deputy Coordinator (See information below.)
- d. A Confidential Report (See information below.)
- e. Piedmont University Police (See information below.)

2. Title IX Coordinator and Deputy Coordinators

Piedmont University has designated the following individuals to serve in official capacity regarding Title IX reporting. The University shall notify, at least annually, students, employees, applicants for admission and employment, the name, title, office address, e-mail address, and telephone number of the Title IX Coordinator. The University shall prominently display on its website the contact information of the Title IX Coordinator.

Name	Title IX Position	Office Location
Courtney Snow	Title IX Coordinator	Daniel Hall, Room 303D
	Phone	Email
	706-778-8500 X1504	csnow@pedmont.edu titleix@pedmont.edu
Dr. Kimberly Crawford	Title IX Position	Office Location
	Deputy Title IX Coordinator	Student Commons 244
	Phone	Email
706-778-8500 X1050	kcrawford@pedmont.edu	

The Title IX Coordinator, assisted by Deputy Coordinator, is responsible for the following:

- a. Ensuring Title IX compliance
- b. Assessing initial intake reports
- c. Knowledgeable in University policies and procedures
- d. Provides information about resources available to both the Complainant and the Respondent
- e. Assigning appropriate investigators to individual cases
- f. Identifying the appropriate University policy to resolve the complaint in a prompt and equitable manner
- g. Tracking and monitoring incidents of sex discrimination and sexual misconduct
- h. Providing information on options for complaint resolution
- i. Coordinating education and prevention efforts
- j. Reporting crimes to the Clery Administrator for reporting in the Annual Security Report (ASR)
- k. Confidential Reporting on Campus

3. Confidential Resources

The confidential resources available to individuals on campus are:

<u>Counselors</u>	<u>Campus Minister</u>
Keyla Stephens Phone: 706-968-6847 Email: kstephens@pedmont.edu	Rev. Tim Garvin-Leighton Phone: 706-778-8500 X1179 Email: tleighton@pedmont.edu
Lisa Shurtleff Phone: 706-778-8500 x1259 Email: lshurtleff@pedmont.edu	
Sean Williamson Phone: 706-778-8500 x1295 Email: swilliamson@pedmont.edu	

These confidential resources are not required by current Title IX law to report claims of sexual misconduct without consent. A confidential report is required by state law to notify child protective services and/or local law enforcement of suspected abuse of a minor under the age of 18 years of age. Those in positions designated as Confidential Reports may have a duty to report incidents of sexual misconduct for the purposes of reporting numbers for the Annual Security Report (ASR) but are not obligated to report the details of the

incidents including the names of potential complainants or respondents except as required by their license and professional ethics.

4. Law Enforcement Reporting Options On and Off Campus

Complainants have the right to notify or decline to notify law enforcement. The University strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Sexual Misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The University will assist any Piedmont community member in securing a safe place to go; assist in arranging for transportation to the hospital should the Complainant need medical care or assistance.; and assist in coordination with law enforcement, and information about on-campus and off-campus resources and options for resolution.

Campus Police have officers on duty twenty-four (24) hours a day. You may report crimes or other emergencies by calling:

- a. Emergency Assistance: 911
- b. Local Dispatch (non-emergency): 706-754-7562
- c. Campus Police Office: 706-939-1349

5. Off-Campus Confidential Reporting Options

Rape Response ariel@raperesponse.com Gainesville, GA
770-503-7273

Circle of Hope contact@gacircleofhope.org gacircleofhope.org
Cornelia, GA 706-776-4673

Virtual Care Group Online Counseling (<https://portal.thevirtualcaregroup.com/tvcg/register>)

VIII. Supportive Measures

Supportive Measures are non-disciplinary services offered as appropriate, as reasonably available, and without fee or charge to both the Complainant and the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These Supportive Measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening Complainant and Respondent, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. The University offers support to Complainants and Respondents through access to the following services:

1. Sample Supportive Measures for Students

- a. Access to counseling services on campus;
- b. Change in on-campus housing assignment and assistance from University support staff in completing housing relocation;
- c. Provide academic support services, such as tutoring, extensions of deadlines or other course-related adjustments, class schedules;
- d. Change in work schedule or job assignment;
- e. Mutual restrictions on contact between the parties;
- f. Provide information regarding off-campus services;
- g. Provide other Supportive Measures as appropriate.

2. Sample Supportive Measures for Employees

- a. Modification of work schedule;
- b. Mutual restrictions on contact between the parties;
- c. Changes in work or on-campus housing locations;
- d. Leaves of absence;
- e. Increased security and monitoring of certain areas of campus;
- f. Provide other Supportive Measures as appropriate.
- g. A Complainant or a Respondent may request a “No-Contact Order” or other protection, or the University may choose to use Supportive Measures at its discretion to ensure the safety of all Parties, the broader University community, and/or the integrity of the process.

The University will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of the Supportive Measures put in place. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a Supportive Measures. The University will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

IX. Emergency Removal

Nothing in this Policy precludes the University from removing a Respondent from the University’s education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

In the event that an Emergency Removal is enacted, the Respondent has the opportunity to submit in writing a challenge to the emergency removal. The challenge to the emergency removal must contain all information, documentation, and evidence that the Respondent wants to have considered in requesting to remain on campus. The Vice President for Student Life & Leadership will receive the written materials and appoint an Appeals Officer, either the Vice President for Academic Affairs or the Vice President of Administration and Finance. The Appeals Officer is separate from investigators, hearing panel members, and decision-makers. The Appeals Officer will review all materials and determine if the Emergency Removal is in the best interest of the Complainant and/or the Respondent and/or is in the best interest of the safety of the campus community. The Appeal Officer’s decision is final and binding regarding the Emergency Removal.

