

## **Savannah Law School Policy Against Sexual Misconduct**

### **INTRODUCTION**

Savannah Law School ("Law School") is committed to providing a successful learning and working environment for all members of its community, free from any sexual misconduct or harassment. Sexual misconduct is unlawful and inconsistent with the nature of a professional community. The Law School prohibits sexual misconduct, which can occur in many forms including, but not limited to, sexual harassment, sexual violence, intimate partner violence, sexual assault, and stalking. Every member of the campus community should be aware that such behavior is prohibited by this policy, the Law School's Code of Student Responsibility, and by state and federal law.

This policy has been developed in accordance with Title IX of the Education Amendments of 1972 to protect students from sex discrimination in educational programs and activities at institutions of higher learning. Sex discrimination is illegal under Title VII of the Civil Rights Act of 1964, Title IX of the Elementary/Secondary Education Act of 1972, and state law. In addition to facing sanctions from the Law School for violation of this policy, a person who engages in sexual misconduct as defined herein may be held personally liable to the victim and subject to sanctions independent of those imposed by the Law School. The Law School is dedicated to providing assistance and support to students who have experienced intimate partner and/or sexual violence.

The Assistant Dean of Students shall serve as the Title IX Coordinator and is primarily responsible for coordinating a response to a complaint of a possible violation of this policy, directly overseeing the investigation and the adjudication of complaints, and coordinating possible remedial actions or other responses designed to reasonably minimize the reoccurrence of the alleged conduct and mitigate the effects of the harassment. The Title IX Coordinator is the contact person for all concerns, complaints, or questions under this policy. Her contact information is:

L. Rachel Wilson  
Assistant Dean of Students  
516 Drayton Street  
Savannah, Georgia 31401  
912-525-3914  
rwilson@savannahlawschool.org

Reporting sexual misconduct does not in any way obligate a student to pursue legal or institutional disciplinary action; however, the Law School has a right to pursue disciplinary action at its discretion. If the complainant chooses to report and pursue criminal charges against an alleged assailant, which the complainant may do simultaneously with filing a complaint with the Law School, Savannah Law School will be supportive and compliant during the criminal justice process.

## I. PURPOSE AND SCOPE

This policy is designed to protect the rights and needs of complainants and respondents, and aims to create a safe environment for the Law School and its community. For those reasons, sexual misconduct is strictly prohibited. Sexual misconduct can occur in many forms, including, but not limited to, sexual harassment, sexual violence, intimate partner violence, sexual assault and stalking. Each of those terms, as well as other terms used in this policy, is defined in Section VI below. This policy provides a grievance procedure for students with complaints of sexual misconduct.

This policy applies to all students, regardless of their sexual orientation or gender identity, immigration status, or whether they have a disability, and to all programs affiliated with the Law School, including domestic and international internships and externships and international programs. This policy applies to complaints filed by students, or on their behalf, alleging sexual violence carried out by employees, other students, or third parties.

In cases of allegations of sexual misconduct, this policy supersedes all other procedures and policies set forth in other Law School documents.

## II. REPORTING SEXUAL MISCONDUCT

### A. Reporting to the police

If a student believes that he or she has experienced sexual harassment, violence and/or misconduct of any sort, it is particularly important for the protection of both the student and the Law School community that the incident be reported to law enforcement immediately. In emergency situations, please call 911. In addition, please contact the Law School security office at 912-525-3850 or [security@savannahlawschool.org](mailto:security@savannahlawschool.org). You can also contact the Savannah Chatham Metropolitan Police Department- Downtown Precinct at 912-651-6990.

For cases involving non-consensual sexual intercourse, it is particularly important to report the incident immediately to the local police. The sooner the assault is reported, the better the chances are for the student to receive medical attention or other necessary forms of aid. Reporting the incident to the police does not mean that the student must press charges against the assailant, but it does help assure that the student receives assistance in deciding how to proceed.

