



# UNIVERSITY OF GEORGIA

## NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The University of Georgia (the “University”) is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law, University System of Georgia (“USG”) policy, and University policy, the University prohibits harassment of or discrimination against any person because of race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status by any member of the University Community (as defined below) on campus, in connection with a University program or activity, or in a manner that creates a hostile environment for any member of the University Community. Incidents of harassment and discrimination will be met with appropriate disciplinary action, up to and including dismissal or expulsion from the University.

Bias based on the protected categories of race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status will not hinder employment, study or institutional services, programs, or activities. Bias factors will not be permitted to have an adverse influence upon decisions regarding students, employees, applicants for admission, applicants for employment, contractors, volunteers, or participants in or users of institutional programs, services, and activities. The University of Georgia will continue in its efforts to maintain an institutional environment free of such bias and restates its policy prohibiting the interference of such bias.

The University follows the USG Sexual Misconduct Policy 6.7 found at <http://www.usg.edu/policymanual/section6/C2655> and the USG Policy to Prohibit Discrimination & Harassment found at: [https://www.usg.edu/hr/manual/prohibit\\_discrimination\\_harassment](https://www.usg.edu/hr/manual/prohibit_discrimination_harassment). This Policy incorporates by reference the applicable sections of the USG Sexual Misconduct Policy and the USG Policy to Prohibit Discrimination & Harassment. All allegations of discrimination and harassment based on the protected categories other than Sexual Misconduct alleged against a student Respondent(s) will be covered by this Policy together with the USG Sexual Misconduct Policy and the USG Policy to Prohibit Discrimination & Harassment.

Every member of the University Community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has

a responsibility to conduct themselves in accordance with this Policy as a condition of enrollment, and every University employee has an obligation to observe University policies as a term of employment.

In addition, one aspect of performance appraisal for University personnel at all levels of supervision and administration will include the qualitative evaluation of their leadership in implementing this Policy. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment.

Nothing in this Policy prevents a University Community member from filing a complaint with a state or federal agency or court.

## I. DEFINITIONS

### A. *Members of the University Community*

Members of the University Community are any persons employed by or affiliated with the University in any way and persons participating in any University program or activity, including, but not limited to:

1. University faculty, staff, administrators, employees, and independent contractors;
2. University students;
3. Volunteers and participants in any University program or activity; and
4. Guests and visitors to campus to any property owned or leased by the University or to any property owned or leased by any University-affiliated organization or group.

### B. *Sexual Misconduct*

**Sexual Misconduct:** An umbrella term that is used to describe a wide range of prohibited sexual conduct as described below, including sexual harassment. Sexual misconduct can occur regardless of the relationship, position or respective sex, sexual orientation, or gender identity of the parties. Same-sex harassment violates this Policy, as does harassment by a student of an employee or a subordinate employee of their supervisor.

**Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions;
3. Is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity; or

4. Determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University education program or activity in violation of Title IX.

**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.

Examples of conduct that may constitute sexual harassment to the extent it meets either of the above definitions, without limitation:

1. Nonconsensual touching of another's body, including unwanted hugging or shoulder rubbing.
2. Sexual remarks, jokes, anecdotes, inquiries, or physical gestures.
3. Requests or propositions of a sexual nature.
4. Gender or sex-based comments or comments of a sexual nature (either complimentary or insulting) about a person's physique, clothing, or sexual/romantic activity or preferences.
5. Inappropriate use, display, or non-consensual sharing of sexual images, text, or objects.

In addition to Sexual Harassment as defined above, this Policy prohibits domestic violence, dating violence, nonconsensual sexual contact, non-consensual sexual penetration, sexual assault, sexual exploitation, and stalking. They are defined as follows:

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the alleged victim.

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. Nonconsensual Sexual Contact includes, but is not limited to, the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

**Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the

genitals or anus of another person. This provision also includes “Rape, Incest, and Statutory Rape” as defined by the Clery Act.

**Sexual Assault:** A term used in the Clery Act to refer to an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. 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, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with person’s property.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking in this Policy pertains to conduct with sexual intent in a dating relationship or attempts at establishing a sexual or dating relationship.

**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. Consent can be withdrawn at any time by a party by using clear words or actions.