X. Administrative Leave

Nothing in this Policy precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of this process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

XI. Educational Programming and Prevention

The University offers a variety of educational programs on Sexual Misconduct aimed at prevention and awareness of sexual assault, stalking, dating violence, and sexual harassment. Students are required to complete an online course on Sexual Misconduct as well as an online course on Alcohol upon entering the University. Other programming includes Sexual Assault and Domestic Violence Awareness Week, Alcohol

Awareness, Bystander Intervention education, and Sexual Misconduct Information Sessions during orientation. Employees are required to complete Sexual Misconduct Education online.

Piedmont University Grievance Procedures for Resolving Allegations of Sexual Misconduct

General Information

The following outlines the procedures the University follows in resolving allegations by a Complainant against a Respondent in violation of the University's Sexual Misconduct Policy. Complainant and Respondent will be referred to collectively as the "Parties." This is an administrative process.

Situations in which both Complainant and Respondent are employees of the University may be handled through the processes outlined in the Employee Handbook or through the Title IX process depending upon the alleged Prohibited Conduct.

The Office of Title IX, and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Piedmont University Sexual Misconduct Policy.

Prohibited Conduct Not Based on Sex

Prohibited Conduct (discrimination, harassment or retaliation) based on protected status other than sex (e.g., race, color, age, disability, veteran status or other classification protected by federal or state law or University policies) is prohibited by other University policies. In the event of such complaints, the University will identify, based upon the allegations, the appropriate office to coordinate resolution of the report.

Dismissal of Formal Complaint

If the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in this Policy even if proved, or did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under this Policy. However, such a dismissal does not preclude action under another provision of the University's Code of Conduct for students.

The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- 4.

Upon dismissal of the Formal Complaint either required or permitted, the University will promptly send written notice of the dismissal and reasons for the dismissal simultaneously to each Party through email, the University's official means of communication. Either the Complainant or the Respondent have the right to appeal the decision to dismiss a Formal Complaint.

Consolidation of Formal Complaints

The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Rights of Respondent and Complainant

1. Right to be informed of the process and all available options
2. Right to be informed of resources
3. Right to Supportive Measures
4. Right to a timely investigation
5. Right to an Advisor of choice
6. Right to review report
7. Right to appeal

Advisor

Both Complainant and Respondent have the right to have an Advisor of their choice. It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator and Deputy Coordinators will not discuss the case with any Advisor. The Advisor may:

1. Attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant or Respondent
2. May not participate directly in any meeting involving the case
3. May provide advice to the Complainant or the Respondent he/she is advising through quiet conversation or written notes in any meeting related to the case
4. May be a member of the University community, but is not required to be.
5. May be an attorney, but, is not required to be.
6. If a party does not have an advisor present at the Live Hearing, the University must provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. [§106.45 (b)(6) (i)]

Step by Step Process

1. Step by Step Process

2. Actual Knowledge

The Title IX grievance process begins with Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any Official with Authority who has authority to institute corrective measures on behalf of the University. [§106.30]. The actual knowledge standard is not met when the only official of the University with actual knowledge is the Respondent. Actual Knowledge may come in the form of a Formal Complaint.

3. Intake meeting with Complainant

With or without a Formal Complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a Formal Complaint.

- a. Address immediate physical safety and emotional well-being needs
- b. Notify the Complainant of the right to contact law enforcement and seek medical treatment
- c. (and the right to decline to do so), and the importance of preservation of evidence
- d. Notify the Complainant of the right to be assisted by individuals at the University in contacting law enforcement
- e. Notify the Complainant of confidential and non-confidential reporting options on and off campus

- f. Provide the Complainant with information about: On and off campus resources, including counseling, health, mental health, and victim advocacy;
- g. ii. The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint
- h. with the University or other action with local law enforcement.
- i. Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice
- j. of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Complainant to prepare to participate.
- k. Explain that if, in the course of an investigation, the University decides to investigate allegations about the Complainant or the Respondent that are not included in the notice described above, the
- l. University will provide notice of the additional allegations to the Parties.
- m. Provide notice of any provision in the University's Code of Conduct that prohibits knowingly making
- n. false statements or knowingly submitting false information during the grievance process.
- o. Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- p. Explain that the student has a right to an Advisor of their choice during the process;
- q. Assess for pattern of evidence or other similar conduct if possible;
- r. Explain the University's immunity/amnesty policy as published above in this document;
- s. Explain the University's policy prohibiting retaliation as listed above;
- t. Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;
- u. If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both
- v. Complainant and Respondent have the right to appeal that decision.

At the Intake Meeting, the Coordinator or Deputy Coordinator will provide the Complainant with the above-listed information in writing. If the Intake Meeting is conducted by a Deputy Coordinator, the meeting report will be submitted to the Coordinator for consideration. As described in the Sexual Misconduct Policy, the Complainant has the right to request that the Title IX Office not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX office take no formal action in response to the report. If the Complainant makes such a request, the Coordinator will balance the request with their dual obligation to provide a safe and nondiscriminatory environment for all University community members, and to remain true to principles of fundamental fairness that require the University to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent.

The Coordinator will make this determination consistent with the following considerations, namely:

- a. The seriousness of the conduct;
- b. The respective ages and roles of the Complainant and the Respondent;
- c. Whether there have been other complaints or reports of Prohibited Conduct against the Respondent;
- d. The right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Should the Coordinator determine that, in response to the Complainant's request, the University can satisfy its obligations to the Complainant, the University community members, and the Respondent without proceeding through the process described here in, the Coordinator has the discretion to do so.

Absent a request for confidentiality as described above, the Coordinator or Deputy Coordinator will interview the Complainant to gain a basic understanding of the reported Prohibited Conduct. The interview will focus on key facts upon which the Complainant bases the report (i.e., who, what, where, and when) to assess how to proceed. At the conclusion of the Intake Meeting, and if the individual wishes to move forward with a complaint, the Coordinator will make two threshold determinations:

- a. Does the Complainant's report state facts that, if true, could constitute a violation of the University's Sexual Misconduct Policy?
- b. If yes, should the University proceed through Informal Resolution?
- c. The Coordinator will make both threshold determinations as soon as possible after the Intake Meeting with the Complainant and communicate that finding in writing to the Complainant.

