

Reporting sexual harassment

Responsible Employees (e.g., any administrator, supervisor, faculty, instructor, graduate TA, residential advisor or other University community member in a position of authority) **must** report any knowledge or complaints of alleged sexual harassment/violence to the EOO and relay any request for confidentiality by the complainant. **Failure to so report may result in discipline.** All other University community members are encouraged to report complaints or allegations of sexual harassment/violence to the EOO.

Except: The following confidential support employees are not usually required to report information that identifies an alleged victim or third party complainant:

- UGA Relationship and Sexual Violence Prevention (RSVP) – (706) 542-7233
- UGA Student Care & Outreach – (706) 542-7774
- UGA Ombudspersons – www.uga.edu/ombudsperson/

Also, individuals providing mental health or other services covered by a statutory privilege do not have to report disclosures made in the privileged context, including, without limitation:

- UGA Counseling and Psychological Services (706) 542-2273
- UGA Health Center Medical Clinicians (706) 542-1162

Other confidential resources:

The Cottage: Sexual Assault Center - (877) 995-5247
UGA Family Justice Clinic - (706) 369-6272
Project Safe (domestic violence) – (706) 543-3331

What happens once reported?

The EOO will investigate reports of sexual harassment and take appropriate action to stop any prohibited conduct, remedy its effects, prevent recurrence (including instituting protective measures and providing support resources), and impose disciplinary action as appropriate. Confidentiality usually cannot be guaranteed when investigating a report of sexual harassment. Reports can be made anonymously, but this may limit the extent to which the report can be investigated or addressed.

The investigation and resolution procedures governing reports of sexual harassment perpetrated by a student are contained in the UGA Code of Conduct. The investigation and resolution procedures governing reports of sexual harassment by a non-student member of the University community are contained in the UGA Non-Discrimination and Anti-Harassment (NDAH) Policy.

Retaliation is prohibited

Both the NDAH Policy and SSMP prohibit retaliation for making a good faith report about sexual harassment/violence, or for participating in or otherwise being associated with an investigation of such a report. Substantiated retaliation provides a separate basis for disciplinary action. Retaliation should immediately be reported to the EOO.

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University of Georgia

Sexual Harassment:

What It Is and What You Can Do About It



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Committed to a Fair and Respectful
Environment for Living, Work & Study

What is sexual harassment?

Sexual harassment is unwelcome verbal, non-verbal or physical conduct based on sex, or on gender stereotypes, that is:

- Implicitly or explicitly, a term or condition of employment or status in a course, program or activity; OR
- A basis for employment/educational decisions; OR
- Is sufficiently severe, persistent or pervasive to:
 - interfere with one's work or educational performance; OR
 - create an intimidating, hostile or offensive work or learning environment; OR
 - interfere with or limit one's ability to participate in or benefit from an institutional program or activity.

Examples of sexual harassment:

Unwelcome conduct that may constitute sexual harassment when sufficiently severe, persistent or pervasive includes, without limitation:

- Forced or coerced sexual acts or relationships, including where a person is incapable of giving consent due to use of drugs or alcohol, sleep, disability, or being under the age of 16
- Non-consensual touching of another's body, including unwanted hugging or shoulder rubbing
- Sexual remarks, jokes, anecdotes or physical gestures
- Requests or propositions of a sexual nature

- Comments of a sexual nature (either complimentary or insulting) about a person's physique, clothing, or sexual/romantic activity or preferences
- Non-consensual creation, use, display, or sharing of sexual images, video, text or objects
- Dating/domestic violence and stalking

Laws and policies that prohibit sexual harassment:

Title IX, Title VII, and other federal and state laws prohibit sexual harassment/violence within the educational and employment context at UGA.

Separately, UGA's Non-Discrimination and Anti-Harassment (NDAH) Policy and the University System of Georgia's Student Sexual Misconduct Policy (SSMP) collectively prohibit sexual harassment/violence by any UGA student, employee, contractor, volunteer, campus visitor, or UGA program participant when committed against another member of the University community or when done in a manner that creates a hostile environment for members of the University community.

The **NDAH Policy** is available at: <https://eoo.uga.edu/policies/non-discrimination-anti-harassment-policy>

The **Student Sexual Misconduct Policy** is available at: <http://www.usg.edu/policymanual/section6/C2655>

Sexual violence, dating/domestic violence, and stalking may also constitute a crime. In such cases, the complainant/survivor has the option of also making a report to law enforcement.

For more information regarding what to do in the event of a sexual assault, see: <https://eoo.uga.edu/focus-on/what-do-if-you-or-someone-you-know-has-been-sexually-assaulted>

Sexual "consent" defined

For purposes of administering the NDAH Policy and SSMP, sexual "consent" is defined as 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; or by ignoring or acting over the objections of another; or by taking advantage of the incapacitation of another where such incapacitation is known or reasonably should be known. Silence or the absence of resistance does not imply consent. Past consent does not imply present or future consent. The sexual activity cannot exceed the scope of the consent that is given. Individuals under the age of 16 cannot consent to sexual activity in the State of Georgia.

Who is protected?

- **All University community members**, regardless of their sex, sexual orientation or gender identity.
- **Third parties** where harassment directed at others, or sexual conduct between consenting participants, adversely affects the third party's work or learning environment.
- **Persons in positions of authority** cannot sexually harass their subordinates, and vice versa.