



Sexual Misconduct and Title IX

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I. Policy Statement

In accordance with federal and state law, including Title IX (TIX) of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII), Valdosta State University (VSU) prohibits discrimination on the basis of sex in any of its education programs or activities or in employment. Specifically, Title IX states: “*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*” All federal agencies that receive financial assistance are required to enforce Title IX’s nondiscrimination mandate. Title IX applies to Valdosta State University’s programs and activities, including sex-based discrimination in the classroom¹, in athletics, in admissions and in employment. Title IX also extends to Pregnant and Parenting individuals. Individuals exercising their rights under Title IX are protected from retaliation for having done so. VSU is committed to ensuring the highest ethical conduct of the members of its community by promoting a safe learning and working environment. To that end, this policy prohibits sexual misconduct, to include sexual harassment and sex discrimination.

Through the Office of Student Conduct and Title IX (and while working with campus partners such as Human Resources (HR) when necessary), Valdosta State University will respond to allegations of prohibited conduct covered by this policy. This right extends to students, faculty, staff, visitors, volunteers, and other third parties – assuming the named Respondent is a member of the university community. If Valdosta State University lacks substantial control or authority over the third party, supportive measures will be offered to the Complainant, and the university

¹ This includes unfair or discriminatory grading practices based on sex (to include but is not limited to- the issuance of bonus points, dropping grades, etc.), unfair or discriminatory practices in assigning work groups and assignments, and unfair or discriminatory practices in allowing for absences and participation.



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will collaborate with the Complainant to the extent possible in effort to remedy any negative effects. If alleged conduct does not meet the definitions under this policy, the university reserves the right to address the behavior under different policies, including those outlined by HR and/or the University System of Georgia's (USG) Board of Regents (BOR).

VSU is committed to reducing incidents of sexual misconduct, providing prevention tools, conducting ongoing awareness and prevention programming, and training the campus community in accordance with the Jeanne Clery Campus Safety Act (Clery Act) and the Violence Against Women's Act (VAWA). Prevention programming and training will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, sexual harassment, sex discrimination, alcohol and drug use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

Valdosta State University is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the institution's resolution processes outlined in this policy. Students who need such accommodation or support should contact the Dean of Students and employees should contact Human Resources, who will review the request and, in consultation with the person requesting the accommodations and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

II. Reporting Structure

Title IX Coordinators at all University System of Georgia (USG) institutions, including VSU, have a direct reporting relationship to both the institution's President or designee and the USG Assistant Vice Chancellor for Student Affairs or their designee. The President of each institution determines the organizational and operating reporting relationships for the TIX Coordinators at the institution and exercises oversight of institutional issues relating to sexual misconduct and TIX. However, the Assistant Vice Chancellor for Student Affairs or their designee has authority to direct the TIX Coordinator's work at each institution as needed to address systemwide issues or directives. The President of each institution, including VSU, is required to consult with the USG's Assistant Vice Chancellor for Student Affairs on significant personnel actions involving TIX Coordinators, to include but not be limited to, appointment, evaluation, discipline, change in reporting structure, and termination. At Valdosta State University, the Vice President for Enrollment and Student Affairs (VPESA) serve as the President's designee in relation to TIX matters, and the institution's TIX Coordinator has a dotted reporting line to the VPESA.

III. Scope

Prohibited conduct under this policy includes "sexual harassment" as defined in the Title IX regulations as sexual assault, stalking, dating/domestic violence and/or 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 recipient's education program or activity, including quid pro quo sexual harassment. In addition, it applies when this prohibited conduct occurs within the University's education programs or activities in the United States; and when said conduct has been alleged by a complainant that is, at the time the complaint is made,



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involved in the University's education program or activities. This policy also prohibits retaliation. The University has the discretion to proceed under this policy and applicable procedures in situations where the Respondent is no longer involved in the University's education program or activities, including employment or when a complainant chooses to withdraw a complaint. In addition, in circumstances where a complainant is not willing to move forward with a formal complaint, the Title IX Coordinator reserves the right to sign a formal complaint on behalf of a complainant, in the interest of the University community. Please also note that conduct prohibited by the University's Clery and Anti-Harassment policies, which remains an applicable code of sex and gender-based conduct for all university community members, likely also overlap with conduct alleged under this policy. Overlapping policy matters will be resolved utilizing the proper process for students and employees, and notifications will be tailored and provided at the appropriate times depending on the distinct options.