4. Initial interview with Respondent

The University will provide written notice to Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. The Title IX Coordinator or Deputy Coordinator will schedule an initial interview with the Respondent and to discuss the availability of Supportive Measures, consider the Respondent's wishes with respect to supportive measures, and explain to the Respondent the process for resolving a Formal Complaint.

- a. Address immediate physical safety and emotional well-being needs;
- b. Notify the Respondent of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- c. Notify the Respondent of the right to be assisted by individuals at the University in contacting law enforcement;
- d. Notify the Respondent of confidential and non-confidential reporting options on and off campus;
- e. Provide the Respondent with information about:
 - i. On and off campus resources, including counseling, health, mental health, and victim advocacy;
 - ii. The range of Supportive Measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant and the Respondent regardless of whether the Complainant files a Formal Complaint with the University or other action with local law enforcement

Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview would include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Respondent to prepare to participate;

- h. Explain that if, in the course of an investigation, the University decides to investigate
 - i. allegations about
 - j. the Complainant or the Respondent that are not included in the notice described above, the University will provide notice of the additional allegations to the Parties;
- h. Provide notice of any provision in the University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- i. Explain the right to object to the assignment of the Title IX Coordinator, Deputy Title IX Coordinator or Investigators based on bias or conflict of interest within 1 (one) Business Day of a decision to proceed through the process;
- j. Explain that the student has a right to an Advisor of their choice during the process;
- k. Assess for pattern of evidence or other similar conduct if possible;
- l. Explain the University's immunity/amnesty policy as published above in this document;
- m. Explain the University's policy prohibiting retaliation as listed above in this document;

- n. Respondent is presumed not responsible for the alleged conduct and any determination regarding responsibility is made at the conclusion of the process;
- o. If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein, both Complainant and Respondent have the right to appeal that decision.

5. Determining Course of Resolution for the Grievance

As an alternative to Formal Resolution, and only if the Coordinator determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution must be mutually agreed upon in writing by both parties in any case.

Some complaints that allege harassment may be appropriate for Informal Resolution. The purpose of an Informal Resolution is to stop the inappropriate behavior. The process will not be used to resolve allegations that an employee sexually harassed a student. Sec. 106.45(b)(9). If the Coordinator determines that the Formal Complaint may be resolved appropriately through informal resolution, the Coordinator will ask the Complainant and the Respondent, separately, whether they would agree to pursue resolution of the complaint informally. The parties must voluntarily agree, in writing, to consent to use the Informal Resolution process. Any resolution reached through an informal process will be confirmed in writing and provided to the parties.

6. Informal Resolution

An Informal Resolution process cannot begin unless a Formal Complaint is filed. An individual who feels they are being harassed may seek to resolve the matter informally. Examples of informal ways to resolve a complaint of sexual harassment may include:

- a. A supervisor counsels the accused individual to stop the alleged misconduct; or
- b. Confronting the harasser face to face; or
- c. Writing a letter to the harasser; or
- d. Requesting advice and/or intervention from a Title IX Coordinator or third party. The main purpose of
- e. the Informal Resolution procedure is to stop the inappropriate behavior.

To proceed with Informal Resolution, the University must provide the parties with written notice:

- a. Disclosing the allegations, and
- b. The requirements of the Informal Resolution process including the circumstances under which the
- c. parties could be precluded from resuming a Formal Resolution process arising from the same
- d. allegations; and
- e. That no party can be required as a condition of enrollment or continuing enrollment, or employment
- f. or continuing employment, or enjoyment of any other right, to waive their right to an investigation
- g. and adjudication of a Formal Complaint.
- h.

Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time up until the Informal Resolution becomes binding. In that event, the Title IX Coordinator will so notify the Parties in writing via official University email and will describe next steps and timeframes for the Formal Resolution. If the Parties reach agreement, the matter is closed. If not, the Parties will proceed with Formal Resolution set forth in the section on Formal Resolution below.

At the conclusion of an Informal Resolution, and upon receipt of official notification via University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon

resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the informal resolution will be considered final and binding.

7. Formal Resolution

A Formal Resolution process cannot begin unless a Formal Complaint is filed. If the Coordinator determines that the Complainant's report must proceed through Formal Resolution, the Coordinator will notify both Parties, in writing, of the decision. The

Coordinator's written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- a. Complainant's name
- b. Nature of the Report
- c. Specific policy violations (example: sexual assault, sexual harassment, retaliation)
- d. Date of alleged policy violations
- e. Time of alleged policy violations
- f. Location of alleged policy violations
- g. Brief description of allegations

8. Investigation

All investigations will be conducted in a timely and impartial manner. There may be temporary delays of the process and limited extensions of time frame for good cause.

The Parties will be provided written notice of the delay and reasons for such delay.

The Coordinator will select trained investigators, either internal or external, to conduct a reasonable, impartial, and prompt investigation of the complaint. The Coordinator will select Investigators based on several factors, including:

- a. The Parties involved,
- b. The complexity of the complaint,
- c. The need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved.

The Coordinator will notify the Parties, in writing, of the name of the designated Investigators at the time the Coordinator issues the notice of a Formal Resolution process. Both Parties will have 2 (two) Business Days to object to the Investigators selected on the basis of bias or conflict of interest. If either of the Parties objects, the Coordinator will

evaluate whether the objection is substantiated. The Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either Party. The Coordinator's decision is final and cannot be appealed.

The Investigators will commence the investigation once the time for the Parties to object to the selected investigators has expired or, if an objection is made, and the Coordinator determines the objection is not substantiated, from the time the Coordinator notifies the objecting party of the determination). The Investigators, in consultation with the Coordinator, will establish a preliminary timeline and process for conducting the investigation and report the timeline to the Parties. The Parties will also be notified in writing of any delays and the new timeline.

9. Step One: Fact-Gathering

The Investigators will interview both Parties and relevant witnesses, including fact and expert witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a

determination regarding responsibility rests on the University and not on the Parties.