**Preserve the evidence** - After trauma, the first thing someone might want to do is shower and erase the physical traces of the assault. However, physical evidence is important for criminal justice. It is recommended that you do not bathe, shower, douche, change clothes, brush your teeth, brush your hair, chew gum, or eat or drink anything. Try not to urinate if possible. If you are considering reporting, ask the hospital to conduct a rape kit exam. Rape kits must be collected within 72 hours of the assault. This will help to preserve the evidence if you choose to

report the incident, now or later. If you do choose to change clothes, store them in a paper bag as plastic can break down the DNA evidence.

If you have already changed clothes, place the garments worn during the assault in a paper bag. (Plastic bags can destroy evidence.) If you have not changed, keep the original clothes on, and bring an extra set to wear home. The police may need to keep your clothing as evidence. Note: your body and clothing can hold clues called "transfer evidence"; this is evidence that is left behind by the assailant and the environment. Dirt, hair, body fluids, and traces of skin under your fingernails can be collected and used as evidence. If you have already compromised potential evidence by showering, bathing, changing, or laundering the clothing worn during an assault, do not let this dissuade you from reporting the assault.

## **B. Reporting sexual misconduct to the Law School**

The Law School provides several options for students who believe they have been subjected to sexual misconduct. Any Law School student who has a concern, inquiry, or complaint regarding prohibited misconduct should feel free to seek information and advice concerning the Law School's policies and guidelines, its formal and informal grievance procedures, and the counseling and other services that the Law School makes available to people who believe they have been subjected to prohibited misconduct or violence from the Title IX Coordinator, Dean L. Rachel Wilson. Questions regarding Title IX may also be directed to the Office for Civil Rights (Regional Office) at 800-368-1019.

Complaints under this policy may be in writing or made orally, but should be directed to the Law School's Title IX Coordinator.

## **C. Prohibition against retaliation**

Retaliation against a person who, in good faith, files a complaint or participates in the adjudicatory process set forth in this policy is a violation of this policy and is prohibited under Title IX. The Law School will not only take steps to prevent retaliation but also take strong responsive action if retaliation occurs.

## **D. Confidentiality**

The Law School encourages victims of sexual violence to talk to somebody about what happened- so victims can get the support they need, and so the Law School can respond appropriately. Different employees on campus have different abilities to maintain a complainant's confidentiality. A complainant has various reporting and confidential disclosure options available to them. Those options are:

**1. Privileged and confidential communications.** Professional, licensed counselors who provide mental-health counseling to members of the Law School community are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission. The Law School's professional counselor is:

Linda Morgan, M.Ed., LCSW, Ph.D.  
2247 E Victory Dr. Savannah, GA 31404  
912-433-3728

A person who speaks to a professional counselor must understand that, if he or she wants to maintain confidentiality, the Law School will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent.

Even so, the counselor will still assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or course schedules.

A complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. The counselor will provide the complainant with assistance if the complainant wishes to do so.

**NOTE:** While the professional counselor may maintain a complainant's confidentiality vis-à-vis the Law School, the professional counselor may have reporting or other obligations under state law. If the Law School determines that a respondent poses a serious and immediate threat to the Law School community, the Law School may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the complainant.

**2. Reporting to Victim Advocates.** The Law School also has victim advocates who provide assistance to students who experience sexual violence. While the victim advocates are not professional, licensed counselors and cannot therefore maintain a complainant's confidentiality to the same extent that a licensed counselor can, they are available to provide valuable sources of support for a complainant. The following faculty members serve as victim advocates:

Christopher Ogolla  
Associate Professor  
912-525-3920  
cogolla@savannahlawschool.org

Lauren Knight  
Assistant Professor  
912-525-3919  
lknight@savannahlawschool.org

**3. Reporting to "responsible employees."** A "responsible employee" is a Law School employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee will report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the complainant- including the names of the complainant and respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

A responsible employee cannot guarantee that the Law School will be able to honor a request for confidentiality. However, to the extent possible, information reported to a responsible employee will be shared only with people handling the Law School's response to the report. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will inform the Title IX Coordinator of the complainant's request for confidentiality, if such a request has been made.