IV. Definitions and Prohibited Conduct

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

Complainant: An individual who is alleged to have experienced conduct that violates this policy.

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

Consent: Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation, or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of sixteen cannot legally consent under Georgia law.

Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply consent. Consent can be withdrawn at any time by a party by using clear words or actions.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.



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

Educational program or activity: A location (including the classroom setting), event or circumstances over which the institution exercises substantial control over both the respondent and the context in which sexual harassment or disparate treatment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution. Incidents that occur outside of Valdosta State University's substantial control or in non-university locations but to the institution's faculty, staff and students, may be covered or processed as sexual misconduct (non-Title IX).

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. When filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed. The phrase "document filed by a complainant" means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the institution) that contains the complainant's physical or digital signature *or* otherwise indicates that the complainant is the person filing the formal complaint. Required under Title IX before an investigation may move forward; not required for all other sexual misconduct reports and investigations.

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

Informal Resolution: Occurs as a result of voluntary process between parties involved in a sexual harassment or misconduct allegation where a mutually agreed-upon outcome without a formal investigation or hearing. Its facilitated structured interaction focuses on remedies designed to stop prohibited conduct, prevent its recurrence, and address any harm caused. Matters resolved informally are not appealable. Cases where a student alleges misconduct by an employee cannot be resolved via informal resolution.

Medical Necessity: A determination made by a health care provider that a certain course of action is in the patient's best health interests.

Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breast, or buttocks); touching a person with one's own



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intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes “fondling²” as defined by the Clery Act.

Nonconsensual Sexual Penetration: Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes rape, incest, and statutory rape as defined by the Clery Act.

Pregnancy and Pregnancy-related Conditions: These include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.

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

Reasonable Person: An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.

Recipient: Any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof.

Reporter: An individual who reports an allegation of conduct that may violate this policy but who is not a party to the complaint.

Respondent: An individual who is alleged to have engaged in conduct that violates this policy.

Responsible Employees: Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the TIX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority for purposes of this policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

² As of June 23, 2025, the FBI updated this term to “Criminal Sexual Contact” and expanded the definition to include the prohibition of *sexual degradation*, *sexual humiliation*, and *sexual gratification*; it also expands what touching qualifies as a violation from “private body parts” to just “body parts”, clothed or unclothed.



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Retaliation: Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy.

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

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

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

Sexual Harassment (student on student): Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or benefit from an institutional education program or activity.

Sexual Harassment (other than student on student): Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity.
2. A basis for employment or educational decisions; or
3. It is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

The USG also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX.

Sexual Harassment (under Title IX): Conduct on the basis of sex that satisfies one or more of the following:



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1. An employee basing the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
2. 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 institution's education program or activity; or
3. "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.

Sexual Misconduct: Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual harassment, and stalking. Sex based misconduct may include unfair treatment or grading in the classroom, sports, admissions, etc., aimed at a group based on their sex.

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

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which that stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Supportive measures: Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Regarding pregnancy and parenting - supportive measures may include changes in the academic environment or typical operations that enable pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of the institution.

V. Reporting Sexual Misconduct and Title IX Matters

Valdosta State University encourages the reporting of all sexual misconduct as soon as possible. While there is no statute of limitations on VSU's ability to respond to a report, that ability does diminish with time as information and evidence may be more difficult to secure.

A. Institutional Reports

An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:

1. When a Responsible Employee receives a complaint; or
2. When the Title IX Coordinator or their designee receives a complaint.



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Title IX requires those designated as Responsible Employees to report all notice of prohibited sex-based discrimination to the recipient's Title IX Coordinator. Employees who fail to report Title IX allegations to the Title IX Coordinator in a timely manner are subject to disciplinary action. For this policy's sake, timely manner is within 24-48 hours, barring extenuating circumstances. Responsible Employees must provide a complete report of all information known, to the Title IX Coordinator or their designee. They should not attempt to resolve the situation themselves.

