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**BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA**

September 15, 2020

Presidents
University System of Georgia
sent via email

Dear Presidents:

The Board of Regents of the University System of Georgia (USG) met on September 15, 2020, in Atlanta, Georgia. During this meeting, revisions were made to the following Board of Regents (BOR) policies:

Institutional Governance

- **Board Policy 2.8 Institutional Mission**

Student Affairs

- **Board Policy 4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings**

Campus Affairs

- **Board Policy 6.7 Sexual Misconduct Policy**

The revisions to Board Policy 2.8 were made to ensure continued alignment between BOR policy and SACSCOC requirements for regular review of institutional mission. Questions regarding this policy revision should be directed to Dr. Martha Venn who serves as the Vice Chancellor for Academic Affairs. Dr. Venn may be reached at martha.venn@usg.edu or (404) 962-3097.

The revisions to Board Policy 4.6.5 were made to revise the minimum institutional appellate opportunities required for students who have been suspended or expelled. Institutions may now determine whether student appeals may be made directly to the President or the President's designee as the final institutional decision. These revisions were made in connection with direction from the Department of Education's Final Rule on Title IX. Minor grammatical edits were also made that do not change the meaning of the policy. The revisions to Board Policy 6.7 were made to (i) add cross references to the Human Resources Administrative Practices Manual for guidance related to employee investigations and hearings, (ii) update additional cross references and numbering throughout the policy, and (iii) clarify defined terms. Questions regarding these policy revisions should be directed to Na'Tasha Webb-Prather, who serves as the System Director for Equity and Investigations in the USG Office of Legal Affairs. Ms. Webb-Prather may be reached at natasha.webbprather@usg.edu or (404) 962-3010.

The effective date of these policy revisions is September 15, 2020. Attached as an Exhibit is a document that shows the language added / deleted from each policy. Please share widely with the appropriate offices

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at your institution to include Title IX, Academic Affairs, Student Affairs, Legal Affairs, Compliance, Public Safety, Human Resources, and Internal Audit.

Sincerely,



Steve W. Wrigley
Chancellor

cc: Tracey Cook, Executive Vice Chancellor for Strategy and Fiscal Affairs
Dr. Tristan Denley, Executive Vice Chancellor for Academic Affairs
Teresa MacCartney, Executive Vice Chancellor for Administration
Ashley Jones, Chief of Staff
Claire Arnold, Vice Chancellor for Internal Audit
Dr. John Fuchko, III, Vice Chancellor for Organizational Effectiveness
Dr. Juanita Hicks, Vice Chancellor for Human Resources
Sandra Neuse, Vice Chancellor for Real Estate and Facilities
Dr. Joyce Jones, Vice Chancellor for Student Affairs
Dr. Bobby Laurine, Vice Chancellor and Chief Information Officer
Karen McCauley, Vice Chancellor of Development
Aaron Diamant, Vice Chancellor for Communications
Edward Tate, Vice Chancellor of Legal Affairs and Secretary to the Board
Dr. Martha Venn, Vice Chancellor for Academic Affairs
Brooke Bowen, Senior Legal Counsel
Na'Tasha Webb-Prather, System Director for Equity & Investigations
Mike Coverson, Director of Safety and Security
Wesley Horne, Director of Ethics and Compliance
Institutional Chief Human Resource Officers
Institutional Title IX Leads
Institutional Chief Business Officers
Institutional Legal Officers
Institutional Effectiveness Leads

Exhibit
BOARD OF REGENTS POLICY MANUAL
Revised Policies with Markup
Meeting of September 15, 2020

I. Revision to Board Policy 2.8 Shown with Markup

2.8 Institutional Mission

The mission of the University System of Georgia (USG) is achieved through the collective missions of our state’s public colleges and universities, which drive economic development and produce more educated individuals to contribute to the quality of life in the State. USG institutions are responsible for producing graduates with the requisite skills and knowledge to ensure Georgia’s strong future in the knowledge-based and global economy. The individual mission and function of the institutions within the USG must be aligned with the overall USG mission in order to strategically meet the higher education needs of the State.

