A photograph of a campus walkway with circular planters and modern buildings in the background. A black rectangular overlay is centered on the image, containing the college's name and slogan in red text.

**ATLANTA  
METROPOLITAN  
STATE  
COLLEGE**

Bring your brilliance.

# Annual Security Report

## 2024

Contains crime statistics for the AMSC campus  
for the years 2021, 2022 and 2023

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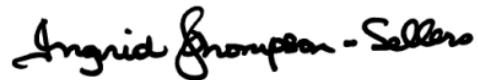


Atlanta Metropolitan State College (AMSC) is committed to maintaining a safe, secure environment for our students, faculty, staff and visitors.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and the Higher Education Opportunity Act (HEOA) requires colleges and universities to disclose crime and fire statistics for calendar years 2021 - 2023. The report contains crimes reported to local agencies and crimes reported to campus security authorities. AMSC's Public Safety Department is responsible for the collection of Clery Act Crime Statistics, and for reporting such information directly to the U.S. Department of Education and to the Trailblazer community.

For your information, you may access an on-line version of the Annual Security Report and Fire Safety Reports at <https://www.atlm.edu/about-amc/clery.aspx>. Additionally, a printed copy may be obtained by contacting the Police Department at 404-756-4040. The report also outlines information and resources available to the college community as well as where to find them to promote safety and security.

Sincerely,

A handwritten signature in black ink that reads "Ingrid Thompson-Sellers". The signature is written in a cursive, flowing style.

Ingrid Thompson-Sellers, Ph.D.  
President

## **Accessibility Statement**

If you need this document in an alternate format for accessibility purposes, please email [hr@atlm.edu](mailto:hr@atlm.edu).

# Introduction

Atlanta Metropolitan State College is committed to a safe learning and working environment for all institutional members. The College includes students, faculty, staff, contractors, vendors, visitors, and guests. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires higher education institutions to adopt specific campus security policies and disclose plain language summaries of them in an Annual Security Report (ASR). Summaries and additional information are provided below.

## Crime Reporting

AMSC contracts its police services with the Georgia State University Police Department (AMSC's Campus Safety Department). Crimes should be reported as soon as possible to the Campus Safety Department via telephone at 404-413-3333. In an emergency, dial 911 and follow up with the Campus Safety Department when it is safe. You may report crimes in person at the following campus location:

Campus Safety Department: Administration Building 600, 1<sup>st</sup> Floor

Additionally, crimes may be reported to the Title IX Coordinator, Director of Student Conduct, or Human Resources officials.

AMSC encourages the prompt reporting of crimes or other emergencies to the Public Safety Department and appropriate police agencies when the victim elects to or cannot make such a report.

AMSC does not currently have a policy regarding voluntary, confidential reporting of crimes by complainants or witnesses for inclusion in crime statistics, nor does AMSC currently have a policy or procedures that encourage pastoral and professional counselors, at their professional discretion, to inform the persons they are counseling of any such procedures to report crimes on a voluntary, confidential basis for inclusion in crime statistics.

## Annual Disclosure of Crime Statistics

The College Clery Coordinator is responsible for collecting crime reports from Campus Security Authorities (CSAs), as defined below, to compile annual crime statistics. CSAs are individuals who, because of their responsibilities at AMSC, are obligated to share information with the College about alleged Clery crimes that are either reported to them or personally witnessed by them. At AMSC, some common examples of CSAs include, but are not limited to, Campus Police, Campus Security Officers, Student Affairs, Human Resources, and Title IX personnel. Crimes reported to a pastoral or professional counselor are excluded from Clery Act crime statistics reporting. The Clery Coordinator also gathers reports from local law enforcement agencies for inclusion in the tabulation and reporting of Clery Act crimes.

College Clery Coordinator: Administration Building 600, 2nd Floor

The Clery Coordinator leads the Clery Act Classification Review Work Group in determining the classification and counting of crime statistics. The work group includes representatives from the Campus Safety Department, Human Resources, and Student Affairs. In addition to ongoing individual collaborative communications, the work group communicates via telephone when a Clery crime occurs within the Clery geography.

## Timely Warnings

AMSC issues Timely Warnings to alert the campus community of Clery crimes occurring on campus or in other Clery Geography considered by the College to represent an ongoing threat to students and employees. Timely Warnings are issued as soon as the pertinent information is available.

The Public Safety Department evaluates reports to determine if a warning must be disseminated. The Department issues timely warnings based on determinations made by department personnel who receive the incident report.

Timely Warnings are issued via the Campus Shield app and/or campus email. Timely Warnings will not include the names and other identifying information of complainants.

### **Emergency Notifications**

The Public Safety Department will issue emergency notifications to the campus community of conditions considered by the College to represent an immediate threat to the health or safety of students or employees. The Public Safety Department will confirm any significant emergency or dangerous situation to determine the segment or segments of the campus community to receive a notification and determine the content of the notification. Emergency Notifications are issued by the Public Safety and other authorized representatives central dispatch via Blackboard Connect, Campus Shield app, campus email, and text messages,

The College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Should an Emergency Notification be issued, the College is not required to issue a Timely Warning based on the exact circumstances.