Once the Title IX Coordinator receives a report, prompt contact will be made with the complainant, and the availability of any supportive measures will be discussed. Complaints involving employees will be assigned to the Deputy Title IX Coordinator in Human Resources after the initial intake is completed by the Title IX Coordinator. If the employee is a faculty member, the Provost and Vice President for Academic Affairs will be notified if the complaint becomes a formal complaint. The complainant's wishes, with respect to any supportive measures, will be considered. The process of filing a formal complaint, and all steps thereafter (including informal resolution when applicable), will be explained. Supportive measures are offered regardless of whether a formal complaint is filed. The Title IX Coordinator has the option to sign a formal complaint even if there is a reluctant complainant. If that occurs, the impacted individual remains the complainant in the process; neither the Title IX Coordinator nor the institution will ever be the listed complainant in a Title IX matter. Certain conditions must be met for the Title IX Coordinator to sign a formal complaint on behalf of a complainant. Those include but may not be limited to:

1. the potential for harm to others at the institution.
2. several potential complainants in the same case.
3. several past complaints of similar nature against the same respondent.

If a complainant files a formal complaint, they may use the informal resolution process (assuming the respondent is also a student or all parties are employees; cases involving student complainants and employee respondents cannot be resolved via informal resolution). To do so, all parties involved must agree to that process. Before signing the final agreed-upon terms of the informal resolution, either party can choose to stop that process and proceed with the formal process. The parties would not be allowed to resume the informal process at that point. If terms of an informal resolution are reached and agreed upon, that shall be the final decision in that case, and neither party will have the option to appeal the agreed upon terms. The Title IX Coordinator has the discretion to start or end the informal resolution process.

The Title IX Coordinator will notify the Assistant Vice Chancellor for Student Affairs or their designee of any allegations of sexual misconduct that could, standing alone as reported, lead to the suspension or expulsion of the respondent(s). The Assistant Vice Chancellor or their designee will work with the institution to determine whether any support services or interim measures are necessary. If an allegation is not initially identified as one that would lead to the suspension, expulsion, or termination of the respondent, but facts arise during the course of the investigation that could lead to the respondent's suspension or expulsion, the Title IX Coordinator will notify



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the Assistant Vice Chancellor or their designee. The Assistant Vice Chancellor or their designee shall have the discretion to oversee the handling of the complaint.

There are multiple ways to report sexual misconduct and Title IX allegations:

1. By emailing the Title IX Coordinator, either Deputy Coordinator, or the Title IX Compliance Officer or other designee.
2. By calling the Office of Student Conduct and Title IX at 229-333-5409 and speaking with the Title IX Coordinator or designee.
3. By submitting a report via the Title IX and Sexual Misconduct Online Reporting Form. This is the preferred reporting method as all reports will be added to this reporting system.

Additionally, reports can be made confidentially, through law enforcement, and/or anonymously.

B. Confidential Reports

Confidential Employees or Privileged Employees may receive reports of sexual-based misconduct without the requirement to report that information to the Title IX Coordinator, except as dictated by law or professional standards. Upon request by the complainant, Confidential Employees and Privilege Employees may make a report to the Title IX Coordinator within the degree of specificity dictated by the complainant.

Valdosta State University's Counseling Center employees are tasked with overseeing confidential reports.

Nothing in this provision shall prevent an institutional staff member who is otherwise obligated by law (i.e., the Clery Act) to report information or statistical data as required.

C. Law Enforcement Reports

Because sexual misconduct may constitute criminal activity, a complainant also has the option, should the complainant so choose, of filing a report with campus and/or local police, for the complainant's own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report. Contact information for the University's Police Department:

Valdosta State University Police Department

(229) 333-7816 *non-emergency*

(229) 259-5555 *emergency*

(229) 219-3171 *anonymous tip line*

Address - 1410 North Oak Street

D. Anonymous Reports

Anonymous reports can be made through Valdosta State University Police Department's anonymous tip line or by submitting a report via the University System of Georgia's [Ethics and Compliance Reporting Hotline](#), or calling their number at 1-877-516-3466.