### ***C. Discriminatory Harassment and Discrimination***

**Discriminatory harassment:** Unwelcome verbal or physical conduct based on race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status when it is sufficiently severe, persistent, or pervasive to:

1. Unreasonably interfere with the individual’s work or educational performance;
2. Create an intimidating, hostile, or offensive working or learning environment; or
3. Unreasonably interfere with or limits one’s ability to participate in or benefit from an institutional program or activity.

**Discrimination:** Decision-making based on race, color, sex (including pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status.

Other examples that may constitute discrimination as defined above include, without limitation:

1. Hiring, termination, promotion, salary actions, and other employment decisions based on protected categories, i.e. race, sex, disability, etc.;
2. Assigning grades, or making academic decisions based on protected categories, such as race, sex, disability, etc.; and/or
3. Refusing acceptance or admission to a person with a disability without consideration of accommodations.

***D. Non-Discrimination/Anti-Harassment Officer, Title VI Coordinator, Title IX Coordinator, and ADA/Section 504 Coordinator***

The Director of the Equal Opportunity Office (“EOO Director”) serves as the Non-Discrimination/Anti-Harassment Officer (“NDAH Officer”), the University’s Title VI Coordinator<sup>1</sup>, the University’s Title IX Coordinator<sup>2</sup>, and the University’s Disability Coordinator under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The EOO Director is the individual designated by the President with responsibility for providing education and training about prohibited discrimination and harassment to the University community and for receiving and investigating reports and complaints of discrimination and harassment in accordance with this Policy. The EOO Director can be reached at the Equal Opportunity Office, located at 278 Brooks Hall, by phone at (706) 542- 7912, or via email at [ugaeoo@uga.edu](mailto:ugaeoo@uga.edu).

EOO does not serve as an advocate or representative for any party. Advocacy, counseling, and support resources available on campus and in the greater community are identified at the end of this Policy.

***E. Additional Defined Terms***

Definitions of additional terms that the University applies when administering and enforcing this Policy, including terms related to discrimination and discriminatory harassment, can be found on EOO’s website at: <http://eoo.uga.edu/eoo-definitions>.

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<sup>1</sup> Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance.

<sup>2</sup> Title IX states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

## **II. RIGHTS & RESPONSIBILITIES**

### ***A. Prohibition Against Retaliation***

Anyone who, in good faith, reports what they believe to be discrimination or harassment under this Policy, or who participates or cooperates in, refuses to participate or cooperate in, or is otherwise associated with any investigation may not be subjected to retaliation. Anyone who believes they have been the target of retaliation for reporting discrimination or harassment, for participating or cooperating in, or otherwise being associated with an investigation should immediately contact EOO. Any person found to have engaged in retaliation in violation of this Policy will be subject to disciplinary action under this Policy.

### ***B. Prohibited Consensual Relationships***

A University employee, including a graduate teaching assistant, is prohibited from pursuing or having a romantic or sexual relationship with any student or University System of Georgia (USG) employee who the individual supervises, teaches, or evaluates in any way. Additionally, a University employee is prohibited from pursuing or having a romantic or sexual relationship with any student or USG employee whose terms or conditions of education or employment the individual could directly affect.

Individuals who violate the consensual relationship prohibition are subject to disciplinary action under this Policy, up to and including termination.

### ***C. Confidentiality***

The University strongly supports an individual's interest in confidentiality, particularly in instances involving sexual misconduct. When a Complainant or alleged victim requests their identity be withheld or the allegation(s) not be investigated, the University will consider, through the EOO Director/Title IX Coordinator, whether this request can be honored while still complying with other laws, regulations, or policies and providing a safe and nondiscriminatory environment for the University. Honoring the request may limit the University's ability to respond fully to the incident and may limit the University's ability to discipline the Respondent. The Complainant or alleged victim will be informed of any decision to act contrary to the request for confidentiality or no investigation before any disclosures are made and before an investigation begins.

In support of an individual's request for confidentiality and the University's interest in learning about incidents of discrimination and harassment, the University designates two levels of confidential resources:

1. **Privileged Resource Employee:** Employees working in one or more of the groups listed below are not required to report patient or client disclosures of harassment or discrimination to the NDAH Officer/Title IX Coordinator:
  - University Health Center CAPS (Counseling and Psychiatric Services)
  - University Health Center Medical Clinicians

- UGA Psychology Clinic
- UGA Center for Counseling and Personal Evaluation
- Aspire Clinic
- UGA Family Violence Clinic
- Veterans Legal Clinic
- Wilbanks Child Endangerment and Sexual Exploitation Clinic
- UGA First Amendment Clinic

However, these employees still must comply with anonymous reporting requirements for Clery Act purposes and mandatory reporting under Georgia State law. Note that the anonymous reporting requirement under the Clery Act does not apply to individuals who are pastoral or professional counselors (as defined in the Clery Act) when such individuals are acting as counselors.

