**States, Definitions & Compliance Support for Title IX and the Violence Against Women Reauthorization Act ("VAWA").**

Mercer University is committed to maintaining an environment free from discrimination on the basis of sex and/or gender and where the dignity and worth of all members and visitors of the University community are respected.

**Sexual discrimination** (which includes, but is not limited to, sexual harassment, sexual misconduct and relationship violence) harms the environment the University seeks to maintain and is unequivocally prohibited.

Mercer University has developed its policy on Sexual Misconduct and Relationship Violence (SMRV) in accordance with Title IX of the Education Amendments and the Violence Against Women Act to reaffirm the University's commitment to address sexual misconduct and take steps to prevent its reoccurrence and remedy its effects.

Individuals reporting an incident regarding SMRV and/or making inquiries concerning the application of Title IX at Mercer University may contact:

Brittany M. Raygoza  
Title IX Coordinator  
Office of Audit and Compliance  
1501 Mercer University Drive  
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**Domestic Violence, Dating Violence, and Stalking**

The Campus Sexual Violence Elimination Act ("SaVE Act") was passed in March 2013 as part of the Violence Against Women Reauthorization Act ("VAWA"). Pursuant to the SaVE Act, Mercer will include reports of domestic violence, dating violence, and stalking in its annual security report.

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Domestic Violence:
Georgia law does not define “Domestic Violence,” but Georgia defines “Family Violence” as: “the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

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

The term “family violence” shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.” See O.C.G. A. § 19-13-1.

Dating Violence:
Georgia law does not define “Dating Violence,” but the definition of “Family Violence” (above) may cover some dating situations.

For the purpose of reporting dating violence in the annual security report, “Dating Violence” is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. See O.C.G. A. § 19-13-1.

Stalking:
Georgia law defines “Stalking” as:

1. A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the terms “computer” and “computer network” shall have the same meanings as set out in Code Section 16-9-92; the term “contact” shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term “place or places” shall include any public or private property occupied by the victim other than the residence of the defendant.

For the purposes of this article, the term "harassing and intimidating" means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person’s safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.

2. A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person’s consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.” See O.C.G. A. § 16-5-90.

For the purpose of reporting stalking in the annual security report, “Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person for his or her safety or the safety of others; or suffer substantial emotional distress.

Sexual Assault:
Georgia law does not have a single “Sexual Assault” definition, but does define the following crimes that are related to sex:

Rape
Rape is defined in Georgia as:
A person commits the offense of rape when he has carnal knowledge of:
A female forcibly and against her will; or
A female who is less than ten years of age.
Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape. See O.C.G. A. § 16-6-1.

Statutory Rape
Statutory Rape is defined in Georgia as: (a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim. See O.C.G. A. § 16-6-3.

Sodomy: Aggravated Sodomy” is defined in Georgia as: “(a) (1) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

2. A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.” See O.C.G. A. § 16-6-2.

“SEXUAL ASSAULT BY PERSONS WITH SUPERVISORY OR DISCIPLINARY AUTHORITY; SEXUAL ASSAULT BY PRACTITIONER OF PSYCHOTHERAPY AGAINST PATIENT” IS DEFINED IN GEORGIA AS:
(b) A person who has supervisory or disciplinary authority over another individual commits sexual assault when that person:
1. Is a teacher, principal, assistant principal, or other administrator of any school (defined below as pre-kindergarten through 12th grade) and engages in sexual contact with such other individual who the actor knew or should have known is enrolled at the same school; provided, however, that such contact shall not be prohibited when the actor is married to such other individual;
2. Is an employee or agent of any probation or parole office and engages in sexual contact with such other individual who the actor knew or should have known is a probationer or parolee under the supervision of the same probation or parole office;
3. Is an employee or agent of a law enforcement agency and engages in sexual contact with such other individual who the actor knew or should have known is being detained by or is in the custody of any law enforcement agency;
4. Is an employee or agent of a hospital and engages in sexual contact with such other individual who the actor knew or should have known is a patient or is being detained in the same hospital; or
5. Is an employee or agent of a correctional facility, juvenile detention facility, facility providing services to a person with a disability, as such term is defined in Code Section 37-1-1, or a facility providing child welfare and youth services, as such term is defined in Code Section 49-5-3, who engages in sexual contact with such other individual who the actor knew or should have known is in the custody of such facility.”

(c) A person who is an actual or purported practitioner of psychotherapy commits sexual assault when he or she engages in sexual contact with another individual who the actor knew or should have known is the subject of the actor’s actual or purported treatment or counseling or the actor uses the treatment or counseling relationship to facilitate sexual contact between the actor and such individual.

(d) A person who is an employee, agent, or volunteer at any facility licensed or required to be licensed under Code Section 31-7-3, 31-7-12, or 31-7-12.2 or who is required to be licensed pursuant to Code Section 31-7-151 or 31-7-173 commits sexual assault when he or she engages in sexual contact with another individual who the actor knew or should have known had been admitted to or is receiving services from such facility or the actor.