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While anonymous reports may be made to the USG Ethics and Compliance hotline, as well as to the Valdosta State University Counseling Center or the University Policy Department, such reports will likely lessen the ability of the institution to take prompt and fair action in remedying any effects or preventing their recurrence.

E. Complaint Consolidation

The institution may choose to consolidate complaints as to allegations of sexual misconduct against more than one respondent, by more than one complainant against one or more respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Parties shall have the opportunity to request or object to the consolidation; however, the institution has the authority to make the final determination. For the purpose of this policy, consolidation may occur during the investigation and/or the adjudication phases of the sexual misconduct process.

F. Complaint Dismissal

Valdosta State University is permitted, but not required, to dismiss complaints on the following grounds:

1. The alleged conduct, even if proved, would not constitute sexual misconduct.
2. The complainant notifies the Title IX Coordinator in writing that they would like to withdraw the complaint.
3. The respondent is no longer enrolled or employed by the institution. or
4. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint. In other words, insufficient evidence may be grounds for dismissal.

The parties shall receive simultaneously written notice of the dismissal and the reason(s) for the dismissal. The parties have a right to appeal against the institution's decision to dismiss the complaint.

G. Retaliation

Anyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any manner in the sexual misconduct and/or Title IX process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Title IX Coordinator or their designee. Any person found to have engaged in retaliation in violation of this policy shall be subject to disciplinary action.

H. False Complaints

Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of



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this policy shall be subject to appropriate disciplinary action (up to and including suspension, expulsion, or termination) and resolved under the appropriate institutional process.

I. Amnesty

Individuals should be encouraged to come forward and to report sexual misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during an investigation concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction. This amnesty provision does not extend to employees.

Nothing in this amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) from reporting information or statistical data as required.

VI. Responding to Reports on Sexual Misconduct and/or Title IX

A. Support Services

Once the Title IX Coordinator has received information regarding an allegation of sexual misconduct, the parties will be provided with written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the complainant and respondent before or after the filing of a complaint or where no complaint has been filed. Support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, Employee Assistance Program (EAP) referral, and other services available at the institution. Additional information on support services can be found under the *Support Services* tab on the [Involved in Title IX](#) page.

B. Interim Measures

Interim measures may be implemented at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the institution's community. Such measures are designed 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. Interim measures must be provided consistently with the provisions in applicable USG and VSU policies and procedures.

When interim measures are implemented, they must minimize the burden on all parties involved, and may include:

1. Issuance of a mutual No Contact Order (NCO).
2. Restriction to specific areas of campus.
3. Restriction from participation in certain activities.



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4. Change in employment schedule or supervision.
5. Other measures are designed to promote the safety and well-being of the parties involved and the VSU community.

C. Emergency Removal and Interim Suspension

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

Before an interim suspension is issued, the institution will make reasonable efforts to give the respondent the opportunity to be heard on whether their presence on campus poses a danger. If an interim suspension is issued, the terms of the interim suspension take effect immediately. The respondent will receive notice of the interim suspension and the opportunity to respond to the interim suspension.

Valdosta State University will follow guidance provided by the USG's BOR in requesting emergency removal and/or interim suspension. Final approval for both lies with the BOR.

While awaiting final approval, temporary emergency measures may be imposed immediately, subject to BOR confirmation, to ensure prompt protection.

D. Jurisdiction and Processes

The institution shall take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed is addressed by this policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by other BOR or institution conduct policies.

Alleged misconduct is addressed by Title IX when the 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.

This policy outlines both Title IX and non-Title IX sexual misconduct, allowing two processes to be followed under one policy, considering jurisdiction.

Process 1 – Title IX Process, will be followed assuming the complaint alleges sufficient facts to warrant a formal adjudication under the Title IX process for the following reasons:

- (i) the respondent is a student, employee or affiliate of Valdosta State University over whom the



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university exercises substantial control, and

(ii) the alleged conduct occurred in the context of a Valdosta State University education program or activity and/or in a location, event or circumstance over which the university has substantial control, and

(iii) the facts alleged, if true, fall under the Title IX Policy including sections defined as Sexual Harassment, under this policy. See definitions section.