#### **E. Off-campus counselors and advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Law School unless the complainant requests disclosure and signs a consent or waiver form. A list of off- campus counselors and advocates is included in Section VI below.

#### **F. Prohibition on providing false information**

Any individual who knowingly files a false complaint under this Policy, who knowingly provides false information to Law School officials, or who intentionally misleads Law School officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action.

### **III. INVESTIGATIVE PROCESS**

#### **A. Investigation and Adjudication**

The Title IX Coordinator is primarily responsible for coordinating a response to a complaint of a possible violation of this policy, directly overseeing the investigation and the adjudication of complaints, and coordinating possible remedial actions or other responses designed to reasonably minimize the reoccurrence of the alleged conduct and mitigate the effects of the harassment. The Title IX Coordinator will ensure prompt, fair, and impartial investigations and resolutions of complaints alleging violations of this policy. In most cases, an investigation will be completed within 60 days of a formal complaint being filed; however, a longer period may be needed in more complex cases. When conducting the investigation, the Law School's primary focus will be on addressing the misconduct and not on other policy violations that may be discovered or disclosed.

The filing of a misconduct complaint under this policy is independent of any criminal investigation or proceeding, and except in cases where it is determined that a conduct proceeding might impede a criminal investigation or otherwise not be in the best interest of the law enforcement agency or the victim, the Law School will not wait for the conclusion of any criminal proceedings to commence its own investigation and to take needed interim measures.

#### **B. Investigation of a complaint and notice of charges of alleged policy violation**

The Title IX Coordinator will examine, or appoint an investigator to examine, each complaint received. The Title IX Coordinator or investigator will conduct a prompt, thorough, and impartial investigation of the complaint. The investigation may involve interviewing a complainant, respondent, or witnesses; collecting documents or other physical/electronic information; reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and taking other appropriate steps in an investigation. Individuals who are interviewed during the investigation will be advised that the matter is confidential and that retaliation is prohibited by this policy. A complainant and alleged offender may each provide information and suggestions to an investigator, but the investigator has independent authority to conduct an investigation in a manner he or she best determines.

**Neither a complainant nor respondent, nor anyone on behalf of a complainant or respondent, is permitted to engage in any independent investigative activity that involves contacting individuals associated with the investigation and adjudication.**

At the conclusion of the review, the investigator, if the investigator is not the Title IX Coordinator, will submit a written Report of Findings to the Title IX Coordinator detailing the information that was collected. The Title IX Coordinator may ask further clarifying questions of the complainant, alleged offender, or witnesses to supplement the Report of Findings.

The Title IX Coordinator shall review the Report of Findings and determine whether there is sufficient information to support charging a student with a violation of this policy. The Title IX Coordinator will direct that the case will proceed unless it is clear from the complaint and Report of Findings that no reasonable grounds exist for believing that the conduct at issue violates this policy. If a determination is made that the available information will not support a violation, then the respondent will not be charged. If such a determination is made, then both complainant and the respondent shall receive simultaneous written notices of this determination, and the process and deadline for submitting an appeal.

If the Title IX Coordinator determines that there is sufficient information that a respondent may have committed a violation of this policy, then within seven calendar days after the Report of Findings is completed or supplemented, a written "Notice of Charges of Policy Violation" ("Notice of Charges") will be provided to the respondent and the complainant with summary information that supports the charge(s).

### **C. Input from the complainant regarding the method of resolution**

Early in the investigation, the Title IX Coordinator will seek to determine how the complainant wishes to proceed - whether the complainant wishes to pursue a formal resolution, seeks to resolve the allegation informally, or does not wish to pursue resolution of any kind.

1. If the complainant wishes to proceed with a formal resolution and the Title IX Coordinator determines there is sufficient information to proceed with a disciplinary process, then a hearing will be conducted as outlined below.
  