The authority to declare a campus state of emergency rests with the college president or appointee as follows:

During the period of any campus major emergency, the emergency coordinator as required, shall place into immediate effect the appropriate procedures necessary to meet the emergency, safeguard persons and property, and maintain educational facilities. The emergency coordinator shall immediately consult with the emergency director and/or president regarding the emergency and the possible need for a declaration of a campus state of emergency.

When this declaration is made, only registered students, staff, faculty, and affiliates (i.e. person required by employment) are authorized to be present on campus. Those who cannot present the proper Atlanta Metropolitan State College identification (campus I.D. Card) showing their legitimate business on campus will be asked to leave the campus. Unauthorized persons remaining on campus may be subject to arrest in accordance with applicable Georgia law.

In addition, only those faculty and staff members who have been assigned emergency duties or issued an emergency pass by the Department of Public Safety will be allowed to enter the immediate disaster site.

The Office of the President is responsible for issuing information to local media.

### **Public Crime Log**

The Campus Safety Department generates the Daily Crime Log from reports made to them through their central dispatch office, from Campus Security Authorities, and local law enforcement agencies. Entries are made and updated within two business days. The log records, in the order received, the nature, date, time, general location, and disposition (if known) of reported crimes. Crime logs are publicly available for in-person inspection at the Human Resources Office (Building 600, Room 215) during regular business hours. The Public Crime Log entries are archived monthly, with the most current 60 days publicly available, and retained electronically for seven years. Archived copies will be available for public inspection within two business days of a request.

Certain information may be withheld from the Daily Crime Log if the release of such information is prohibited by law or would compromise the confidentiality of the victim. In these cases, the Campus Safety Department will ensure compliance with all legal and ethical requirements to protect individuals while maintaining transparency in reporting.

### **Security and Access to Facilities**

AMSC campus and administrative buildings are open Monday – Thursday, 8:30 am – 6:00 pm, and Friday, 8:30 am – 12:30 pm. The College is open to students, parents, employees, contractors, guests, and invitees during business hours.

During non-business hours, access to all College facilities is by key or card access, if issued, or by admittance via the Public Safety Department staff after receiving an email requesting admittance. Access to individual classrooms and laboratories is limited to those enrolled in the courses. In periods of extended closing, the College will admit only those with prior approval to all facilities. Some facilities may have individual hours, varying at different times of the year.

### **Security and Maintenance of Facilities**

Regular assessment and maintenance schedules reflect that AMSC values and promotes physical safety and security regarding facilities and surrounding grounds. The Public Safety Department partners with our Facilities team in ongoing assessments, reporting of, and mitigating safety concerns. The Public Safety Department partners with Facilities when buildings are under design by architectural firms before and during construction. Environmental Health & Safety, in conjunction with representatives from the Public Safety Department, conducts surveys of the AMSC campus property at least twice each year to evaluate campus lighting. Campus and community members may report any security concerns, including concerns about locking mechanisms, lighting, landscaping, or other issues, to the Campus Safety Department.

### **College Police**

AMSC contracts with the Georgia State University Police Department, "AMSC's Public Safety Department," a fully certified state police agency. Police officers are fully qualified to investigate crimes on campus and AMSC does not have a written agreement with any local agency for the purposes of investigating specific crimes.

The jurisdiction of police officers, as defined by Georgia law, is public or private property under the control of the Board of Regents plus 500 yards. Officers may operate beyond 500 yards if they are in pursuit of an individual if assistance is requested from a surrounding agency with whom the Public Safety Department has working relationships or on any campus under the control of the Board of Regents.

AMSC does not have any recognized student organizations off campus.

The AMSC Public Safety Department has a strong working relationship with the following agencies:

- Atlanta Police Department
- Atlanta Technical College Police Department
- Georgia Tech Police Department
- Fulton County Sheriff's Office
- Georgia State Patrol
- Georgia Bureau of Investigations
- Capital Police Department
- MARTA Police Department

Each of the above agencies assists the Public Safety Department within their jurisdiction during mutual investigations, arrests, and prosecutions.

The Public Safety Department is fully qualified to investigate criminal incidents within our Clery geography. If necessary, the Georgia Bureau of Investigation may conduct a homicide investigation.

### **Emergency Response and Evacuation**

AMSC maintains an Emergency Response and Evacuation Procedure and an Emergency Operations Plan. The Emergency Operation Plan includes:

- declaration of a campus state of emergency,
- roles and responsibilities in the event of an emergency,
- drills and exercises.

