

Non-Discrimination and Anti-Harassment:

Albany State University values the diversity of each member of our campus community and maintains an unwavering commitment to equity and inclusion. Albany State University does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, veteran status, physical or mental disability, religion, or age in its programs or activities.

Non-discrimination on the basis of sex is mandated by Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) and the corresponding implementation regulations (34 C.F.R. Part 106). Title IX specifically states that: “No person in the United States shall on the basis of sex be excluded from participation in, denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Sex discrimination and sexual harassment are prohibited by Albany State University policy, as well federal laws, including Title IX, Title VII of the Civil Rights Act, Violence Against Women Act, and the Clery Act. The Albany State University Equal Opportunity and Sexual Misconduct policies apply to all students, employees, contractors, guests, and visitors to campus. These policies prohibit sexual misconduct of both a sexual and non-sexual nature committed by or against any member of the University community regardless of their gender related status.

Non-Retaliation Statement:

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct 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.

Frequently Asked Questions:

1. What policies and procedures should I learn about?

Review Albany State University’s Sexual Misconduct Policy and Student Code of Conduct to become familiar with your rights and responsibilities. You can also contact the Title IX Office with questions.

2. What are the potential processes I may go through as a result of an allegation?

Individuals who make a report to the Title IX Office can choose to pursue Judicial and/or a Criminal Process. Sometimes, an informal measure will be considered, like a mediation agreement between both parties.

3. Do I need to get a lawyer?

You are not required to obtain a lawyer, but you may do so, if you wish. An attorney may act as an advisor in an on-campus discipline procedure as well.

4. How do I support a friend who is being accused of sexual and/or dating violence?

Some strategies to help a friend include listening. Practice active listening skills by reflecting what they tell you and offering support. Allow your friend to lead the discussion. Let them set the pace and focus of the conversation. Do not ask your friends judgmental questions or make judgmental statements.

5. How do I contact Title IX?

Albany State University Title IX Office:
Kimberly Carter Call: 229-500-3304
West Campus, B.R. Tilley Academic Services
K Building, Room 320
Kimberly.Carter@asurams.edu
TitleIX@asurams.edu

Respondent’s Brochure

What Happens Next?

Albany State University is committed to providing prompt and equitable resolution of any complaint involving gender-based discrimination, hereinafter referred to as sexual misconduct, which includes dating violence, domestic violence, sexual exploitation, sexual harassment and stalking.

Sexual Misconduct Policy



Rights and Options



Grievance Procedure



Albany State University
POLICE DEPARTMENT
229-430-4711



What is Sexual Misconduct?

Sexual Misconduct includes, but is not limited to, such unwanted behavior as:

- Sexual harassment
- Non-consensual sexual contact
- Sexual Exploitation
- Dating violence
- Domestic violence
- Stalking

What is 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 16 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 present or future consent. Silence or an absence of resistance does not imply consent.

- A person may withdraw consent at any time.
- Coercing another person to engage in sexual acts nullifies consent.
- Silence or lack of resistance regarding sexual acts alone does not constitute consent.
- Previous consent to a sexual activity does not imply consent to any current or future activity.
- Simply engaging in a dating relationship does not constitute consent for any specific sexual activity.

Albany State University Police 229-430-4711

What to do if you have been accused of sexual misconduct?

Remain calm. Get support:

This can be a stressful time, and you may experience a variety of emotions. Seek the assistance of a trusted friend or use some of the resources listed in this brochure. Keep in mind that a fair, impartial, and thorough investigation is required before the university makes a finding and imposes any sanctions as a result of the allegations.

Learn about the process:

The Office of Equal Opportunity & Title IX does not conduct criminal investigations; however, the Complainant (the one(s) making the accusations) may decide to file a report with law enforcement as well. The Office of Equal Opportunity & Title IX investigates violations of institution policy. Should all parties agree, many cases are eligible for informal resolution. Cases that fall under the Title IX portion of the Sexual Misconduct Policy are entitled to a live hearing and cross-examination of the other party(ies) and witnesses.

Preserve the evidence:

Do not destroy or delete any potential evidence such as text messages, photos, screenshots, videos, etc. Both parties have the right to submit any relevant evidence during an investigation, including emails, texts, physical evidence, and the like.

Cooperate with the investigation:

The goal of the process is to gather evidence, interview the parties and witnesses, and make an objective determination based on a preponderance of the evidence standard while protecting the rights of all involved. For cases that fall under the Title IX portion of the Sexual Misconduct Policy, you will have the right to a live hearing facilitated by the Office of Student Conduct and the right to cross examine the other party(ies) and witnesses.

Respondent's Rights:

- As a Respondent (the one accused of violating policy), you have numerous rights. Anyone accused of sexual misconduct is sent a comprehensive email notification that includes information about the allegation(s), the name of the person who made the allegation(s), information about our policy and the Sexual Misconduct process, and a list of support services. In addition, you will receive the name of the individual whom you can ask additional questions.
- You also have the right to be treated fairly and to have the investigation and grievance process explained to you.
- You have a right to know the allegations and to have an advisor of your choice support you throughout the process and who can conduct cross-examination at a live hearing (if applicable).
- All parties participating in the process also have the right to be free from any type of retaliation.
- In addition, all parties have the right to available support services and referrals for additional services.

Supportive Measures:

Once the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct, the parties will be provided written information about support services. These are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge. Support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental health services.

ASU Counseling and Student Disability Services: Call: 229-500-3442 *Confidential*

ASU Student Health Services:

East Campus: Call: 229-500-3544 *Confidential* West

Campus: Call: 229-500-3545 *Confidential*