2. If the complainant wishes to proceed with an informal resolution, the Title IX Coordinator may elect to initiate an informal resolution process. However, a complainant (i) should never be required to work out a problem or resolve an issue directly with the alleged offender without school involvement; (ii) must be advised of the right to end the informal process at any time and to begin to pursue a formal complaint process; and (iii) should be notified that mediation is not appropriate, even on a voluntary basis, for sexual assault allegations. Additionally, a complainant and respondent must mutually consent to use of the informal resolution. The Title IX Coordinator may elect not to pursue an informal resolution process if it is deemed not to be in the best interest of the involved parties or in the best interest of the Law School.
  
3. Even if the complainant does not wish to pursue resolution, requests that no action be taken, or requests that his or her identity remain confidential, the Law School has an obligation to respond to reports of sexual misconduct. The Law School's ability to respond may be limited if a complainant wishes to remain anonymous. A complainant's request regarding the confidentiality of reports of sexual misconduct will be considered in determining an appropriate response; however, such a request will be considered in the dual contexts of the Law School's legal obligation to ensure a learning environment free from sexual misconduct and the due process rights of the respondent to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the Law School will comply with requests for confidentiality to the extent possible. The complainant's request may be weighed against the following factors in considering how to respond: the seriousness of the alleged sexual misconduct, the complainant's age, circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence<sup>1</sup>, whether the sexual violence was perpetrated with a weapon, whether the school possesses other means to obtain relevant evidence, and the respondent's right to receive information about the allegations if the information is maintained by the Law School as an "Education Record" under the Family Educational Rights and Privacy Act (FERPA).

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<sup>1</sup> For example, whether there have been other sexual violence complaints about the same respondent, whether the respondent has a history of arrest or records from a prior school indicating a history of violence, whether the respondent threatened further sexual violence or other violence against the student or others, or whether the sexual violence was committed by multiple perpetrators.

The Title IX Coordinator is responsible for making determinations concerning requests for confidentiality. If the Law School determines that it must disclose a complainant's identity to a respondent, it will inform the complainant prior to making this disclosure.

Title IX includes protections against retaliation, and the Law School will not only take steps to prevent retaliation but also take strong responsive action if retaliation occurs.

#### **D. Authority to impose interim restrictions**

During the investigation and until resolution of a matter, the Title IX Coordinator may issue interim restrictions, including, but not limited to the following: no-contact or stay away orders between the complainant and respondent, interim suspension, or exclusion from areas of campus, changes to on-campus work schedules, changes to academic schedules, permission to withdraw from or to retake a class without penalty, access to academic support, among other measures. Interim measures should not be construed to suggest that any decision has been made about the merits of the case.

#### **E. Acceptance of responsibility**

Within five calendar days after receipt of the "Notice of Charges," the respondent will have an opportunity to accept or not accept responsibility for the charge(s). If respondent is charged and accepts responsibility for having violated this policy, the Title IX Coordinator will determine the appropriate sanction within five calendar days and send written notification of the sanction imposed and the appeal process to the complainant. The sanction determination is appealable to the Dean of the Law School ("Dean") within seven calendar days of the notice of sanction. The Dean's determination shall be final and is not appealable.

### **IV. HEARING PANEL AND PROCEDURES**

If an investigation supports moving forward with a hearing and the respondent does not accept responsibility for the alleged conduct, the Title IX Coordinator will refer the matter to the disciplinary hearing panel, so the panel can determine if the respondent is responsible for the violations alleged. All proceedings will be conducted promptly, fairly, and impartially. Such proceedings will be conducted by officials who have received appropriate training.

#### **A. The Hearing Panel**

The Dean shall appoint a Hearing Panel consisting of three faculty members. Hearing Panel members shall be required to disclose any conflicts of interest relating to the allegations or the proceeding. The Dean shall designate one of the panel members to serve as Presiding Member. The Presiding Member is entitled to vote.

#### **B. Presenting Counsel**

The Dean shall also appoint a faculty member to serve as Presenting Counsel. The function of the Presenting Counsel is to present to the Hearing Panel at the hearing the Report of Findings and the

Notice of Charges. The Presenting Counsel is not an advocate for either party.