The Investigators will prepare a summary of each interview (“Interview Summary”). The Investigators will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary.

If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response directly to the Investigators within 3 (three) Business Days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is received from the interviewee, their Interview Summary may be included in the Investigative Title IX report and will be presumed to be accurate. In all instances where the Investigators include the Interview Summary as an exhibit to a report, the Investigators will also include any response. The Investigators may use, if available, all of the following, but, are not limited to the following:

- a. Police Reports
- b. Video or Audio recordings
- c. Witness statements
- d. Campus Reports (scan logs, campus business, required programs completed)
- e. All other appropriate reports, recordings, etc.

The University cannot access, consider, disclose, or otherwise use a Party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party’s voluntary, written consent.

10. Step Two: Rebuttal Fact-Gathering

The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during Initial Fact- Gathering. The Parties and witnesses can expect that, in these follow- up interviews, the Investigator will seek responses to specific allegations or evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact-Gathering, the Investigator will conduct additional interviews and gather additional evidence.

Rebuttal Fact Gathering may be repeated as necessary to ensure a complete gathering of evidence.

11. Step Three: Preliminary Report

- a. The Investigators will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation.
- b. The Investigators will state specific factual findings in the Preliminary Report (e.g., “Complainant was incapacitated” or “Respondent believed that Complainant was not incapacitated”).
- b. The standard for determining each factual finding is Preponderance of Evidence standard. This standard
- c. of proof is that the evidence presented during the investigation must be considered to be more likely
- d. than not to be factual.
- d. The Investigators will not state ultimate findings as to whether the Respondent
- e. has, or has not, violated one or more of the University’s policies.
- f. The Investigators will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered as part of the investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence whether obtained from a

Party or other source.

g. When the Investigators determine that the Preliminary Investigation is complete, the Investigators will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation; if so, the Investigators will conduct additional investigation consistent with the procedures outlined above.

12. Step Four: Notice of Preliminary Investigation Findings and Opportunity to Respond

a. Once the Coordinator has agreed that the Preliminary Investigation is complete, the Coordinator will provide the Preliminary Report to the Parties and Advisor, if any, for review. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

i. The Parties may respond to the Preliminary Report; the Parties will have ten (10) Business Days to submit any response of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

1. The Parties may provide a written response to the Preliminary Report, or any portion of it, including
2. each Interview Summary. The Investigators will consider any written response provided by the Parties
3. in preparing
4. the Investigative Report.

3. The Parties may submit a written request for additional investigation. Such requests may include,
4. but are not limited to, the following:

- a. Request for follow-up interviews
- b. Requests for interviews with new witnesses
- c. Requests to consider new information

b. If neither of the Parties requests additional investigation, the Investigators will prepare the Final Investigative Report. If either (or both) Parties request additional investigation, the Investigators will review the request(s) in consultation with the Coordinator.

- b. The Investigators will conduct the requested additional investigation if the Investigators, in consultation with the Coordinator, determine that the request(s) will assist the Investigators
- c. in completing the
- d. investigation.
- e. The Investigators and Coordinator will assess whether investigation of the additional information
- f. requires a substantial deviation from the recommended timeframe for completion of the investigation. If so, the Coordinator will notify the Parties in writing with an anticipated
- g. revised timeframe.

e. If the Investigators conduct additional investigations, the Investigator will prepare an Addendum to the Preliminary Report ("Addendum").

f. The Investigators will submit the Addendum to the Coordinator. The Coordinator may require the Investigators to conduct additional investigation before the Addendum is complete.

13. Step Five: Final Investigative Report

a. The Investigators will prepare a Final Investigative Report. The Final Investigative Report consists of the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties' responses throughout the Formal Resolution proceeding.

b. When the Investigators are satisfied that the Final Investigative Report is complete, the Investigators will submit the Final Investigative. The decision-maker in the case is under an independent obligation to evaluate objectively all relevant evidence and not defer to any recommendations in the Final Investigative

Report.

- c. The Coordinator will review the Final Investigative Report.
- d. The Coordinator will provide to each Party and the Party's Advisor, if any, a copy of the Final Investigative Report in an electronic or hard copy. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.
- e. No sooner than 10 (ten) Business Days after sending the Final Investigative Report, the Coordinator will meet individually with the Complainant and the Respondent.

If both Parties wish to resolve the case without an adjudication, the Coordinator can facilitate an Informal Resolution of the Formal Complaint that does not necessitate a full adjudication. The Parties must agree to this Informal Resolution in writing. [106.45(b)(9)] At the conclusion of an Informal Resolution, and upon receipt of official notification via University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not

submit within 2 (two) Business Days, the informal resolution will be considered final and binding.

If either of the Parties do not wish to participate in the Informal Resolution prior to an adjudication by the hearing panel, the Coordinator will schedule a hearing on the case not less than 10 (ten) Business Days from the meeting to schedule the Live Hearing.

14. Step Six: Live Hearing

- a. Live Hearings are administrative hearings and will consist of a 4-person panel (1 non-voting chair and 3 voting hearing panel members) The panel will consist of faculty and/or staff. A decision will be reached based on majority vote.
 - b. Live Hearings will be conducted with all parties physically present in the same geographic location or,
 - c. at
 - d. the University's discretion, any or all parties, witnesses, and other participants may appear at the Live Hearing virtually, with technology enabling participants simultaneously to see and hear each other.
 - e. The University must create an audio or audiovisual recording, or transcript, of any Live Hearing and
 - f. make
 - g. it available to the parties for inspection and review.
- d. The Standard of Evidence is Preponderance of Evidence throughout the Title IX Process including Live Hearings.
 - e. Cross-examination is allowed with specific rules.
 - i. Decision-maker(s) (Hearing Panel members) may consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. The Decision-maker can also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.
 - ii. Such cross-examination at the Live Hearing must be conducted directly, orally, and in real time by the Party's Advisor of choice and never by a Party personally, notwithstanding the discretion of the University under Sec. 106.45 (b)(5)(iv) to otherwise restrict the extent to which Advisors may participate in the

proceedings. Other than cross-examination, Advisers may not participate in the hearing and may only communicate with the Party whom they advise in the case through whispers or written word.