Questions regarding reporting requirements under the Clery Act can be directed to the University's Clery Compliance Coordinator at (706) 542-0006.

2. **Support Resource Employee:** These employees may talk to an alleged victim in confidence and generally report to the University only that the incident occurred (date, time, location and perpetrator, if known) without revealing information that will personally identify the alleged victim. Disclosures to these employees will not automatically trigger an investigation against the alleged victim's wishes; provided, however, that these employees are required to fully disclose to EOO any report where there is a threat of danger to the community (including to the alleged victim):
  - University Health Center RSVP (Relationship and Sexual Violence Prevention)
  - University Ombudspersons
  - Student Care and Outreach

#### ***D. Reporting***

Any administrator, supervisor, faculty member, or other person in a position of authority who is not a Privileged Resource Employee or Support Resource Employee (a "Responsible Employee") who knows of, or receives a complaint of, potential discrimination or harassment or potential violation of the Prohibited Consensual Relationship provision (see Section II.B above) **must** fully report the information or complaint to the EOO promptly. Student employees who serve in a supervisory, advisory, or managerial role are Responsible Employees and in positions of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders, etc.) and must also promptly report discrimination or harassment to EOO. A complaint or report of discrimination or harassment made to any Responsible Employee generally obligates the University to investigate the incident and take appropriate steps to address the situation. The responsibility to investigate rests with EOO and not with the Responsible Employee who receives the complaint or report. Failure to promptly report may constitute a separate violation of the NDAH Policy and may provide a basis for discipline under this Policy. This provision does not apply to disclosures of sexual misconduct to privileged or confidential resources as identified by the USG Sexual Misconduct Policy or this Policy.

The University encourages any person who feels they have been discriminated against or harassed to promptly report the incident to the EOO or discuss the incident with the confidential resources identified above. Any member of the University Community who observes discrimination or harassment of another person on campus, in connection with a University program or activity, or in a manner that creates a hostile environment for members of the University Community should report the conduct to EOO. No member of the University Community should assume that an official of the University already knows about a particular discriminatory or harassing situation.

If a Complainant reports discrimination or harassment to a Responsible Employee but wants to maintain confidentiality, the Responsible Employee or person in a position of authority must relay the request for confidentiality when reporting the alleged discrimination or harassment to EOO. The request for confidentiality will be considered but cannot be guaranteed as referenced above.

Complaints and reports of discrimination and harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated. Complaints may be made in person, in writing (via [complaint form](#), email or otherwise), or over the phone. Under some circumstances, including for complaints made under Title IX, EOO may require a Complainant to submit a complaint in writing. Complaints can also be made anonymously, but this may limit the extent to which the complaint can be investigated. Information on filing complaints can be found at: <https://eoo.uga.edu/eoo-report>.

Where the discrimination or harassment alleged is potentially of a criminal nature, University Community members are encouraged to also contact the University Police Department (for conduct that occurred on campus) or local law enforcement in the relevant jurisdiction (for conduct that occurred off campus). Except as required by the Clery Act for purposes of crime statistics reporting, police will not be notified of a sexual assault without the Complainant/victim's consent unless there is an imminent threat of harm or the incident involves someone under the age of 16. University Community members have the right to simultaneously make a complaint under this Policy and to law enforcement.

#### ***E. False Accusations***

Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a University official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy, shall be subject to appropriate disciplinary action (up to and including suspension, expulsion, or termination). Students violating this provision will be adjudicated under the UGA Code of Conduct. Employees violating this provision will be adjudicated under this Policy.

#### ***F. Conflicts of Interest***

If the Complainant, Respondent, or EOO representative asserts that a complaint presents an actual or apparent conflict of interest for EOO, the complaint should be submitted or referred to

the Office of Legal Affairs to resolve the conflict of interest. An actual or apparent conflict of interest is a financial interest, relationship, or other circumstance that would lead a reasonable person to doubt the objectivity of the EOO representative. If the Office of Legal Affairs determines there is no actual or apparent conflict of interest for EOO, EOO shall conduct the inquiry into the complaint. If the Office of Legal Affairs determines that an actual or apparent conflict of interest exists for EOO, then the Office of Legal Affairs, in consultation with the President, shall appoint an independent individual with appropriate experience and training to conduct the inquiry into the complaint.