### **C. Party Adviser**

The Dean shall also appoint a faculty member to serve as Party Adviser. The Party Adviser shall provide the parties with information about proceedings under this policy. The Party Adviser shall not represent any student in proceedings under this policy.

### **D. Conflicts of Interest**

No person shall serve simultaneously in more than one position on the Hearing Panel, as Presenting Counsel, or as Party Adviser, and those bodies and offices shall observe strict separation of functions. No one shall communicate ex parte about any pending adjudicative matter with any member of the Hearing Panel, except that Presenting Counsel and the Party Adviser may discuss procedural matters with the Presiding Member of the Hearing Panel, as appropriate.

### **E. Hearing Procedures**

**1. Notice of Hearing.** Once the Title IX Coordinator refers the matter to the Hearing Panel, the Presiding Member will select the date, time, and location of the hearing, and will provide notice to all parties.

**2. Referral to Presenting Counsel.** The Title IX Coordinator shall provide the Presenting Counsel with the Report of Findings and Notice of Charges.

**3. Party Adviser and Representation of Parties.** After the Title IX Coordinator refers the matter to the Hearing Panel, the Party Adviser shall promptly communicate with the parties and inform them of the Party Adviser's functions. The Party Adviser shall provide the parties with a copy of this policy and inform them of their right to independent representation by a representative of their choice. The parties have the responsibility to notify their representative of the time, date, and location of any disciplinary proceedings. Proceedings will not be rescheduled to accommodate a representative.

**4. Pre-hearing Conference.** Promptly after the parties are notified of the date, time, and location of the hearing, the Presiding Member of the Hearing Panel shall convene a pre-hearing conference to be conducted as follows:

**a.** The purposes of a pre-hearing conference are to notify the parties of the composition of the Hearing Panel, discuss hearing preparation, and take whatever further steps may be appropriate to simplify the issues and expedite the hearing.

**b.** A pre-hearing conference shall be conducted in person, by telephone conference call, or by any other convenient medium of communication as determined by the Presiding Member.

c. The Presiding Member shall endeavor to facilitate agreements as to all matters that may arise at a pre-hearing conference but in the absence of agreement, the Presiding Member shall make all necessary orders to promote a just and speedy determination of the proceedings. Substantive challenges to the evidence shall be postponed to the hearing on the merits unless the Presiding Member determines that a different procedure would be appropriate.

d. The parties shall be notified and shall be entitled to participate in any pre-hearing conference. The Presenting Counsel and Party Adviser may also be present.

**5. Hearing Preparation.** There is no formal discovery. The parties or their representatives, if applicable, shall disclose to one another the evidence upon which they plan to rely at the hearing to the extent necessary to avoid unfair surprise. Both parties shall be given similar and timely access to information that will be used at the hearing.

**6. Hearing.** The hearing shall be conducted as follows:

a. The hearing shall be closed.

b. All members of the Hearing Panel shall be present at all times unless the parties by stipulation agree that a member may be absent. The hearing may be recessed from time to time.

c. The Presiding member shall conduct the hearing and shall rule on all procedural and evidentiary questions. The Presiding Member shall refer all substantive questions to the Hearing Panel, whose rulings shall be determined by majority vote.

d. The stages of the hearing and of examination of witnesses shall follow the sequence generally observed in Georgia non-jury trial practice. Both parties shall be given substantially equivalent opportunities to present relevant evidence and witnesses.

e. Except for rules of testimonial privilege recognized in Georgia, formal rules of evidence do not apply, and all relevant evidence is admissible except evidence whose probative value is outweighed by the danger of unfair prejudice, confusion of issues, or waste of time. Evidence about the complainant's prior sexual conduct with anyone other than the respondent is prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of misconduct.

f. Both parties have the right to be present for the entire hearing, except for deliberations or recesses for the panel to discuss procedural issues. A complainant shall not be required to be physically present in the same room as the respondent, and at the discretion of the Presiding Member, electronic participation by a complainant may constitute presence for purposes of any proceeding.