- iv. If a Party does not have an Advisor present at the Live Hearing, the University must provide without
 - v. fee or charge to that Party, an Advisor of the University's s choice, who may be, but is not required to
 - vi. be, an attorney, to conduct cross-examination on behalf of that Party [§106.45 (b)(6) (i)]
 - iv. Only relevant cross-examination and other questions may be asked of a Party or witness as
 - v. determined
 - vi. by the hearing panel chair.
 - v. Before a Complainant, a Respondent, or a witness answers a cross- examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - vi. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect
- to the Respondent and are offered to prove consent.
- e. Each Party will receive written notification of the outcome of the Live Hearing. The notification will
 - f. include the following elements:
 - i. Determination of responsibility including identification of the allegations which constitute sexual harassment.
 - ii. Procedural steps taken from the receipt of the Formal Complaint through the determination including notifications to the Parties, interviews with the Parties, witnesses, site visits, and methods used to gather information.
 - iii. Findings of fact supporting the determination
 - iv. Conclusions regarding the application of the University's code of conduct to the facts
 - w. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be
 - x. provided by the University to the Complainant.
 - vi. Description of permissible procedures for appeal

15. Order and rules for Live Hearing

- a. Introduction
 - i. Introduction of all Parties, including: Complainant, Respondent, Witnesses, Advisors, Investigators, Hearing Panel, and any Title IX staff.
 - ii. Review of Procedures and reminders about appropriate decorum of those present
- b. Presentation of the Final Investigative Report
 - i. Investigator presents the Final Investigative Report
 - ii. Questions by Hearing Panel of the Investigator
 - iii. Questions by Complainant of the Investigator
 - iv. Questions by the Respondent of the Investigator
- c. Presentation of Complainant's Case
 - i. Opening Statement by Complainant
 - ii. Questions by the Hearing Panel of Complainant.
 - iii. Cross-examination of Complainant by Respondent's Advisor. All cross- examination questions must be

approved by Hearing Panel chair prior to answering.

iv. Statement of Complainant's Witnesses

v. Questions by the Hearing Panel of Complainant's Witnesses.

vi. Cross-examination of witnesses by Respondent's Advisor. All cross-examination questions must be approved by Hearing Panel Chair prior to answering.

d. Presentation of Respondent's Case

i. Opening Statement by Respondent

ii. Questions by Hearing Panel of Respondent.

iii. Cross-examination of Respondent by Complainant's Advisor. All cross-examination questions must be approved by Hearing Panel chair prior to answering.

iv. Statement of Respondent's Witnesses

v. Questions by the Hearing Panel of Respondent's Witnesses

vi. Cross-examination of witnesses by Complainant's Advisor. All cross-examination questions must be approved by Hearing Panel Chair prior to answering.

e. Closing

i. Each Party makes closing statements.

1. Complainant

2. Respondent

ii. Final questions, if any, by the Hearing Panel.

iii. Final remarks by Hearing Panel concerning process

f. All parties except for Hearing Panel are dismissed.

g. Hearing panel deliberates in private.

h. Hearing Panel informs the Title IX Coordinator of the determination within 3 (three) Business Days and provides rationale as described above for elements required in the notification to the Parties.

Either Party may appeal the decision within 5 (five) business Days of the decision. The section below outlines the Appeals Process.

16. Step Seven: Appeals

Either the Complainant or the Respondent or may appeal the decision of the Hearing Panel within 5 (five) Business Days of the receipt of the decision. Appeals must be in writing and based on one of the following grounds for appeal and the grounds for appeal must be specifically stated in the written appeal.

Grounds for Appeal:

- a. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

b. Procedural irregularity that affected the outcome of the matter; or

c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Complainants or the Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

An appeal is not to rehear the case, but to review whether any of the above, if present, influenced the outcome of the case.

Appeals for cases arising under this Policy will be heard by an Appeals Officer. The Coordinator will receive the written materials and send to the Appellate Officer, Dr. Tony Frye.

The Appeals Officer will have access to all documents including, but not limited to:

a. Recordings, both audio and video

b. Communications, including electronic and non-electronic written documents

c. Reports

- d. Responses to reports
- e. Addenda
- f. Other documents associated with the case that are not made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent

If the Appeals Officer determines that a ground for appeal is substantiated, the case will be returned to the Coordinator. Otherwise, the decision of the hearing panel stands.

When a case is returned to the Coordinator, the Coordinator may:

- a. Decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), or
- b. Send the case to the original hearing panel for reconsideration, or
- c. Send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. When a case is sent back for a new hearing, it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.

17. Sanctions

The following are possible sanctions which may be assigned after a finding of Responsibility. This list is not exhaustive and may be modified to meet the particular circumstances of any given case.

- a. Expulsion: Permanent severance of the student's relationship with the University. This severance includes being barred from campus.
- b. Disciplinary Suspension: Temporary severance of the student's relationship with the University for a specified period of time. This may include the student being barred from campus.
- c. Limited Suspension: A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.
- d. Disciplinary Probation: Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.
- e. Reprimand (either oral or written.)
- f. Counseling: The committee may require that a Respondent participate in counseling with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances. The Counselor may confirm participation, but not the content of the meetings.
- g. Work assignment changed
- h. Referral to Human Resources or Academic Affairs for employment action

18. Record Keeping

Title IX Records will be maintained for 7 (seven) years [See §106.45 (b)(10)] and in accordance with the University's Records Retention Policy. Title IX records include:

- a. Investigations
- b. Determinations
- c. Recordings
- d. Transcripts
- e. Sanctions
- f. Remedies
- g. Appeals