OR

Process 2 – Sexual Misconduct (non-Title IX), will be followed assuming the complaint alleges sufficient facts to warrant a formal adjudication under the Sexual Misconduct Policy for the following reasons:

(i) the alleged conduct did not occur in the context of a Valdosta State University education program or activity, and/or in a location, event or circumstance over which the university has substantial control, and/or

(ii) the incident occurred outside of the United States, and/or

(iii) the facts alleged, if true, fall under the Sexual Misconduct Policy but do not rise to the level of sexual harassment, as set forth under Title IX.

E. Advisors

Both the complainant and the respondent, as parties to the matter, 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 may provide advice and counsel to their respective party throughout the sexual misconduct and/or Title IX process, including providing questions, suggestions, and guidance to the party. Advisors may not participate directly in the process unless it is the Title IX process, and we have reached the hearing stage. During a Title IX hearing, advisors are tasked with conducting cross-examination of the other party and witnesses as requested by their advisee. They are at no point allowed to act on their own. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

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

The institution trains employees to serve as advisors during conduct processes and can assign one to any party who makes a request.

F. Timeframes



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Efforts will be made to complete the investigation and resolution within 120 businessdays. Temporary delays and limited extensions may be granted by the institutions for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or delay and the applicable reason. The institution will keep the parties informed of the status of the investigation.

G. Pregnant and Parenting

Pregnant and parenting individuals are protected under Title IX. When these reports are made, they are often in effort to secure assistance in gaining reasonable accommodations and or support measures while attempting to complete a program or fulfill work responsibilities as an employee.

The Title IX Compliance Officer will collaborate with these individuals to the extent possible. The institution is responsible for ensuring reasonable accommodation is provided when possible. As long as students can maintain appropriate academic progress, neither faculty, staff, nor other Valdosta State University employee can require them to withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires the modification of the essential elements (such as listed learning outcomes) of any academic program. A reasonable accommodation that might be made is flexibility on attendance, or short breaks to express milk.

Breast-feeding individuals must be allowed a reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement. Valdosta State University has two locations, one on North Campus in the HSBA fourth floor and the other on the first floor of Odum Library.

Those needing this assistance are responsible for initiating contact with the Title IX Coordinator or their designee and following up with faculty and/or their supervisor as may be necessary.

While pregnancy and parenting requests are made through the Title IX Coordinator or their designee, they will work with the Access Office or Human Resources when necessary to better serve the individual. Additional information on pregnant and parenting can be found on the [Pregnant and Parenting Students](#) page. This policy does not preclude faculty from choosing to work with a student, or a supervisor from working with a direct report, without first contacting the Title IX Coordinator.

VII. Investigations

All Title IX matters must begin with the Title IX Coordinator. However, matters that include both employees and students will be adjudicated through joint efforts by the Title IX Coordinator and HR.



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Employee Investigations. All sexual misconduct investigations involving an employee respondent, shall be addressed utilizing both BOR and institutional employment policies and procedures including the Human Resources Administrative Practice Manual's [Prohibit Discrimination & Harassment](#) policy.

Student Investigations. Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided with an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed, and policy charges may still result and be resolved. Timely and equal access to information gathered during the investigation will be provided to the parties involved.

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

An investigator shall be an individual other than the student conduct officer (or staff member) who adjudicates the incident in question. This individual shall provide an unbiased review of the incident and charges. This individual shall be identified and approved by the chief student affairs officer of a USG institution.