The Office of the President, in consultation with the Campus Safety Department, is responsible for maintaining the plan, conducting at least one annual test of The Emergency Operations Plan, and maintaining detailed documentation of each test. Annual emergency response and evacuation tests may be announced or unannounced. Evacuation training sessions are conducted annually or upon request. The College publicizes information about the Emergency Operations Plan in conjunction with one annual test and on an ongoing basis throughout the year, including orientation sessions, social media posts, and tests of the emergency notification system.

## **Alcoholic Beverage and Illegal Drugs**

### **Alcoholic Beverages**

AMSC prohibits the possession, use, and sale of alcoholic beverages on campus. The possession, use, sale, or furnishing of alcohol is allowed when authorized at a non-student social function in designated areas with prior approval of the College President and when authorized for educational or research purposes. The Public Safety Department enforces state and local ordinances pertaining to the illegal possession, use, and sale of alcoholic beverages and underage drinking laws as well as illegal drug possession and use. It is illegal in Georgia for persons under 21 years of age to possess, consume, or purchase alcoholic beverages. It is illegal for any person to furnish alcoholic beverages to persons less than 21 years of age. Enforcement actions include arrests and referrals for disciplinary action

### **Illegal Drugs**

AMSC is a "Drug-Free" College. Possession, use (without a valid medical or dental prescription), manufacture, furnishing, or sale of any narcotic or dangerous drug controlled by federal or Georgia law is prohibited. The Campus Safety Department issues citations and performs custodial arrests in accordance with state law.

**Georgia's 9-1-1 Medical Amnesty Law, O.C.G.A. 3-3-23**, authorizes law enforcement officers to maintain and administer opioid antagonists in suspected cases of opioid overdoses.

The Campus Safety Department has two 4 mg bottles of NARCAN (Naloxone hydrochloride) Nasal Spray in case of an overdose on campus.

Know the signs:

- A person is passed out or is difficult to awaken.
- A person is cold, clammy, pale, or bluish skin.
- A person has slowed breathing.
- Vomiting (asleep or awake)

Know how to help:

- Turn a vomiting person on their side to prevent choking.
- Clear vomit from the mouth.
- Keep the person awake.
- NEVER leave the person unattended.
- Call 911 for medical assistance.

For more information on the risks and consequences of drug and alcohol abuse, visit:

[www.drugabuse.gov](http://www.drugabuse.gov).

## **Education and Prevention Programming**

AMSC encourages members of the College community to help prevent and reduce acts of violence by:

- being vigilant and using safety planning,
- stepping in when they see signs of potential or escalating violence and
- using one or more of the actions of bystander intervention to step in and distract, direct, delay, document, or delegate to someone to intervene.

Reduce risk by drinking responsibly and downloading and using the CampusShield app, friend walk, resources, and reporting options.

## **Security and Safety**

AMSC offers multiple programs each year that encourage students and employees to be responsible for their security and safety and that of others. Public Safety Department is responsible for several campus safety and security programs, including Emergency Management, Community Safety, Security Education, physical security, identity management, access control, behavioral threat assessment, and special event management. The Student Awareness training program is promoted each semester and presented specifically to new and transfer students during Orientation. Programs offered and available upon request to students and employees include Alcohol and Drug Safety/Awareness programs for students, new student orientation that provides general safety awareness and crime prevention tips for new students, Safety Awareness and crime prevention information are provided to current students and employee upon request. CPR/AED/First Aid courses are offered each semester, and General Safety Awareness Training is provided to faculty and staff during Faculty/Staff Institute conferences.

## **Alcohol and Drug Abuse**

AMSC requires all new, transfer, and dual-enrolled students to complete an online education program about alcohol and drug abuse awareness and risk reduction. AMSC utilizes Vector Solutions' online Education (alcohol and drug education) programming for targeted populations. AMSC's Student Counseling department provides resources and virtual simulation workshops for alcohol education.

AMSC employees can access counseling and programming for alcohol and drug concerns through Acentra Health's Employee Assistance Program.

AMSC evaluates and reviews the effectiveness of our alcohol and drug abuse awareness and prevention programs through analytics provided by Vector Solutions, our third-party online program provider.

## **Sexual Misconduct**

AMSC requires all new, transfer, and dual enrolled students and new employees to complete population-specific online Sexual Assault Prevention training via Vector Solutions, targeted at the prevention and risk reduction of dating violence, domestic violence, sexual assault, and stalking while creating a safe environment for those who may have been victims of these crimes. Further, all AMSC employees must complete annual sexual harassment training through Vector Solutions.

AMSC's Title IX Office offers ongoing bystander intervention and sexual misconduct prevention programs to students, faculty, staff, and the general population across our campus. AMSC employees have free access to relationship and family problems counseling and programming through Acentra Health's Employee Assistance Program.

AMSC conducts annual evaluations of the effectiveness of our sexual misconduct awareness and prevention programs through analytics provided by Vector Solutions.

## **Definitions under Georgia State Law**

### **Dating Violence**

#### **[O.C.G.A. § 19-13A-1:](#)**

- 'Dating violence' means the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or who are currently, or within the last 12 months, in a dating relationship: (A) Any felony or  
(B) Commission of the offenses of simple battery, battery, simple assault, or stalking.