- h. Informal Resolutions
- i. Training Materials

Education and Training: Students and Employees

Piedmont University is committed to providing the safest environment possible for study and work. Part of that commitment includes educating current and prospective students and employees about campus safety. Sexual assault and prevention educational opportunities provided for students focus wholly or in part on sexual assault awareness and prevention and promote positive, healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe directions. During Welcome Week, residential freshman students are introduced to the definition of “consent” in reference to sexual activity, safe and positive options for bystander intervention and given information on risk reduction. All freshmen students are also required to complete an online educational course on both sexual harassment and a course on alcohol and drug education, via the Vector Solutions platform. Additionally, residential freshmen students attend an orientation presentation on campus safety targeting sexual assault, dating violence, domestic violence and stalking. Upperclassmen students are required to complete an online sexual harassment course as well. The Director of Residence Life oversees peer educators who provide ongoing information on healthy and unhealthy relationships, dating violence, domestic violence, and stalking and bystander intervention. Peer educators are also knowledgeable about campus and community resources. In addition, all employees are required to complete a sexual harassment course and a course about the prevention of abuse of minors. This training should equip employees to provide direct assistance to victims or make appropriate and timely referrals for professional intervention.

Examples of programmatic initiatives for the 2022 year include:

- It’s Happy Hour / Safe Sex
- Paint and Sip – There were two of these programs. One in the Fall and one in the Spring.
- Time to Get Buzzed
- Stop, Drop, and Roll: Fire Prevention and Safety
- Spring Break Fun with Cornelia and Demorest PD
- 365 Days Before the STD
- Vector Solutions Alcohol Course for all Freshmen Students
- Vector Solutions Sexual Harassment and Misconduct Prevention course for all Freshmen Students
- Vector Solutions Protection of Youth course for all employees
- Vector Solutions Sexual Harassment Prevention course for all employees
- Vector Solutions Sexual Harassment Prevention course for all upperclassmen students
- Departmental trainings on Title IX for employees
- Dating/Domestic Violence Presentation via Circle of Hope for Student Leaders
- Orientation session for Freshmen students on Title IX

Resources for Victims of Sexual Assault, Stalking, Dating Violence and/or Domestic Violence

If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice. (Please note that all health-care providers are legally required to report all cases of suspected sexual or physical assault to law enforcement.) Additional assistance is available through the following:

- Piedmont University Counseling Services 706-778-3000 ext. 1259
- Piedmont University Minister 706-778-3000 ext. 1179
- Advantage Behavioral Health Rape Response Line 706-353-1912
- Circle of Hope Domestic Violence Services (24-hour local hotline) 706-776-4673
- Faith, Inc. (Rabun, Habersham and Stephens, GA) 1-888-782-1388
- Faith’s Power House for Kids (Toccoa, GA) 706-886-2290
- Habersham County Mental Health Clinic 706-754-6293

- National Child Abuse Hotline 1-800-4-A-CHILD (1-800-422-4453)
- National Domestic Violence Hotline 1-800-799-SAFE (7233); hearing impaired line – 1-800-787-3224
- National Sexual Assault Hotline 1-800-656-HOPE (4673)
- Partnership Against Domestic Violence (Metro Atlanta Area) 404-873-1766
- Peace Place (Winder, GA) 706-586-0927
- Project Safe (Athens, GA) 706-543-3331
- RAINN (Rape, Abuse & Incest National Network) 1-800-656-HOPE (4673) www.rainn.org
- Rape Response (24/7 crisis hotline) 770-503-7273, 1-800-721-1999
- The Cottage, Sexual Assault Center Crisis Hotline (Athens, GA) 1-877-363-1912

Piedmont University has protective measures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including providing individuals with written information about their rights and options to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a Complainant and Respondent, such as housing, academic, transportation, working accommodations and protective measures, if reasonably available. If available, these will be provided regardless of whether the victim chooses to report the crime to Campus Police or local law enforcement. Students should contact the Title IX Coordinator (706-778-8500 ext. 1504) and employees should contact Human Resources (706-778-3000 ext. 1108) for seeking accommodations or to file a disciplinary complaint.

Sexual Offender Registration

The Federal Campus Sex Crimes Prevention Act (CSPCA) 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 CSPCA is an amendment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The law requires state law enforcement agencies, (Georgia Bureau of Investigation) to provide Piedmont University with a list of registered sex offenders who have indicated that they are enrolled, employed, or carrying on a vocation at Piedmont University. Members of the campus community may access the Georgia Sex Offender Registry maintained by the Georgia Bureau of Investigation located at:

<https://gbi.georgia.gov/georgia-sex-offender-registry>.

The Habersham County Sheriff's Office provides constant updates to the Sex Offender Registry for our area at www.icrimewatch.net/results.php?SubmitAllSearch=1&AgencyID=54340

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

Missing Student Notification and Procedures

Piedmont University is committed to ensuring the safety of the members of the University community. In keeping with that goal, and in accordance with the Higher Education Act of 2008, 20 U.S.C. § 1092(j), the University has established the following Missing Student Notification Policy and Procedure.

Registration of Confidential Contact Information

1. Students residing in on-campus housing have the option to register a confidential contact person who will be notified in accordance with this policy if the Campus Police Department or local law enforcement determines that the student is missing.
2. The confidential contact may be someone other than the emergency contact listed with the Office of Student Affairs. The student may register more than one confidential contact.
3. Only authorized campus officials and law enforcement officers pursuing the missing person investigation will have access to this information.
4. A student may register such confidential contact information at any time by filing a Confidential Contact Form with the Office of Student Affairs.
5. Any student who files a Confidential Contact Form is solely responsible for the accuracy of the contact information and for updating information, as necessary, by filing a new Confidential Contact Form with the Office of Student Affairs.