Sexual misconduct and Title IX investigations follow the general outline:

1. The Title IX Coordinator is made aware of the alleged incident.
2. An initial outreach letter is sent through the Maxient conduct system to the named complainant informing them of their rights under Title IX, offering the chance to meet, outlining support services available to them.
3. When a meeting takes place, the complainant has the opportunity to file a formal complaint. Even if they choose not to do so, they are still entitled to support measures.
4. Once a formal complaint is filed, the complainant can pursue an informal resolution (depending on the alleged violation). *Assuming a formal investigation is to ensue...*
5. A notice of investigation and allegations (NOIA) is sent to the parties involved that explains the allegations, provides definitions, outlines support services available, provides opportunity for the respondent to meet with the Title IX Coordinator, names the investigator, and makes note of the prohibition against retaliation.
6. The assigned investigator works with the Title IX Coordinator to develop an investigation plan to include the scope, potential evidence, potential witnesses, and potential line of questioning.
7. The investigator gathers evidence and conducts interviews. Following this process, an initial report is drafted.
8. The initial report is sent to the parties involved by the Title IX Coordinator. Parties are allowed 10 days to review the report and all evidence collected. They are able to provide



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written feedback. If any is received, the investigator may conduct additional investigation and/or update the report with an addendum.

9. Following the 10-day review, the final report is sent to the parties along with a hearing notice that includes the names of those who will serve on the hearing panel, the name of the hearing chair, location and time, notice that an advisor will be assigned if they do not have one at that point, a request for a witness list, and information on scheduling a pre-hearing meeting. There must be at least 10 days between the date of the hearing notice and the actual hearing.

VIII. Sexual Misconduct and Title IX Hearings

Employee Hearings. All sexual misconduct adjudication involving an employee respondent shall be addressed utilizing BOR and institutional employment policies and procedures including Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment policy. Title IX hearings with faculty respondents must have a panel of faculty members specifically trained to serve on a Title IX hearing panel. Staff respondents can have a panel of trained faculty and/or staff. The Title IX Coordinator will work with the Provost to identify faculty (whether a specific faculty senate committee or otherwise) who will be trained annually to serve on Title IX hearing panels, as it is required that cases involving faculty have a faculty led panel.

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

Where a case is not resolved through informal resolution or is not available due to the charges, a hearing will be scheduled as outlined in the previous section of this policy.

Hearings shall be conducted in-person or via video conferencing technology. Where the institution determines that a party or witness is unable to be present in person due to extenuating circumstances, the institution may establish special procedures to permit that individual to provide testimony from a separate location. In doing so, the institution must determine whether there is a valid basis for the individual's unavailability, require that the individual properly sequester in a manner that ensures testimony has not been tainted, and make a determination that such arrangement will not unfairly disadvantage any party. Should it be reasonably believed that the individual presented tainted testimony, the hearing panel will disregard or discount the testimony. Parties may also request to provide testimony in a separate room from the opposing party, so long as no party is unfairly disadvantaged, and they have the opportunity to view the testimony remotely and submit follow-up questions, or in the case of a Title IX hearing, provide cross-examination.

At all times participants in the hearing process, including parties, a party's advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be respectful to others and follow procedural



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formalities outlined by this Policy and the institution. The institution reserves the right to remove any participant from the hearing environment if the participant refuses to adhere to the institution's established rules of decorum.

If advisors are not already in place, they will be assigned prior to any Title IX cases for the purpose of cross-examination. Sexual misconduct cases are not allowed live cross-examination, but advisors are still encouraged and assigned when requested.

The following are also required regarding all hearings:

1. On the day of the hearing, the hearing panel has a pre-hearing meeting where they are provided with the final report and all evidence that will be presented. They are reminded of hearing decorum, determining credibility, determining relevancy, sanctioning guidelines, and any questions they may have are answered.
2. The assigned hearing officer oversees the hearing process and serves as the hearing chair during the actual hearing. They are not a decision-maker in the process.
3. All parties are reminded that formal judicial rules of evidence do not apply to the investigatory or resolution process.
4. The standard of evidence in all institutional investigation and hearing processes is the preponderance of the evidence - *more likely than not; 50% and a feather*. There is no exact metric used to determine more likely than not, it is based on the evidence and testimony provided.
5. All sexual misconduct and Title IX hearings are video recorded, usually through Microsoft Teams, and all records are kept for a minimum of seven years.
6. Following the hearing, parties are simultaneously provided with a written decision of the outcome that outlines the rationale for the decision and the evidence that supported the decision. The decision notice also includes any resulting sanctions, and information on how to appeal.