### **Domestic Violence**

The State of Georgia does not have a Domestic Violence law but defines Family Violence as [O.C.G.A. § 19-13-1](#): As used in this article, the term "family violence" means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- (1) Any felony; or
- (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term "family violence" shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

### Sexual Assault

Georgia does not have a Sexual Assault law but instead has a Sexual Battery law, as shown below.

#### [O.C.G.A. § 16-6-22.1](#):

- (a) For this Code section, the term "intimate parts" means the primary genital area, anus, groin, inner thighs, or buttocks of a male or female, and the breasts of a female.
- (b) A person commits the offense of sexual battery when they intentionally make physical contact with the intimate parts of the body of another person without the consent of that person.
- (c) Except as otherwise provided in this Code section, a person convicted of the offense of sexual battery shall be punished for a misdemeanor of a high and aggravated nature.
- (d) A person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.
- (e) Upon a second or subsequent conviction under subsection (b) of this Code section, a person shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years and, in addition, shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

### Rape

#### [O.C.G.A. § 16-6-1](#):

- (a) A person commits the offense of rape when he has carnal knowledge of:
  - (1) A female forcibly and against her will; or
  - (2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.

- (b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by a split sentence that is a term of imprisonment for not less than 25 years and not exceeding life imprisonment, followed by probation for life. Any person convicted under this Code section shall also be subject to the sentencing and punishment provisions of Code Sections 17-106.1 and 1710-7.
- (c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

### Sodomy; Aggravated Sodomy; Medical Expenses [O.C.G.A. § 16-6-2](#):

- (a)

- (1) A person commits the offense of sodomy when they perform or submit to any sexual act involving the sex organs of one person and the mouth or anus of another.
- (2) A person commits the offense of aggravated sodomy when they commit sodomy with force and against the will of the other person or when they commit sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.

(b)

- (1) Except as provided in subsection (d) of this Code section, a person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.
- (2) A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by a split sentence that is a term of imprisonment for not less than 25 years and not exceeding life imprisonment, followed by probation for life. Any person convicted under this Code section of the offense of aggravated sodomy shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

(d) If the victim is at least 13 but less than 16 years of age and the person convicted of sodomy is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

### Fondling

The State of Georgia does not have a definition for fondling; however, what the Clery Act defines as fondling is included in the State definition of sexual battery provided above.

### Incest

#### [O.C.G.A. § 16-6-22:](#)

(a) A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2, with a person whom they know they are related to either by blood or by marriage as follows:

- (1) Father and child or stepchild;
- (2) Mother and child or stepchild;
- (3) Siblings of the whole blood or of the half blood;
- (4) Grandparent and grandchild of the whole blood or of the half blood;
- (5) Aunt and niece or nephew of the whole blood or of the half blood; or (6) Uncle and niece or nephew of the whole blood or of the half blood.

(b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ten nor more than 30 years, provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

### Statutory Rape

#### [O.C.G.A. § 16-6-3:](#)

- (a) A person commits the offense of statutory rape when they engage in sexual intercourse with any person under the age of 16 years and not their spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.
- (b) Except as provided in subsection (c) of this Code section, a person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years. Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.
- (c) If the victim is at least 14 but less than 16 years of age and the person convicted of statutory rape is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor.
- (d)
- (1) As used in this subsection, the term "sexual felony" shall have the same meaning as outlined in paragraph (2) of subsection (j) of Code Section 16-5-21.
- (2) Any person having been previously convicted of a sexual felony who is convicted of the felony offense of statutory rape when the individual convicted was 21 years of age or older, shall be punished by imprisonment for life or a split sentence that is a term of imprisonment followed by probation for life. As a condition of probation, the court shall impose the requirement of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section 42-8-35.

### Stalking

O.C.G.A. § 16-5-90:

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

(c) Upon the second and all subsequent convictions for stalking, the defendant is guilty of a felony and shall be imprisoned for not less than one year or more than ten years.

(d) Before sentencing a defendant for any conviction of stalking under this Code section or aggravated stalking under Code Section 16-5-91, the sentencing judge may require a psychological evaluation of the offender and shall consider the entire criminal record of the offender. At the time of sentencing, the judge is authorized to issue a permanent restraining order against the offender to protect the person stalked and the members of such person's immediate family, and the judge is authorized to require psychological treatment of the offender as a part of the sentence, or as a condition for suspension or stay of conviction, or for probation.

### Consent

While Georgia does not define consent, there is a published definition of "Without his consent" in:

O.C.G.A. § 16-1-3: (19) "Without his consent" means that a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another.

### Sex Offender Registry Information

Information about registered sex offenders carrying on a vocation and/or enrolled at AMSC may be found at <https://gbi.georgia.gov/services/georgia-sex-offender-registry>.