Missing Student Procedures

1. If a member of the Piedmont University community suspects that a student may be missing, they should immediately notify the Campus Police Department at 706-939-1349 or, in absence of Campus Police, notify the local law enforcement agency that has jurisdiction in the area. In addition, missing person reports may be made to the following offices for immediate referral to Campus Police:
 - Office of Student Life and Leadership
 - Office of Residential Living
2. Upon receipt of a report that a student is missing, the Piedmont University Campus Police will gather information to complete a Missing Person's report form, including but not limited to:
 - Name, location, and contact information of person who reported student missing;
 - Name, vital information, and a detailed description of the student reported as missing;
 - Circumstances in which the student was last seen or heard from;
 - List of know associates, addresses and contact information;
 - Name/addresses of persons present at the scene.
3. Additional information that the Piedmont University Campus Police Department will consider in determining whether a student is missing includes, but is not limited to, the following:
 - A student is out of contact for 24 hours after reasonable efforts to reach that student by phone calls, emails, and/or in-person attempts to establish contact;
 - Circumstances indicate that an act of criminality is involved;
 - Circumstances indicate that physical safety is in danger;
 - Existence of a medical condition that may threaten life or health; and/or a physical or mental disability;
4. If the Campus Police Department determines that a student residing in on-campus housing has been missing for twenty-four (24) hours, the Campus Police Department will initiate the notification procedures outlined in this policy.
5. If a student is under the age of 18 and not emancipated contact will be made with parents and missing-persons contact within 24 hours of determination that student is missing.

Notification Procedures

1. If the Campus Police Department and local law enforcement determines that any student residing in on-campus housing has been missing for 24 hours, the University will notify the following persons within 24 hours of that determination:
 - The confidential contact, if one has been specified by the student;
 - The parents or guardians of any student who is under the age of 18 and not an emancipated minor; and
 - Local law enforcement (unless local law enforcement made the determination).
2. If the Campus Police Department determines that any student, whether residing on campus or not, has been missing for 24 hours, the University will notify local law enforcement.
3. Nothing in these policies and procedures shall prevent Piedmont University Campus Police from initiating these and other emergency notification procedures within 24 hours of any student's disappearance if, in the judgement of the Campus Police, the circumstances of the student's disappearance warrant an earlier notification.

Definition of Reportable Crimes and Crime Statistics

Crime Definitions

The following definitions are based on the FBI's Uniform Crime Reporting (UCR) Handbook. For sex offenses only, the definitions used are from the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR. Hate crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Although the law states that institutions must use the UCR for defining and classifying crimes, it doesn't require Clery Act crime reporting to meet all UCR standards. Institutions must use these definitions to prepare their campus crime statistics to comply with the Clery Act.

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.

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.

Robbery: The taking of 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 means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Sexual Assault: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. There are four types:

- **Rape** is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity
- **Incest** is non-forcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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, by the person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

Dating Violence means violence committed by a person who (A) has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of the relationship and the frequency of interactions between the persons involved in the relationship.

Stalking means 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.

Hate Crimes are any of the aforementioned offenses, larceny, simple assault, intimidation and vandalism reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Categories of the bias are:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguishes them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **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 (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations: Violations of laws prohibiting the production, distribution and or/use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation,

manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Geographic Descriptions

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; and
- any building or property that is within or reasonably contiguous to the area identified above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendors)

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 reasonably contiguous geographic area of the institution

Public property:

- all public property that is within the same reasonably contiguous geographic area of the institution, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus

Crime Statistics Collection and Daily Crime Logs

In accordance with the Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act (The Clery Act) of 1998 and the Higher Education Amendments of 1992 and 2008, Piedmont University collects and reports crimes on campus, non-campus sites owned or maintained by the University and public property. The Piedmont University Police Department maintains a Daily Crime Log that records, by the date the incident was reported, all crimes and other serious incidents that occur within the department's patrol jurisdiction. This log is available for public inspection at the PCCP office in dispatch and includes the nature, date, time, and general location of each crime reported to the department. It does not include personally identifying information about the crime victims. Piedmont University prepares a three-year statistical report of these incidents and provides this report to Piedmont students and employees through publication on the University website and specific notifications sent annually referring current and prospective students and employees to the report.

Unfounded Crimes:

Occasionally, an agency will receive a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows that no offense occurred nor was attempted, then it must be classified as unfounded. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a legitimate offense. Also, the findings of a coroner, court, jury, or prosecutor do not unfound offenses or attempts that law enforcement investigations establish to be legitimate (*U.S. Department of Justice, Federal Bureau of Investigation*)

(2004) *Uniform Crime Reporting Handbook* pp 77, 78).

Security Awareness and Crime Prevention Education Programs

During orientation, students are informed of services offered by Student Life and Campus Police. The presentation outlines ways to maintain personal safety and residence hall security.

Periodically during the academic year Student Life and Campus Police in cooperation with other University organizations and departments, facilitate crime prevention awareness sessions on sexual assault (including domestic violence, dating violence and stalking), theft, alcohol awareness, as well as education sessions on personal safety, theft prevention, residence hall security, common-sense safety tips and other topics.

A common theme of all awareness and crimes prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to training sessions and residence hall meetings, information is disseminated to students and employees through crime prevention emails and articles in the student newspaper.

Notice of Non-Discrimination

Piedmont University has a strong institutional commitment to the achievement of diversity within its faculty, staff, and students.

It is the policy of Piedmont University not to discriminate in its educational programs, activities, or employment on the basis of sex, physical or mental disability, pregnancy, race, age, religion, color, national or ethnic origin, veteran status, genetic information, or any other category protected by applicable federal, state, or local law.

