

CHANCELLOR STEVE WRIGLEY  
270 WASHINGTON STREET, S.W.  
ATLANTA, GEORGIA 30334

PHONE: (404) 962-3000  
FAX: (404) 962-3013  
EMAIL: CHANCELLOR@USG.EDU

August 10 2017

Presidents  
University System of Georgia  
sent via email

Dear Presidents:

The Board of Regents (BOR) of the University System of Georgia (USG) met on August 8, 2017 in Atlanta, Georgia. During this meeting, the Board approved revisions to the BOR policy sections listed below. Many of these revisions were brought forward as part of the broader Policy Manual Review that is ongoing and being led by Legal Affairs and Organizational Effectiveness, with wide participation from USG institutions. The purpose of the review process and the revisions made at this meeting were to increase efficiency, to ensure consistency, and to simplify the BOR Policy Manual. At this meeting, changes were made to the following BOR policy sections:

Officers of the Board of Regents

- 3/4 Board Policy 1.1 Officers of the Board of Regents
- 3/4 Board Policy 1.3 Secretary to the Board of Regents
- 3/4 Board Policy 1.5 Other Officers

Student Affairs

- 3/4 Board Policy 4.1.7 Sexual Misconduct Policy
- 3/4 Board Policy 4.6.5 Standards for Institutional Student Conduct Investigations & Disciplinary Proceedings.

Finance & Business

- 3/4 Board Policy 7.4 Private Donations to the USG and its Institutions
- 3/4 Board Policy 7.4.1 Naming of Places, Colleges or Schools

Personnel

- 3/4 Board Policy 8.2.24 Policy on Salary Administration and Incentive Rewards Program

Miscellaneous

- 3/4 Board Policy 12.6 Service of Process

Attached as an Exhibit is a document that shows the edited policy language and provides the effective date for the policy and helpful information regarding these revisions.

Chancellor's Policy Letter  
August 10 2017  
Page 2 of 2

Please share widely with the appropriate offices on your campus information regarding changes to the BOR

Exhibit  
BOARD OF REGENTS POLICY MANUAL  
Revised Policies and Background Information  
Meeting of August 8 2017

I. Revisions to Board Policy Sections 1.1 Officers of the Board and 1.5 Other Officers

A. Background:

The revisions to BOR Policy 1.1 Officers of the Board and BOR Policy 1.5 Other Officers, are part of an ongoing Policy Review initiative designed to increase efficiency, ensure consistency, and simplify the BOR Policy Manual.

Questions regarding these revisions should be directed to Sam Burch, Vice Chancellor for

B. Effective Date:

The effective date of these revisions is August 8, 2017

C. Revisions to Board Policy Sections 1.3 and 12.6 Shown with Markup:

1.3 Secretary to the Board of Regents

The Secretary to the Board of Regents shall be elected by the Board of Regents upon the recommendation of the Chancellor, and shall not be a member thereof. The Secretary shall prepare the agenda for monthly Board meetings and shall assist in scheduling Board and committee meetings, and preparing and mailing meeting notices. The Secretary shall keep accurate record of the proceedings of the meetings of the Board and committees and shall be responsible for maintaining the Bylaws and the Policy Manual of the Board; for distributing and indexing the minutes and for researching and retrieving Board actions; and, when requested, for scheduling Board P H P E H U V U S G U n i v e r s i t y System of Georgia institutions.

The Secretary to the Board shall keep in safe custody the Seal of the Board and shall affix the Seal to those documents requiring it. When the seals are affixed to a document, it shall be attested by the

The Secretary and Assistant Secretaries to the Board and any designees of the Secretary shall be the agents for service of process for the Board of Regents and its members.

The Secretary to the Board shall perform such other duties as shall have such other powers as authorized by the Board.

12.6 ~~Service of Process~~ (Reserved)

[Reserved]

The Secretary and Assistant Secretaries to the Board shall be the agents for service of process for the Board of Regents and its members (BoR Minutes 2008).

III. Revisions to Board Policy Sections 4.1.7 Sexual Misconduct Policy and 4.6.5 Standards for Institutional Student Conduct

A. Background:

These revisions create a supporting relationship of institutional EEO Officers and Title IX Coordinators to Kimberly Ballard Washington, Associate Vice Chancellor for Legal Affairs; U H T X L U H U H S R U W L Q J W R . L P E H U O \ \ V R I I L F H R I D Q \ V W X suspension or expulsion of a student; and that adjudication of all student discipline occur through the student conduct office.

Questions regarding these revisions should be directed to Kimberly Ballard Washington, Associate Vice Chancellor for Legal Affairs at (404) 962-5625 or Kimberly.Ballard-Washington@usg.edu.

B. Effective Date:

The effective date of these revisions is Fall 2017.