### Sexual Misconduct

#### **Introduction**

Atlanta Metropolitan State College is committed to a learning and working environment free from sex-based discrimination for all college community members. The College Community includes students, faculty, and staff, as well as contractors, vendors, visitors, and guests.

As part of this commitment, the College expressly prohibits sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking, consistent with the requirements of Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crime Statistics Act, and University System of Georgia policy.

If you or someone close to you are the victim of sex-based discrimination, know that you are not alone. The information in this report will help you navigate some of what you may be experiencing. No matter what you have experienced or how you are feeling now, it is essential to prioritize your safety. You do not have to go through this alone; this information is intended to help you navigate the process. The College will provide a student or employee who reports they have been the victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, with a written explanation of their rights and options as described in this report.

Sex offenses are any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the victim.

Fondling is 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 their age or because of their temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

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. The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

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 who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. It can occur when you are deeply in love with someone or happens on the first date, and even after a romantic or sexual relationship has ended.

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. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

### **Reporting Sexual Misconduct**

Reports of sexual misconduct should be made to the Title IX Coordinator by phone at (678) 623-1118, email at [hr@atlm.edu](mailto:hr@atlm.edu), or in person at Room 215, Administrative Building #600. The Title IX Coordinator is responsible for providing parties with supportive and protective measures, advice regarding rights and responsibilities, and options for pursuing disciplinary proceedings. Reports made to the Title IX Coordinator will not automatically initiate a law enforcement investigation.

Students and employees can notify law enforcement authorities, including College and local law enforcement, with jurisdiction where any crime occurred. The Title IX Coordinator will assist parties in making reports to law enforcement if the Complainant chooses so. Parties also have the option to decline to notify law enforcement authorities.

Additionally, reports of sexual misconduct can be made to the following departments:

Counseling and Accessibility Services <https://www.atlm.edu/students/counseling-and-disability><https://www.atlm.edu/students/counseling-and-disabilityservices.aspx>

- by phone at: (404) 756-4016, or
- in person: location, Student Services & Success Center, Building 650, Room 252

Department of Public Safety

- by phone at: (404) 756-4040, or
- in person: Administrative Building 600, Room 134

### **Understanding Trauma**

The trauma of sexual misconduct can have profound effects on the brain and body. Trauma may look like problematic emotional, behavioral, and cognitive responses and potential bodily complaints. Some of the common emotional responses to trauma include anxiety, shame, depression, grief, guilt, and anger. Changes in behavior are often the most obvious responses to sexual violence.

Although these behaviors may seem extreme or may even be harmful, they often make sense in the context of a traumatic experience. Some typical behavioral responses to violence may be hypervigilance, avoidance, isolation, sleep changes, changes in eating habits, self-injury, or substance abuse.

Trauma can even change how you think and view the world. Some of these responses may include shock, disbelief, feelings of stigma, disturbances in memory, difficulty concentrating, or intrusive thoughts. If you identify with some of these reactions, you may find therapy or counseling beneficial.

No matter what you have experienced or how you are feeling now, it is essential to prioritize your safety. What happened to you is not your fault. Everything you did helped you to survive. Consider talking to someone you trust or seeking help. You do not have to go through this alone.

Supportive Measures are available to you as explained in more detail below.

### **Preserving Evidence**

If you are a victim of sexual assault, domestic violence, dating violence, or stalking, it can be helpful to preserve evidence that may be useful in documenting the criminal activity. To preserve evidence, refrain from:

- bathing,
- douching,
- smoking,
- changing clothes, and
- cleaning the linens or areas where an assault occurred.

If you have changed clothes or linens, wait to wash them until you have met with a law enforcement agency and health care provider. Seeking medical care does not mean you must report to law enforcement, so prioritize your health and safety when making decisions. Local hospitals can complete a forensic examination to collect evidence that helps preserve your options should you choose to notify law enforcement. Photos, text messages, social media posts, instant messages, and any other communications or documents may provide valuable information for college hearings or investigations, so save those, too.

### **Orders of Protection**

AMSC follows Georgia law in recognizing and enforcing orders of protection, including, but not limited to, restraining orders, temporary protective orders, and stalking orders issued in Georgia or any other state, with the understanding that orders from other states are subject to laws in the issuing state. Anyone with a protection order should submit the order to the AMSC Public Safety Department and the Title IX Coordinator.

The Public Safety Department keeps the order on file if a violation occurs.

Campus Police have the authority to arrest and charge any individual in violation of the order.

### **No Contact Order**

The Title IX Coordinator is responsible for administering supportive measures on campus, which may include no-contact orders. A no-contact order restricts contact between parties and may prohibit verbal, digital, and physical presence, extending into the classroom and residence halls. No-contact orders are designed on a case-by-case basis.