**g.** Members of the Hearing Panel may ask questions of the parties and witnesses.

**h.** Unless otherwise stipulated, an audio or video tape recording of the proceedings shall be made, but no transcript will be prepared unless specifically ordered by either the Presiding Member of the Appeals Panel. Either party may arrange for copies of the recording or for the attendance of a stenographic reporter at their own expense. In the absence of a stenographic reporter or other person authorized to administer oaths, the Presiding Member shall swear or affirm all witnesses and mark and preserve all exhibits.

**7. Deliberation and Determination.** Immediately after the hearing, the Hearing Panel shall deliberate privately and decide whether each charge in the Notice of charges has been sustained by the evidence. The Hearing Panel shall use the preponderance of the evidence standard when determining whether a violation of the Policy has occurred, i.e., it is more likely than not that sexual misconduct occurred. The respondent shall be found responsible or not responsible for each charge by a majority vote of the panel.

**8. Statement of Decision.** The Hearing Panel shall prepare and adopt a statement of decision within five calendar days of the conclusion of the hearing, which shall summarize the charges and state the Hearing Panel's decision as to each charge and may briefly state the evidentiary basis for each decision. Detailed findings of fact are not required. If the statement of decision finds any of the charges to be sustained by the evidence, the Hearing Panel shall also determine the appropriate discipline.

**9. Final Judgment.** The statement of decision shall constitute the final judgment of the Hearing Panel. The Presiding Member shall deliver the statement of decision to the Title IX Coordinator. The Title IX Coordinator shall then provide a copy of the statement of decision to the parties simultaneously, as well as information regarding the process and deadline for submitting an appeal by either party.

## **F. Potential Remedies for Complainants**

Effective remedial action taken as a result of a violation of this policy may include, but is not limited to, disciplinary action against the respondent, providing counseling for the respondent, and remedies for the complainant and others. Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the complainant and respondent do not share classes or extracurricular activities (such as student organizations, Law Review, Moot Court, and Mock Trial);

- Providing victim services, including medical, counseling, and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.

### **G. Potential Sanctions Against the Respondent.**

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for sexual misconduct, or both. Sanctions may include, without limitation, expulsion or suspension from the Law School, disciplinary probation, mandated counseling, and/or educational sanctions deemed appropriate by the Hearing Panel.

The Hearing Panel will determine sanctions, giving consideration to whether a given sanction will a) bring an end to the violation in question, b) reasonably prevent a recurrence of a similar violation, and c) remedy the effects of the violation.

## **V. APPEALS**

### **A. Appeal from Final Judgment**

Appeals must be submitted in writing to the Title IX Coordinator within ten calendar days from the day the parties are provided the statement of decision. Upon receipt of an appeal, the Title IX Coordinator shall inform the Dean of the Law School, who shall appoint a Disciplinary Appeals Panel ("Appeals Panel") consisting of four faculty members. The Dean of the Law School shall designate one of the faculty members to serve as Presiding Member. The Presiding Member is entitled to vote. The functions of the Appeals Panel are to hear and determine appeals from judgments of the Hearing Panel.

### **B. Procedure on Appeal**

If a timely notice of appeal is filed, the Appeals Panel shall proceed as follows;

1. The Presiding Member of the Appeals Panel, in consultation with other members of the Appeals Panel, shall establish a briefing schedule and shall notify all interested persons of the schedule and of the issues as to which review has been sought.
2. The Presiding Member of the Hearing Panel shall promptly deliver to the Appeals Panel the complete record of its proceedings. The record shall include the Report of Investigation, Notice of Charges, the recording or transcript of the hearing, exhibits received in evidence or otherwise made a part of the record at the hearing, the statement of decision

and determination of discipline, if applicable.

3. The Appeals Panel may, at its discretion, schedule a hearing for oral argument after the conclusion of the briefing schedule.

### **C. Decision by Appeals Panel**

The Appeals Panel shall review the statement of decision of the Hearing Panel on the basis of the record and shall not receive additional evidence. The Appeals Panel shall affirm, reverse, modify, or remand to the Hearing Panel for further proceedings according to the dictates of the case.