### ***G. Academic Freedom and Freedom of Expression***

The University is committed to protecting, maintaining, and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the First Amendment or the due process clause of the Fourteenth Amendment, but academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

### ***H. Records***

Records generated under this Policy are subject to the Georgia Open Records Act (O.C.G.A. §50-18-70, et seq.) but are maintained in accordance with, and subject to, privacy requirements under state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and University System of Georgia's policy on record retention. Additionally, the University will take reasonable steps to maintain privacy in relation to any accommodations or protective measures afforded to an alleged victim or Complainant, except to the extent necessary to provide the accommodations or protective measures.

Information pursuant to this Policy shared internally between University administrators is provided on a need-to-know basis. Complainant(s) and Respondent(s) will be provided a copy of any directly related information in the investigative file at the same time they are provided a draft copy of the investigative report. Privileged material that has not been voluntarily released in writing will not be included or otherwise considered in the investigative report and will be excluded from the released material.

Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of parties or information that could easily lead to a victim's identification.

### ***I. Right to be Accompanied by an Advisor or Support Person***

Any party to a complaint shall have the opportunity to use an advisor (including an attorney) of their choosing for the express purpose of providing advice and counsel at their expense provided that a party may not select an advisor who is otherwise a party or witness involved in the investigation. The advisor may be present during any meetings and proceedings involved in the investigatory or resolution process in which the advisee is also eligible to be present. The advisor

may advise the advisee, including providing questions, suggestions, advice on the proceedings, and guidance on responses to any questions of the participant but shall not participate directly other than for the purpose of conducting cross-examination of the other party in a formal hearing under Title IX pursuant to the USG Policy to Prohibit Discrimination & Harassment. If in connection with a formal hearing under Title IX a party does not have an advisor, the University will provide an advisor solely for the purpose of conducting cross-examination during the formal hearing on behalf of the relevant party.

All communication during the investigation process will be between the University and the party and not the advisor. The University will copy the party's advisor prior to the finalization of the investigation report when the University 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.

### ***J. Amnesty for Students***

Individuals should be encouraged to come forward and to report prohibited discriminatory or harassing conduct notwithstanding their consumption of alcohol or drugs. Information reported by a student during an investigation concerning their own consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regards 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 not be considered a sanction.

Nothing in this amnesty provision shall be interpreted to prevent an individual who is otherwise obligated by law (including under the Clery Act) to report information or statistical data as required.

## **III. PROCESSING, INVESTIGATION, AND RESOLUTION OF DISCRIMINATION AND HARASSMENT REPORTS AND COMPLAINTS**

The University's complaint process, outlined herein, is the procedure used to investigate complaints or reports of discrimination and harassment covered by this Policy, to end any discrimination and harassment found, to remedy the effects of discrimination and harassment, and to prevent any recurrence. If appropriate and permitted under applicable law, EOO may recommend that the Complainant and Respondent attempt to resolve their differences through an informal resolution.

Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of specific actions will be made by EOO based on the status of the evidence and other relevant case factors. These procedures do not replace the right of the Complainant or Respondent to file complaints or seek remedies available under state or federal law.

Any member of the University Community who feels they have experienced discrimination or harassment is encouraged, but not required, to clearly explain to the alleged offender that the behavior is objectionable and request that it cease. The University encourages any member of the University Community to report any unresolved incidents of discrimination or harassment as outlined in this Policy.

University employees identified as witnesses are required to fully cooperate with an investigation. Any member of the University Community who willfully disregards, delays, or thwarts an investigation or makes false statements during an investigation may be found in violation of this Policy and subject to disciplinary action under this Policy; provided, however, that this provision does not require persons accused under this Policy to make a statement or respond to the allegations against her/him during the investigation. If the accused chooses not to provide a statement or response to the allegations, that silence will be considered a general denial of the allegations. However, the investigation may ultimately proceed and result in a policy violation if the evidence collected proves a violation by a preponderance of the evidence.

The NDAH Officer/Title IX Coordinator or their designees will explain to all parties that he/she is not an advocate or representative for either the Complainant or the Respondent. Advocacy, counseling, and support resources available on campus and in the greater community are identified at the end of this Policy.