Inquiries or complaints from students or employees concerning the prohibition of discrimination on the basis of sex in this statement should be directed to:

**Director of Compliance, Equity, and Inclusion
Title IX and ADA Coordinator, Courtney Snow**
Daniel Hall Room 303D
1021 Central Avenue
P.O. BOX 10
Demorest, GA 30535
(706) 778-8500 ext. 1504
titleix@pedmont.edu

Inquiries or complaints from students, other than on the basis of sex, concerning any of the prohibitions of discrimination in this statement should be directed to:

**Director of Compliance, Equity, and Inclusion
Title IX and ADA Coordinator, Courtney Snow**
Daniel Hall Room 303D
1021 Central Avenue
P.O. BOX 10
Demorest, GA 30535
(706) 778-8500 ext. 1504

OARS@piedmont.edu

Inquiries or complaints from employees concerning any of the prohibitions of discrimination in this statement should be directed to:

Director of Human Resources, Tish Roller

1021 Central Avenue
Daniel Hall – Room 213
P.O. BOX 10
Demorest, GA 30535
(706) 778-3000
hr@piedmont.edu

Students and employees may also submit a charge of discrimination to the U.S. Department of Education, Office of Civil Rights:

U.S. Department of Education
Office of Civil Rights
400 Maryland Ave., SW
Washington, D.C. 20202-1328
1-800-421-3481
Email Address: ocr@ed.gov
Web: <https://www2.ed.gov/about/offices/list/ocr/index.html>

Employees may also submit a charge of discrimination to the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission
Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
1-800-669-4000
Email Address: info@eeoc.gov
Web: <https://www.eeoc.gov/>

Annual Fire Safety Report

Fire Safety Disclosure for On-Campus Housing:

To Report a Fire: All fire notifications should be made to Campus Police IMMEDIATELY at:

Demorest Campus call: 706-939-1349 or call 911
Athens Campus call: 706-433-1789 or call 911

Number of Regulatory mandatory supervised fire drills:

The number of supervised scheduled drills or actual events at campus residence halls are facilitated and certified by Campus Police in cooperation with assigned University building personnel. Various drills are conducted throughout the year to familiarize students, faculty and staff with emergency procedures and individual roles. Each year Campus Police and Office of Student Affairs facilitate two (2) emergency drills targeting all residential halls.

Policies related to fire prevention:

All Piedmont University emergency preparedness procedures may be found online at:

<https://www.piedmont.edu/wp-content/uploads/2021/09/Emergency-Preparedness-Plan.pdf>

Residents are not permitted to have any appliance with open flame or exposed heating element in any residence hall. Smoking, including hookahs and other smoking paraphernalia, is prohibited in all residential buildings. Piedmont University recognizes the health and safety hazards of using tobacco products. **University properties have been designated as tobacco-free environments and the use of tobacco products on University property is strictly forbidden.** Those who violate this policy may face disciplinary actions, fines, and possible termination of their housing agreement. Evacuation notices are posted on the door of each residence hall room and apartment. When a fire alarm is activated, evacuate the building using the nearest available exit and proceed to the building collection point to begin an accountability and assessment process.

Fire

Whether response by the fire department is required or not, immediately report all fire incidents to:

- **Demorest Campus Police** at 706-939-1349 or call 911
- **Athens Campus Police** at 706-433-1789 or 911

In the event of a fire:

1. Activate the fire alarm
2. Call 911 (dial 9, then 911 if calling from a campus phone) and give location of fire
3. Call Demorest Campus Police or Athens Campus Security and
4. Leave the area immediately. If time permits, take personal belongings. Close, but do not lock doors behind you as you exit the building.
5. Isolate the fire by closing all doors on your way out. **DO NOT LOCK THE DOORS.**
6. Assist injured and disabled persons.
7. **DO NOT** use elevators – use the stairways.
8. **DO NOT** stop for personal belongings or records.
9. **DO NOT** stand in smoke. Drop to your knees or stomach and crawl to the nearest exit covering your nose and mouth with a cloth to avoid inhaling smoke.
10. If ignited, drop and roll to extinguish fire.
11. Assimilate in the designated “SAFE” area away from fire or other hazards and remain calm.
12. Stay out of the way of emergency personnel.
13. Notify either emergency personnel or fire fighters on the scene if you suspect someone may be trapped inside.
14. **DO NOT RETURN TO THE BUILDING** unless instructed to do so.

If you become trapped:

1. Call 911 (dial 9, then 911 if calling from a campus phone), if possible
2. Open a window, if one a window is available, and place an article of clothing (shirt, coat, etc.) outside the window as a marker for emergency personnel.
3. Stay near the floor where there is the least smoke.
4. Cover your mouth with clothing to avoid inhaling smoke.
5. Do not open a door if smoke is pouring in or around the bottom, or it feels hot.
6. Shout to alert emergency personnel of your location.

Rescue: Do not attempt to rescue anyone. Notify emergency personnel immediately.

Evacuation (applies to all Evacuation Situations):

Evacuate the building following emergency evacuation routes posted on doors and in hallways.
Evacuate buildings to a distance of at least 300 feet from the building.

- a. Room Evacuation – Students and employees may be asked to move to a shelter area in each building designated for gathering during emergencies. Room evacuation routes are posted inside classrooms, offices, dorm rooms and study areas.
- b. Building Evacuation - Evacuation of a building will occur when an alarm sounds and/or upon notification by a Campus Police/Security or an Emergency Response Team member. Evacuation routes that identify nearest exit doorways are posted in all public buildings. Once outside, evacuees should proceed to an all-clear area that is at least 300 feet from the affected building. Keep streets, hydrant areas, and walkways clear for emergency vehicles and authorized personnel.
- c. Campus Evacuation - Evacuation of all or part of the campus grounds will be announced by Campus Police/Security and shall take place without delay.

Fire Protection Services:

In 2018, the University entered into an arrangement with CINTAS Fire Protection Services Division to provide all fire protection inspections, service, repair and replacement for the Demorest and Athens campuses. This consolidated services that were previously accomplished by several entities and created fire safety efficiency and consistency on both campuses.

Description of Fire Protection Equipment (Residence Halls):

All residential buildings are equipped with automatic fire detection and alarm systems which are monitored by a third-party service that relays alerts to Demorest Campus Police, 24 hours a day/365 days a year. All residence halls are located in Demorest, GA.

**CLERY ACT CRIME STATISTICS & FIRE SAFETY STATISTICS FOR ATHENS AND DEMOREST
CAMPUSES**