### **Confidentiality of Complainant**

AMSC strictly protects Complainant confidentiality to the highest degree possible. AMSC does not make assumptions as to whether it is safe to disclose information to family, friends, employers, or news media about the assault or the Complainant's sexual preference. Such information is protected with the highest level of access under the AMSC Data Governance and Access Policy. All publicly available records, including Clery Act reporting and disclosures, exclude personally identifying information about Complainants. If the Complainant reports to the Public Safety Department, that information is subject to the Georgia Open Records Act, and confidentiality cannot be guaranteed.

## **Supportive Measures**

Upon request, AMSC will make any reasonably available change to a victim's academic, living, transportation, and or working situation regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Students and employees may contact the Title IX Coordinator for assistance. AMSC will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Available support services, including both on- and off-campus options, are listed on the College's website at <https://www.atlm.edu/students/counseling-and-disability-services.aspx> and <https://www.atlm.edu/administration/TitleIX.aspx>.

## **Rules Governing Sexual Misconduct Proceedings**

All College disciplinary proceedings involving reports of dating violence, domestic violence, sexual assault, and stalking shall be conducted in a prompt, fair, and impartial manner, from the initial investigation through resolution.

Efforts will be made to complete the investigation and resolution within 120 business days.

The College may grant temporary delays and limited extensions for good cause throughout the investigation and resolution process. The parties will be simultaneously informed in writing of any extension or delay and the applicable reason. The College shall keep the parties informed of the status of the investigation.

The Title IX Coordinator will provide parties with timely notice of meetings. Parties are entitled to have an advisor present at all meetings and interviews.

**Title IX Sexual Misconduct** matters are when the alleged misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

**Non-Title IX Sexual Misconduct** matters are when the alleged misconduct occurs off-campus and or when the Complainant is not participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

In Title IX Sexual Misconduct matters a Formal Complaint is required. A Formal Complaint is a written document filed by the Complainant or signed by the Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

The Title IX Coordinator is responsible for determining which type of proceeding will be used or if a complaint is to be dismissed and will provide simultaneous written notice of their determination to the parties at their institutional e-mails. If the Title IX Coordinator dismisses a complaint the notice provided to the parties will include the reason and a right to appeal. If a complaint moves forward an investigator will be assigned and the notice will include their identity.

## **Standard of Evidence**

All College disciplinary proceedings involving dating violence, domestic violence, sexual assault, and stalking are resolved using the preponderance of the evidence standard. This standard requires that it is determined to be more likely than not that the incident, act, or behavior alleged did occur. Formal judicial rules of evidence do not apply to the investigation process.

## **Possible Sanctions**

The College may impose any of the following of sanctions on students found responsible:

- expulsion;

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

The College may impose the following sanctions on employees found responsible:

- verbal warning;
- coaching;
- documentation of warning;
- unpaid suspension;
- demotion; or
- termination.

### **Disciplinary Proceedings**

AMSC prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (collectively known as the Violence Against Women Act or VAWA Offenses). Complaints are processed consistent with Title IX of the Education Amendments of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the University System of Georgia (USG) Sexual Misconduct Policy, and University policy.

Disciplinary complaints may be made by any campus community member and should be directed to the Title IX Coordinator at 1630 Metropolitan Pkwy, Building 600, Room 215, Atlanta, GA 30370, 404-756-4047, HR@atlm.edu, or online at [Complaint/Incident Report | Atlanta Metropolitan State College Advocate System \(symplicity.com\)](#). Complaints to the Title IX Coordinator will not initiate a law enforcement investigation.

Disciplinary proceedings for accused students will be handled by the The Office of Student Success. Disciplinary proceedings for accused staff will be handled by the Human Resource Director pursuant to the Sexual Misconduct Policy. Disciplinary proceedings for accused faculty will be handled by the Provost Office. In all proceedings, both the Complainant and Respondent are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice.

In our proceedings, any individual alleged to have experienced conduct that violates this Policy is considered a Complainant, and any individual alleged to have engaged in conduct that violates this Policy is considered a Respondent. A third-party individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint is viewed as a Reporter.

The Office of Student Success will handle disciplinary proceedings for students, and the Human Resources Office will handle disciplinary proceedings for employees.

### **What to Expect**

Upon notice of the alleged misconduct, the institution will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the institution will assess whether the allegation(s), if true, would rise to the level of prohibited conduct, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to

issue a broader warning to the community in compliance with the Clery Act shall be assessed in compliance with federal law.

The USG uses different types of proceedings when a student is accused, when an employee is accused, and when a faculty member is accused. Additionally, federal regulations implementing Title IX require us to use certain procedures in “Title IX Sexual Misconduct” cases that aren’t required in “Non-Title IX Sexual Misconduct” cases. Both types of sexual misconduct include the VAWA Offenses as well as other forms of sex discrimination and sexual harassment.

### **Protective Measures**

Interim measures may be implemented after the College becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the College community. Such measures are intended to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community or deter sexual misconduct and retaliation. Protective Measures include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, changing workplace arrangements, mutual no-contact orders, and other services. Interim measures must be provided in a manner consistent with the provisions in the applicable University System of Georgia and College policies and procedures.