Information obtained during the course of the complaint process will be shared with other participants or witnesses in the investigation only to the extent necessary to conduct a thorough, fair and impartial investigation.

#### ***A. Standard of Review***

Investigative findings under this Policy will be made using the preponderance of the evidence standard (*i.e.*, “more likely than not”). This standard requires that the information supporting an alleged violation be more convincing than the information in opposition to it.

#### ***B. Interim Protective Measures***

The EOO Director/NDAH Officer/Title IX Coordinator or their designee may impose interim protective measures before the final resolution of an investigation if failure to take the interim measures would constitute a threat to the safety and well-being of the Complainant or other members of the University Community or to ensure equal access to the University’s education programs and activities. Before any such measures are instituted, however, the NDAH Officer/Title IX Coordinator should, where practicable, provide the Respondent with an initial opportunity to respond to the allegations and to the imposition of any interim protective measures that directly impact the Respondent.

Imposing interim protective measures does not indicate that a violation of this Policy has occurred. Such measures are designed to protect the Complainant and the University Community, and are not designed to harm the Respondent. To the extent interim measures are imposed, they should minimize the burden on both parties where feasible.

These interim measures may include but are not limited to:

1. Change of University housing assignment;
2. Issuance of a mutual “no contact” directive;
3. Restrictions or bars to entering certain University property;
4. Changes to academic or employment arrangements, schedules, or supervision;
5. Interim suspension;
6. Withholding graduation or degree conferral; and
7. Other measures designed to promote the safety and well-being of the parties and the University Community.

An interim suspension should only be issued 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 University will consider the existence of a significant risk to the health or safety of the Complainant or the University Community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to sufficiently mitigate the risk.

If an interim suspension is issued, the terms of the suspension take effect immediately. When requested by the Respondent, a hearing with the EOO Director/NDAH Officer/Title IX Coordinator to determine whether the intermediate suspension should continue will be held within three (3) business days of the request. The Complainant will be informed of the request and provided the opportunity to participate in the hearing.

### ***C. Initiating an Investigation***

In connection with the investigation and resolution of complaints brought under this Policy, all parties shall receive written notice of the allegations and shall be provided an opportunity to respond. Any party shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting, provided that 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 parties.

### ***D. Informal Process***

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. Informal resolution may be appropriate if the parties and EOO Director/NDAH Officer/Title IX Coordinator or their designee agree that an informal process is appropriate. The informal process is not available when a student is alleging Sexual Misconduct against an employee.

During an informal process, fact-finding occurs to the extent necessary to resolve the conflict and protect the interest of the parties and the University Community. The terms of the informal resolution must be designed to stop any prohibited behavior, restore or preserve an environment

free from prohibited discrimination or harassment, and prevent the reoccurrence of prohibited harassment or discrimination. Either party has the option to end the informal process and request a formal process at any time prior to the agreement of the terms of an informal resolution. A failed informal process will not be a factor in the formal resolution process.

Informal resolutions may include, but are not limited to, one or more of the following:

1. Training;
2. Changes to work or academic arrangements;
3. Housing reassignment;
4. Informal discussion with person whose conduct, if not stopped, could rise to the level of discrimination or harassment;
5. Advisory discussion with the Respondent's supervisor, professor, or advisor;
6. "No contact" directive to one or more of the parties; and
7. Sanctions as defined by this Policy or the Code of Conduct.

An informal resolution represents the final disposition of the complaint and is not appealable.

### ***E. Formal Process***

All complaints that are not resolved through the informal process or to which the informal process does not apply or is deemed inappropriate are resolved through a formal process involving a full investigation conducted by the EOO Director/NDAH Officer/Title IX Coordinator designees.

As part of the formal process, the investigator will:

1. Inform the parties of their right to be interviewed and provide evidence;
2. Inform the parties of their right to an advisor;
3. Inform the parties of their right to determine their level of participation including the right to remain silent;
4. Obtain information and evidence, including the identity of any witnesses, from the parties;
5. Attempt to obtain information from the identified witnesses;
6. Ask relevant questions, submitted by the parties, to any witness or party;
7. Ask additional questions deemed relevant by the investigator;
8. Collect and maintain appropriate documentation of the investigation and any evidence obtained;
9. Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law;
10. Keep the appropriate supervisors/administrators/faculty informed of the status of the complaint and investigation, and seek input from them as appropriate when implementing any resolution or discipline; and
11. Provide the Complainant, alleged victim, and the Respondent the opportunity to review the evidence collected and respond to that evidence.