The function and mission of each USG institution is determined by the Board of Regents and any change in institutional function and mission must be approved by the Board. Institutional mission statements shall be evaluated by the Board as part of the regular cycle of accreditation and reaffirmation for the institution.

Institutional function determines the scope of activity of the institution over a considerable period of time and covers the following aspects:

1. The level at which the institution will operate;
2. The types of educational degree programs to be offered;
3. The cost of attending the institution (student tuition and fees);
4. The admissions selectivity of the institution and the extent to which the institution serves as a primary point of access to higher education for under-represented students in a geographic region of Georgia; and,
5. The extent to which the institution engages in teaching, research, and service

Specific functions and missions for individual institutions and the procedures to request a change in functional sector, functional sector category, and institutional mission can be found in the Academic & Student Affairs Handbook. USG institutions are classified according to the following functional sectors:

Research Universities, which offer a broad array of undergraduate, graduate, and professional programs and are characterized as doctoral-granting with a Carnegie Classification of very high or high research activity. Associate degrees are typically not offered at research universities. The Nexus degree can be offered at research universities. While teaching is a core focus at all USG institutions, the emphasis on basic and applied research is much heavier at research universities than any other institutional sector. It is expected that institutions operating within this sector will be world-class research institutions with significant commitments to receipt of external funding, philanthropic giving, and fundraising at the highest levels.

Edited Policy (Continued)

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
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Georgia Institute of Technology	Research University	n/a	Georgia's technological research institution
Georgia State University	Research University	State College	
University of Georgia	Research University	n/a	Georgia's land-grant institution and Agricultural experiment station
Augusta University	Research University	n/a	State's dedicated health/sciences/medical college

Comprehensive Universities, which offer a number of undergraduate and master's-level programs with some doctoral programs. Typically, associate-level degrees are not offered at comprehensive universities. The Nexus degree can be offered at research universities. Master programs at comprehensive universities are characterized as master's-dominant. While teaching is a core focus at all USG institutions, the emphasis on basic and applied research is heavier at comprehensive universities than state universities or state colleges, but not emphasized as heavily as research universities. It is expected that institutions within this sector will be committed to being world-class academic institutions.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Georgia Southern University	Comprehensive University	n/a	Approved for doctoral programs
Valdosta State University	Comprehensive University	n/a	Approved for doctoral programs
Kennesaw State University	Comprehensive University	n/a	Approved for doctoral programs
University of West Georgia	Comprehensive University	n/a	Approved for doctoral programs

State Universities, which offer a number of undergraduate and master's-level programs, but very few doctoral programs. Associate-level degrees can be offered at these universities, but they are also typically limited. The Nexus degree can be offered at state universities. While teaching is a core focus at all USG institutions, the emphasis on research activity at these state universities includes some basic research, but is typically more focused on institutional or applied research.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Albany State University	State University	State College	n/a
Clayton State University	State University	n/a	n/a
Columbus State University	State University	n/a	Approved for doctoral programs
Fort Valley State University	State University	n/a	State's 1890 land grant institution
Georgia College & State University	State University	n/a	State's public liberal arts institution; approved for doctoral programs
Georgia Southwestern State University	State University	n/a	n/a
Middle Georgia State University	State University	State College	n/a
Savannah State University	State University	n/a	n/a

University of North Georgia	State University	n/a	State's military college; approved for doctoral programs
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State Colleges

Balanced Bachelor's and Associate State Colleges

Institutions included in the balanced bachelor's and associate-level state colleges group offer bachelor's degrees, associate programs, and general education courses, but no graduate programs. These state colleges are characterized as balanced bachelor's and associate-level degrees with bachelor's programs focused on specialized academic and economic development program areas and regional, college-educated workforce needs. The Nexus degree can be offered at state colleges. The emphasis at these state colleges is on teaching and service with limited focus on basic or applied research activity.