The Presiding Member of the Appeals Panel shall deliver the decision of the Appeals Panel to the Title IX Coordinator. The Title IX Coordinator shall then simultaneously provide the parties with written notice of the outcome of the appeal. If the decision of the Appeals Panel directs that the proceedings be remanded to the Hearing Panel, the Hearing Panel shall promptly comply with the Appeals Panel's decision. The decision of the Appeals Panel is final and not appealable.

## **VI. SUPPORT SERVICES**

Surviving domestic violence can be stressful, confusing, and frustrating. Healing the emotional wounds can take much longer than healing from physical wounds. The following resources are meant to guide you through the systems and resources available in the Savannah area.

### **24-HOUR HOTLINES**

Rape Crisis Center of the Coastal Empire  
912-233-7273 or 888-241-7273

SAFE Shelter (Savannah Area Family Emergency)  
912-629-8888

Gateway Crisis Line  
912-651-2317

United Way of Coastal Empire  
912-651-7730

Georgia Domestic Violence Hotline  
800-33-HAVEN (334-2836)

Governor's Victim Assistance Helpline  
800-338-6745

National Domestic Violence Hotline  
800-799-7233

Suicide Prevention Center Hotline

800-SUICIDE (784-2433)

**DOMESTIC VIOLENCE SAFEHOUSES**

SAFE Shelter  
912-629-8888 safeshelter.org

Tri-County Protective Agency, Inc. (Hinesville)  
Crisis Line: 912-368-9200

Citizens Against Violence, Inc. (Statesboro)  
Crisis Line: 912-764-4605

**INDIVIDUAL & FAMILY COUNSELING**

Barnabas Center for Counseling  
912-352-7638 barnabascenter.net

Wesley Community Center  
912-236-4426

The Counseling Center at Union Mission  
Savannah: 912-238-2777  
Rincon: 912-826-6442 unionmission.org

**OTHER LOCAL, REGIONAL, and NATIONAL RESOURCES**

Georgia Network to End Sexual Assault  
866-354-3672 gnesa.org

Criminal Justice Coordinating Council -Victim Services  
800-547-0060 cjcc.ga.gov

Rape, Abuse, & Incest National Network (RAINN) Hotline  
800-656-HOPE  
rainn.org

Army/DOD Resources:  
preventsexualassault.army.mil  
sapr.mil

Battered Women's Justice Project  
bwjp.org

Family Violence Council Savannah-Chatham County  
familyviolencecouncil.org

Fort Stewart and Hunter AAF  
Sexual Assault Response Coordinator  
912-767-6350

Georgia Coalition Against Domestic Violence  
800-334-2836

Men Stopping Violence  
866-717-9317

National Center for Victims of Crime [ncvc.org](http://ncvc.org)

Georgia Legal Services Program – Savannah Regional Office  
912-651-2180

### **SAVANNAH CHATHAM METROPOLITAN POLICE DEPARTMENT**

911; 912-232-4141  
Spanish Language Hotline: 912-677-7596

Garden City Police: 912-966-7770

Port Wentworth Police: 912-964-4360

Pooler Police: 912-748-7333

Bloomingdale Police: 912-748-8302

Tybee Island Police: 912-786-5600

Thunderbolt Police: 912-354-3818

Special Victims Unit: 912-651-6742

Chatham County Victim-Witness Assistance Program  
912-652-7329

## **VII. DEFINITIONS**

**Allegation.** A statement by a complainant that an act of sexual misconduct has occurred.

**Coercion.** Coercion is inappropriate pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When a person makes clear that they do not want sex, wants to stop, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive.

**Complainant.** The person making an allegation or complaint of sexual misconduct.

**Complaint.** A formal notification, either orally or in writing, of the belief that sexual misconduct has occurred.

**Consent.** Consent is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity because of circumstances or the behavior of another, or due to his or her age<sup>2</sup>. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment.

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

**Domestic violence.** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Georgia, or 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 state of Georgia.

**Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes resistance or produces consent. There is no requirement that a person has to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

**Hostile Environment.** A hostile environment based on sex exists when harassment is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the Law School's programs, services, opportunities, or activities.

**Incapacitation.** Incapacity can result from mental disability, sleep, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/or other drugs. An incapacitated person does not have the ability to give knowing consent. Sexual activity with a person who one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated, constitutes a violation of this policy. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol

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<sup>2</sup> In Georgia, minors under the age of 16 years are generally unable to provide consent, with narrow exceptions. See Ga. Code Ann. §16-6-3, Statutory Rape.

and/or drugs on another's ability to give consent.

**Intimate Partner Violence (IPV).** Physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples, whether cohabitating or not, and does not require sexual intimacy. IPV can vary in frequency and severity, can occur on a continuum, and can include acts of physical violence, sexual violence, threats of physical or sexual violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment.

**Non-Consensual Sexual Contact.** Any intentional sexual touching by a person upon a person, that is without consent and/or by force. Sexual Contact includes, but is not limited to, intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, with any object.

**Non-Consensual Sexual Intercourse.** Any sexual intercourse by a person upon a person, that is without consent and/or by force. Intercourse includes, but is not limited to, vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**Respondent** refers to the person against whom the allegation or complaint of sexual misconduct is made.

**Retaliation.** Any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a complaint of sexual misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

**Sexual Exploitation** occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to the following:

- invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent;
- observing unsuspecting individuals who are partly undressed, naked, or engaged in sexual acts;
- knowingly transmitting an STI or HIV to another student;
- exposing one's breasts, buttocks, groin, or genitals, in non-consensual circumstances; inducing another to expose their breasts, buttocks, groin, or genitals;
- sexually-based stalking and/or bullying may constitute a form of sexual exploitation, as well as a form of sexual harassment, as discussed above.

**Sexual Harassment.** Unwelcome conduct, based on sex or on gender stereotypes, which is so

severe or pervasive that it unreasonably interferes with a person's university employment, academic performance or participation in university programs or activities or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention or advances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence or sexual assault; intimate partner violence; stalking inappropriate comments; and gender-based bullying.

**Sexual Misconduct.** Sexual misconduct encompasses sexual harassment; non-consensual sexual contact, (attempts to commit same); non-consensual sexual intercourse (or attempts to commit same); rape<sup>3</sup>, aggravated sodomy<sup>4</sup>, intimate partner violence; stalking; and sexual exploitation. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by persons of any gender or sex, and it can occur between people of the same or different sex.

### **Stalking<sup>5</sup>.**

Behavior where a person follows, places under surveillance, or contacts another person without the consent of that person for the purpose of harassing and intimidating him or her. The term "contact" means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device. "Harassing and intimidating" refers to a course of conduct or communications directed at a person that causes the person to suffer emotional distress that would cause a reasonable person to fear for personal safety or the safety of others, and which serves no legitimate purpose. It does not require that an overt threat of death or bodily injury be made.

**Student.** Any person pursuing academic studies at the Law School. The term also includes: (1) a person not currently enrolled who was enrolled in the fall, spring, or summer term preceding the alleged violation, (2) a person who, while not currently enrolled, was previously enrolled in the Law School and who is reasonably anticipated to seek enrollment at a future date, or (3) a person who has applied to or been accepted for admission to the Law School and has accepted an offer of admission or may reasonably be expected to enroll.

## **VIII. ADDITIONAL INFORMATION REGARDING SEXUAL VIOLENCE**

Additional information regarding obtaining orders of protection, no contact orders, etc. is located on the Law School's website and can also be obtained from the Title IX Coordinator.

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<sup>3</sup> A male having carnal knowledge of a female forcibly and against her will. Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. See Ga. Code Ann., § 16-6-1, Rape.

<sup>4</sup> A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person. See Ga. Code Ann., § 16-6-2, Sodomy; aggravated sodomy.

<sup>5</sup> Ga. Code Ann. § 16-5-90, Stalking.