No officer, employee, or agent of Atlanta Metropolitan State College may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act. Violation of this provision is subject to the disciplinary process of Human Resources or Student Integrity.

### Advisors

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The advisor may accompany the party to all meetings and provide advice and counsel to their respective party throughout the sexual misconduct process, including providing questions, suggestions, and guidance to the party, and will be responsible for conducting cross-examination in a hearing. The advisor may be copied on all communications with the party's permission.

### Investigation

Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged sexual misconduct, be provided an opportunity to respond, and be allowed the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may result.

Until a final determination of responsibility is made, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, their advisors, and appropriate officials.

The parties shall receive written notice of the report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable College policies. Sufficient details include the identities of the parties involved (if known), the conduct allegedly constituting sexual misconduct, and the date and location of the alleged incident (if known). This information will be supplemented with relevant evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided simultaneously to both parties via college e-mail.

Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice.

Throughout the sexual misconduct processes, the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.

If the Respondent admits responsibility, the process may proceed to the sanctioning phase or, if appropriate, be informally resolved.

An investigator shall conduct a thorough investigation and obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.

An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.

The initial investigation report shall be provided to the Complainant, the Respondent, and their respective advisors, where appropriate. This report summarizes the relevant evidence and testimony gathered during the investigation. After the investigation report, the investigator will recommend whether there is sufficient information to support a charge and to go forward with a hearing. This is not a recommendation as to responsibility.

The Complainant and Respondent shall have at least ten calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation.

#### Resolution

The Respondent and the Complainant, as parties to the matter, may have the option of selecting an informal resolution as a possible resolution in certain cases where the parties agree and it is deemed appropriate by the College.

The Respondent and Complainant have the option to end informal resolution discussions and request the formal resolution process at any time before the terms of an information resolution are reached. However, matters resolved informally shall not be appealable.

#### Hearing

A hearing shall be set when a matter is not resolved through informal resolution. A panel shall hear all sexual misconduct cases of faculty and staff. All hearings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

In no case shall a hearing be set to resolve a sexual misconduct allegation before the investigation report is finalized. The investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to influence the proceedings outside of providing testimony during the hearing.

The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least ten calendar days prior to the hearing. The final investigation report should also be provided to all panel members for consideration during adjudication. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing.

The Hearing Panel follows the hearing guidelines outlined in the Student Code of Conduct and AMSC Dispute Resolution Policy.

Following a hearing, the parties shall be simultaneously provided with a written decision via College email of the hearing outcome and any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s),

determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The College shall also notify the parties of their right to appeal.

#### Hearing – Faculty Respondent

All Sexual Misconduct involving faculty Respondents where dismissal is a possible sanction shall, consistent with Board of Regents policy, be heard by a live-hearing panel of three to five faculty members appointed by the Faculty Senate. Notice of the panel members shall be provided to parties in writing at least 20 days prior to the hearing, and parties have at least two challenges for bias which must be made in writing at least five days in advance of the hearing. A faculty member may also waive a hearing in which case the panel shall evaluate the record.

Additional procedures for faculty Respondent matters:

An oath or affirmation shall be administered to all witnesses. The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness.

The Title IX Coordinator shall notify the President and parties simultaneously in writing of the decision and recommendation, if any, of the panel. If dismissal is recommended the President shall either approve the recommendation or if not shall advise the panel in writing of the basis prior to rendering their final decision. The panel may also recommend a lesser sanction. The President may or may not follow the recommendations of the panel.

The President shall notify the parties simultaneously in writing of their decision. Such notice shall include information about applying to the Board of Regents for discretionary review. Upon dismissal, pending possible discretionary review, the faculty member shall be suspended without pay. The Board may reinstate the faculty member with compensation from the date of suspension.

Both the Complainant and the Respondent have the right to appeal the findings.

#### Student Appeals

Appeals may be made when sanctions are issued, even when such sanctions are held "in abeyance," such as probation or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided.

Both parties shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information sufficient to alter the decision or other relevant facts not brought out in the original hearing (or appeal) because such information was not known or knowable to the person appealing during the time of the hearing (or appeal); (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing (or appeal), including, but not limited to, whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, Conduct Officer, investigator(s), decision-makers (s); or (3) to allege that the finding was inconsistent with the weight of the information. The appeal must be made in writing, set forth one or more of the bases outlined above, and be submitted within five business days of the date of the final written decision. The appeal should be made to the College President or their designee.

The appeal shall only be a review of the record, and no new meeting with the Respondent or any Complainant is required. The President or their designee might affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to any lower decision maker to correct a procedural or factual defect or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President or their designee's decision shall be rendered within ten days. Notice shall be disseminated simultaneously by the Title IX Coordinator in writing to the parties within a reasonable period. The President or their designee's decision shall be the college's final decision.