Associate Dominant-Select Bachelor's State Colleges

Institutions included in the associate dominant state colleges group are characterized as offering associate-dominant programs and general education courses, with very few, select, professionally-oriented bachelor's degree programs. The select bachelor's programs are focused on specialized academic and economic development program areas and regional, college-educated workforce needs. The emphasis at these state colleges is on teaching and service with limited focus on basic or applied research.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Abraham Baldwin Agricultural College	State College - Balanced Bachelor's & Associate Degrees	n/a	State's agricultural state college
Atlanta Metropolitan State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
College of Coastal Georgia	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
Dalton State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
Georgia Gwinnett College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
Gordon State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
East Georgia State College	State College - Associate Dominant, Select Bachelor's	n/a	n/a
Georgia Highlands College	State College - Associate Dominant, Select Bachelor's	n/a	n/a
South Georgia State College	State College - Associate Dominant, Select Bachelor's	n/a	n/a

Institutions with a Blended Function

At times a USG institution may be approved by the Board to advance aspects of a mission from different functional sectors. When this occurs, an institution will have a blended institutional function with a primary sector function and a secondary function sector. While the institution will follow the function of their primary sector, it will also be authorized to function in accordance with aspects of the secondary sector function.

No institution may operate as an institution with a blended function unless approved by the Board of Regents. When the Board approves an institution as having a blended function, the Board will also approve the institution's primary functional sector. The guidelines for obtaining Board approval to operate as an institution with a blended function and a list of institutions currently approved for a blended function can be found in the Academic & Student Affairs Handbook.

The Chancellor may, from time to time, direct institutions with a blended function on whether and to what extent the institution will implement primary functional sector requirements or secondary functional sector requirements.

II. Revision to Board Policy 4.6.5 Shown with Markup

4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

4.6.5.2 Process for Investigating and Resolving Disputed Reports

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. Timely and equal access to information that will be used during the investigation will be provided to the Complainant (where applicable); **and** Respondent.

4.6.5.6 Appeals

Appeals may be made in any cases where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary 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, ~~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 final written decision. The appeal should be made to the institution's ~~Vice President for Student Affairs~~ **President** or their designee.

The appeal shall be a review of the record only, and no new meeting with the Respondent or any Complainant is required. ~~The Vice President, 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 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 Vice President or his or her their designee shall then issue a decision in writing to the respondent within a reasonable time period.~~

~~The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.~~

The President **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 President **or their designee's** decision shall be simultaneously issued in writing to the parties within a reasonable time period. The President **or their designee's** decision shall be the final decision of the institution.

Should the Respondent or Complainant (where applicable) wish to appeal the **President's final institutional** decision, they may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.

Appeals received after the designated deadlines above 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.

III. Board Policy 6.7 Shown with Markup

6.7 Sexual Misconduct Policy

6.7.1 Definitions and Prohibited Conduct

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 to benefit from an institutional education program or activity ~~in violation of Title IX.~~

6.7.3 (E) 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 may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance

to the party, but may not actively participate in the process except as outlined in BOR 6.7.4 (D E). All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

6.7.4 Responding to Reports of Sexual Harassment Pursuant to Title IX

6.7.4 (C) Formal Complaints

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.

6.7.4 (D) Informal Resolution

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

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

6.7.4 (E) 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 may 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 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 directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

6.7.5 Investigations

All Sexual Misconduct investigations involving a student Respondent shall follow the investigation process set forth in [Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings](#).

All Sexual Misconduct investigations involving an employee Respondent, shall be addressed utilizing Board and institutional employment policies and procedures **including [Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment](#)**.

6.7.6 Hearings, Possible Sanctions and Appeals

All Sexual Misconduct hearings, sanctions, and appeals involving a student Respondent shall follow the investigation hearing and resolution process set forth in this Policy and [Section 4.6.5, Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings](#).

All Sexual Misconduct adjudication involving an employee Respondent, shall be addressed utilizing the Board and institutional institution's employment policies and procedures **including [Human Resources Administrative Practice Manual, Prohibit Discrimination & Harassment](#)**.