C. Board Policy Sections 4.1.7 and 4.6.5 are Shown Below in Final Form

4.1.7 Student Sexual Misconduct Policy

, Q D FFRUGDQFH ZLWK 7LWOH , ; RI WKH (GXFDWLRQ \$PHG  
System of Georgia (USG) does not discriminate on the basis of sex in any of its education  
programs or activities or in employment. The USG is committed to ensuring a safe learning  
and working environment for all members of the USG community. To that end, this Policy  
prohibits sexual misconduct, as defined herein.



sexual

emotional distress. 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



necessary and to assign an investigator who will work under the direction of the System Director or designee, if directed by System Director. If an allegation not initially identified as one that would lead to the suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require transfer to the System Director, the Title IX Coordinator shall transfer oversight to the System Director or designee. The System Director shall have the discretion to retain oversight or transfer oversight to the institution.

#### 4.1.7.2 (B) Law Enforcement Reports

Because sexual misconduct may constitute criminal activity, complainant also has the option, should he or she so choose, of filing a report with campus or local police, for his or her own protection and that of the surrounding community. The institution may assist the complainant in reporting the situation to law enforcement officials.

Complainants considering filing a report of sexual misconduct with law enforcement should preserve any evidence of sexual misconduct, including, but not limited to, the following:

1. Clothing worn during the incident including undergarments;
2. Sheets, bedding, and condoms, if used;
4. Text messages, call history, social media posts;
- 5.



ligation.

investigations while providing for due process that affords fairness and equity to all students in student conduct investigations.

These procedures apply to matters relating to student misconduct, except matters relating to academic dishonesty, which may be covered under separate institutional policies. Institutions shall inform students of their procedures governing student misconduct complaints and investigations.

#### 4.6.5.1 Reports of Student Misconduct

Institutions must provide clear notice to students and other campus community members as to how to file complaints of misconduct.

Complaints to the appropriate department and/or person(s) should include as much information as possible such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

gate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need

4. Amnesty: Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. ~~Notwithstanding~~, 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~~ be considered a sanction.

through or as directed by the appropriate office trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the institution shall report that case to the System Director or her designee prior to proceeding.

### Interim Measures

Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim in the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

1. Change of housing assignment;
2. Issuance of a restraining order;
3. Restrictions or bars to entering certain institution property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension; and
6. Other measures designed to promote the safety and well-being of the parties and the campus community.

An interim suspension 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 alleged victim 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 must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.

### Investigation

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided 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. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were ~~to~~ H KHOG 3LQ DEH\ DQFH ^ VXF K VXVSHQVLRQ RU H[SXOVLRQ WKH LQVWLWXWLRQ¶V LQY the additional minimal safeguards outlined below.

1. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
2. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.
3. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
5. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall DOVR NHHS D UHF RUFEDRWNESES SDUWLWLRQ, along with a brief, written explanation of why the witnesses were not interviewed.
6. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility but indicates that there is sufficient evidence to warrant further consideration and adjudication.
7. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. 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 otherwise influence the proceedings outside of providing testimony during the hearing.

#### Resolution/Hearing

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

Where the respondent indicates that he or she contests the charges, the matter shall be set for a hearing and once the investigative report has been finalized and copies provided to the





The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the written decision. The DSSHDO VKRXOG EH PDGH WR WKH LQVWLWXWLRQ¶V designee.

The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, or his or her designee, may affirm the

(1) that institutions are not required to provide reports on gifts and namings to the System





- ~~2. Where possible, namings should be associated with endowment gifts; if a gift is to construct a facility, presidents are encouraged to seek at least a portion of the gift for endowment to support the facility or academic programs associated with the facility.~~
- ~~3. Generally, deferred gifts such as life insurance and bequests are not to be used for current naming opportunities. Insti~~

Questions regarding this policy should be directed to Marion Fedrick, Vice Chancellor for Human Resources at (404) 982665 or [marion.fedrick@usg.edu](mailto:marion.fedrick@usg.edu)

B. Effective Date:

The effective date of this policy is October 1 2017.

C. The Text of this Board Policy is Shown Below

**BOR 8.2.24 Policy on Salary Administration and Incentive Rewards Program**

Each USG institution shall establish a compensation plan consistent with the guidelines issued in the Human Resources Administrative Practices Manual. Institutional compensation plans must be approved by the president or designee and developed in consultation with the LQ VWLWXWLRQ ¶ V FKLHI KXP DQ UHVRXUFHV RI ILFHU DQG establish incentive compensation programs consistent with state law, Board Policy, and applicable procedures, however, institutional incentive compensation programs must be reviewed and approved by the USG Offices of Fiscal Affairs and Human Resources.

Institutions may adjust employee compensation as a result of multiple factors to include merit adjustments, promotions, position reclassification, cost of living adjustments, etc. Adjustments to employee compensation is an institutional decision and should be consistent with the approved institutional compensation plan. However, cumulative fiscal year adjustments greater than or equal to ten percent above the percentage increase authorized in WKH % RDUG ¶ V DQQXDO VDODU\ DQG ZDJH DG PLQLVWUDV the Chancellor.

USG employees shall be paid exclusively by the USG institution(s) from state appropriations and/or other appropriate fund sources held by the institution for work performed on behalf of their USG position.