Should the Respondent or Complainant (where applicable) wish to appeal the final College decision, they may request review by the USG Board of Regents. Applications for Discretionary Review of the President's decision by the

University System of Georgia may be made under BOR Policy 6.26 and must be submitted in writing to the University System Office within 20 calendar days following the final College decision.

Appeals received after the designated deadlines above will not be considered unless the College or Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline, the final decision will become final.

### Employee Appeals

As stated in the Human Resources Administrative Practice Manual (HRAP), the Complainant and the Respondent shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information that is sufficient to alter the decision or other relevant facts not brought out in the original investigation(or hearing), because such information was not known or knowable to the person appealing during the time of the investigation (or hearing); (2) to allege a procedural error within the investigation or hearing process that may have substantially impacted the fairness of the process, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, the investigator(s), or administrative decision maker(s), or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing, set forth one or more of the bases outlined above, and be submitted within five business days of the date of the final written decision. The appeal should be made to the President of the institution solely on the three grounds set forth. The appeal shall only be a review of the record, and no new meeting with the Respondent or the Complainant is required. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the Complainant and the Respondent within a reasonable period. The President's decision shall be the institution's final decision. Should the Respondent or Complainant wish to appeal the President's decision, they may request a review by the Board of Regents in accordance with the Board of Regents Policy on Discretionary Review.

Additional information may be found here: <https://www.usg.edu/policymanual/section6/C2714/>.

### Bias Prohibition for Student Respondents

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

### **Title IX Proceedings**

When the Title IX Coordinator has determined a complaint meets the Title IX definition of "sexual harassment," including both the nature of the alleged misconduct and the context where it is alleged to have occurred (see the definition of Title IX Sexual Harassment in this policy statement), federal regulations require the College to apply specialized handling of these matters that may differ from the handling of other sexual misconduct.

Officials responsible for the resolution process receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking; how to conduct an investigation; and how to conduct a hearing that protects the safety of victims and promotes accountability.

A Formal Complaint is a written document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the College open an investigation. To file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the College occurring within the United States at the time of the filing.

### Informal Resolution

Formal Complaints may be resolved informally, except in an allegation by a student against a college employee. The following must be met to proceed with the informal resolution process:

- The parties have received written notice of the allegations
- The parties have received a written explanation of the informal process to include, but not limited to:
  - Written agreement of the parties to initiate the informal resolution process;
  - Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
  - Written notice that the final resolution precludes any further college actions on the allegations.
- The College has agreed to engage in the informal resolution process.

### Advisors

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and provide advice and counsel to their respective party throughout the sexual misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the College will provide an advisor to conduct cross-examination on behalf of the relevant party.

All communication during the sexual misconduct process will be between the College and the party, not the advisor. The College will copy the party's advisors prior to finalizing the investigation report when the College provides the parties with the right to inspect and review directly related information gathered during the investigation. The advisor may be copied on all communications with the party's permission.

### **Formal Definitions of Prohibited Conduct Under Title IX & Clery Act**

#### 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.

- (i) The existence of such a relationship shall be determined based on the reporting party's statement, taking into consideration the length of the relationship, its type, and the frequency of interaction between the persons involved in it.
- (ii) For the purposes of this definition—
  - (A) Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (B) Dating violence does not include acts covered under the definition of domestic violence.
- (iii) To comply with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### Domestic Violence

- (i) A felony or misdemeanor crime of violence committed—
  - (A) By a current or former spouse or intimate partner of the victim;
  - (B) By a person with whom the victim shares a child in common;
  - (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - (D) By a person similarly situated to the spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- (ii) For complying with this section's requirements and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### Sexual Assault

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim.

**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 their age or because of their temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

### **Stalking**

- (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- (A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress.
- (ii) For this definition—
- (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. (B) A reasonable person means a person under similar circumstances and with similar identities to the victim.
- (C) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
- (iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Definition of Title IX Sexual Harassment**

Under Title IX, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.
- 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 College's education program or activity or
- Dating violence, domestic violence, sexual assault, or stalking as defined in this policy statement.

Alleged misconduct is addressed by Title IX when the misconduct occurs against a person in the United States on College property, or at College-sponsored or affiliated events where the College exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the College.

As required by the Clery Act, the College also prohibits dating violence, domestic violence, sexual assault, and stalking, irrespective of whether or not it is based on sex and regardless of location.

### **Recordkeeping**

As required by the federal Clery Act, Atlanta Metropolitan State College retains for at least seven (7) years all records documenting reports of Clery crimes made to the Public Safety Department, other Campus Security Authorities, and local law enforcement. This will include the timely warning determination for each report and, if a timely warning was made, a copy of that warning. Also retained are records of all crime prevention and educational programming offered, including but not limited to security procedures, alcohol and other drugs, and sexual violence across the institution.



## ANNUAL FIRE SAFETY REPORT

AMSC does not have student housing

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