Title IX Hearings

Additionally, the following standards apply to Title IX sexual misconduct hearings -

Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross-examination, the hearing panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to cross-examination.

The parties shall have the right to present witnesses and evidence at the hearing.

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 hearing officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the respondent(s). In any such event, the hearing officer shall err on the side of permitting



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all the raised questions and must document the reason for not permitting any particular questions to be raised.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct or consent between the parties during the alleged incident.

The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made 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. Formal judicial rules of evidence do not apply to the resolution process, and the standard of evidence shall be a preponderance of the evidence.

Following a hearing, the parties shall be simultaneously provided with a written decision via institution 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 institution shall also notify the parties of their right to appeal.

IX. Sanctions and Appeals

Sanctions may vary based on those involved (student or employee) and severity of offense.

A. Possible Sanctions

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

The broad range of sanctions includes:

- a. expulsion;
- b. suspension for an identified time frame or until satisfaction of certain conditions or both;
- c. 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;
- d. required participation in sensitivity training/awareness education programs;
- e. required participation in alcohol and other drug awareness and abuse prevention programs;



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- f. counseling or mentoring;
- g. volunteering/community service;
- h. loss of institutional privileges;
- i. delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas);
- j. additional academic requirements relating to scholarly work or research;
- k. financial restitution;
- l. work schedule change;
- m. termination;
- n. loss of tenure;
- o. loss of pay;
- p. demotion;
- q. referral to EAP services
- r. required completion of a SIVRA or other evaluation that may be at the individual's expense;
- s. or any other discretionary sanctions directly related to the violation or conduct.

For suspension and expulsion, the institution must articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For this policy's purposes, substantial evidence means evidence that a reasonable person might support the conclusion.

B. Appeals

Appeals may be allowed in any case where 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.

The respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the complainant) 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 to the appropriate appellate officer, must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. For students, the appellate officer is the Vice President of Enrollment



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and Student Affairs (VPESA). For staff, the appellate officer is the Chief Human Resources Officer. For faculty, the appellate officer is the Provost and Vice President for Human Resources.

The appeal shall be a review of the record only, and no new meeting with the respondent or any complainant is required. The appellate officer or their designee 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 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 appellate officer or their designee's decision shall be simultaneously issued in writing to the parties within a reasonable period, usually ten days following the receipt of the appeal, when possible. The appellate officer or their designee's decision shall be the final decision of the institution.

Should the respondent or complainant wish to appeal the final institutional decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review, as outlined in the Discretionary Review and Records Retention section. Student appeals of final decisions of University System of Georgia institutions are governed by the Board of Regents' Policy on Application for Discretionary Review.

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

C. Recusal/Challenge for Bias

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

X. Discretionary Review and Records Retention

Review -

Any University System of Georgia (USG) student or employee aggrieved by a final decision of a USG institution may apply to the University System Office of Legal Affairs (USO Legal Affairs)



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for a review of the decision subject to the parameters set forth below. Review of the decision is not a matter of right but is within the sound discretion of USO Legal Affairs. USO Legal Affairs may issue guidelines governing the process for review.

Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President of the institution at which the appeal is heard. Applications from USG employees are limited to instances in which an employee is terminated, demoted, or otherwise disciplined in a manner that results in a loss of pay. Notwithstanding the foregoing, an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.

Each application for review shall be submitted in writing to USO Legal Affairs within twenty calendar days following the final institution decision. USO Legal Affairs may, in its discretion, deny the application for review or refer the application to a committee composed of the following USO administrators or a designee of each administrator: the chief legal officer, who shall serve as the Chair of the Committee; the chief academic officer; the chief operating officer, the chief human resources officer; the chief student affairs officer; and any other person or persons deemed appropriate by the committee. Upon referral, the committee shall review the application and take any action that it deems appropriate.

The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes. There shall be no recourse to the Chancellor or the Board of Regents from such a decision; provided, however, that the Board of Regents' Committee on Organization and Law retains the authority to make an exception to this policy in its discretion. USO Legal Affairs shall periodically report to the Committee on Organization and Law regarding applications for discretionary review filed and their dispositions.

Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law or any expectation of employment, admission, or additional due process rights. This policy is not part of the due process rights afforded to students or employees of the University System; any such rights have been fully afforded upon the final institution decision. The Board of Regents reserves the right to change this policy at any time and to make such changes effective retroactively to any pending application.

Records-

Records retention guidelines have been adopted by the Board of Regents to establish consistent records retention practices by the University System Office and University System of Georgia (USG) institutions. The guidelines consist of a list of record types organized into categories and should be consulted to determine the minimum retention time for a particular type of record.



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The University System Office administers the records retention guidelines and is the source for information concerning implementation of the guidelines. The University System Office of Legal Affairs shall approve all additions to, deletions from, and revisions of the records retention guidelines.

Records related to sexual misconduct and Title IX matters are required to be properly maintained and stored for a minimum of seven years.

XI. Affected Stakeholders

Indicate all entities and persons within the university affected by this policy:

- | | | |
|--|---|--|
| <input type="checkbox"/> Alumni | <input checked="" type="checkbox"/> Graduate Students | <input checked="" type="checkbox"/> Undergraduate Students |
| <input checked="" type="checkbox"/> Staff | <input checked="" type="checkbox"/> Faculty | <input checked="" type="checkbox"/> Student Employees |
| <input checked="" type="checkbox"/> Visitors | <input checked="" type="checkbox"/> Vendors/Contractors | <input type="checkbox"/> Other: _____ |

XII. Acronyms

BOR – Board of Regents	SIVRA – Structured Interview for Violence Risk Assessment
EAP – Employee Assistance Program	TIX – Title IX
HR – Human Resources	TIXC – Title IX Coordinator
HRAP – Human Resources Administrative Practice Manual	USG – University System of Georgia
NCO – No Contact Order	USO – University System Office
NOIA – Notice of Investigation and Allegations	VAWA – Violence Against Women’s Act
OCR – Office of Civil Rights	VPD – Valdosta Police Department
SCOTIX – Student Conduct & Title IX	VSU – Valdosta State University

XIII. Resources and References

Campus and local resources, including the contact information for the institution’s Title IX Coordinator, can be found at <https://www.valdosta.edu/administration/student-affairs/title-ix/title-ix-coordinators.php>.

Relevant Administrative Agency for Title IX compliance and enforcement:

U.S. Department of Health and Human Services

Office for Civil Rights (OCR)

200 Independence Avenue, S.W.

Washington, D.C. 20201

Toll free call center: 1-877-696-6775

Email: OCRMail@hhs.gov



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While OCR complaints should be filed within 180 days of the last date of the alleged discrimination, OCR may choose to extend this filing deadline for varying circumstances.

Associated Policies

USG's HRAP - <https://www.usg.edu/hr/manual>

USG's 6.7 Sexual Misconduct Policy - <https://www.usg.edu/policymanual/section6/C2655>

USG's 4.6 Discipline of Students Policy - <https://www.usg.edu/policymanual/section4/C332>

VAWA – The Department of Justice's Office on Violence Against Women -

<https://www.justice.gov/ovw>

VSU's Jeanne Clery Disclosure Act policy - <https://www.valdosta.edu/administration/finance-admin/policy/clery-disclosure-act.pdf>

XIV. Policy Attributes

<i>Responsible Office(s)</i>	Student Conduct & Title IX, 200 Georgia Ave., 229-333-5409, studentconduct@valdosta.edu
<i>Approving Officer or Body</i>	University Council and University System of Georgia
<i>Date Approved</i>	Approved: 03/01/2012
<i>Revisions</i>	07/01/2016 08/08/2017 by USG Legal Affairs 08/14/2020 by USG Legal Affairs 10/16/2025: Policy significantly expanded with revised definitions, new definitions, reporting procedures, investigation procedures, added acronyms, added resources, formatting adjustments (approved by University Council 10/16/25)
<i>Last Review Date</i>	10/16/2025
<i>Next Review Date</i>	10/16/2028