If the Respondent chooses to remain silent without providing a verbal or written response to the allegations, the investigator will consider the absence of a response as a general denial of the alleged misconduct. The investigation will proceed and a Policy violation may be found against the Respondent if supported by a preponderance of the evidence.

The interviews and exchange of information through the investigator, including the opportunity to respond to evidence and to provide the investigator questions a party wishes to pose to the other party or a witness, constitute the hearing process for all complaints of discrimination and discriminatory harassment other than Title IX Sexual Misconduct, which is adjudicated in accordance with the USG Policy to Prohibit Discrimination & Harassment.

At the completion of the investigation process, the investigator will prepare a draft report of findings, which will be shared with the parties. The parties will have the opportunity to review the investigation materials upon receipt of the draft report. The parties will have at least ten (10) business days to review the investigation file and submit a written response to the report. The investigator will respond to any additional information provided in the responses by continuing the investigation, make any modifications to the investigation report as appropriate, or finalize the report of findings without further action.

The investigator may consolidate multiple allegations arising out of the same set of facts and circumstances, or similar allegations against a common party if the allegations become known during the pendency of an investigation. The parties shall have the opportunity to request or object to the consolidation; however, the investigator shall have the authority to make the final determination.

The investigator may consider a pattern of behavior in determining whether the Policy has been violated, if evidence of that pattern is known during the pendency of an investigation or if a prior investigation of similar conduct is available.

## **1. Resolution**

The amount of time needed to conduct an investigation will depend in part on the nature of the allegation(s) and the evidence to be investigated (*e.g.*, the scope of the allegations, the time period and number of events implicated by or relevant to the complaint, the number or availability of witnesses involved and the volume of documents). The formal investigation process, including the exhaustion of appeal rights, should conclude within 120 business days of receipt of the complaint. The EOO Director/NDAH Officer/Title IX Coordinator or their designee will advise the parties if it is determined that the investigation process has been delayed and that the 120 business days may not be met. The parties must be apprised of the additional estimated amount of time needed for the investigation. Upon conclusion of the investigation, the EOO Director/NDAH Officer/Title IX Coordinator or their designee will notify the Complainant and Respondent, in writing, of the results of the investigation. The written decision will be disclosed only to the parties and University officials as appropriate to determine and enforce any remedial actions, discipline, or sanctions, and to prepare for any appeals. EOO will determine whether remedial action is effective. Complainants are encouraged to report any reoccurrences of

conduct that were found to violate this Policy, as well as to report any retaliation for the complaint or related investigation.

Remedial and preventative measures may be imposed by the EOO even in the absence of a violation of this Policy if conduct is found to occur that may, if not addressed, rise to the level of a violation. Any unprofessional conduct or inappropriate behavior found during the course of the investigation that is not covered by the Policy will be referred to the respective department or Human Resources for review.

## **2. Remedies**

Where discrimination or harassment in violation of this Policy is determined to have occurred, the University will take timely action to remedy the effects. Potential remedies for the Complainant or victim include, but are not limited to:

1. Extensions of time to re-do or complete academic work without an academic or financial penalty;
2. Changes to academic or employment arrangements, schedules, or supervision that minimize burden on the Complainant or victim;
3. Provision of or referral to medical, counseling, and academic support services;
4. Change of University housing assignment;
5. Training/re-training on this Policy and other relevant topics for individuals or groups implicated in the discrimination or harassment;
6. "Mutual no contact" directive; and
7. Other measures designed to repair negative impact of discrimination or harassment.

## **3. Sanctions**

If a violation of this Policy is found, the level of discipline and type or scope of sanctions will depend on the severity and nature of the discrimination or harassment, the weight of the evidence, and the need to maintain a safe and respectful environment. EOO will also consider any history of past discriminatory, harassing, or retaliatory conduct, the Respondent's willingness to accept responsibility, and previous institutional response to similar conduct. Available sanctions include, but are not limited to:

1. Mandatory training or counseling;
2. "No Contact" directive;
3. Restriction or bar to entering certain University property or attending University events;
4. Housing reassignment;
5. Community service;
6. Written warning;
7. Transcript notation;
8. Delayed degree conferral or revocation of degree;
9. Probation;
10. Suspension; and
11. Expulsion or termination.

#### **4. Right to Appeal**

All parties shall have the right to appeal the outcome of the formal process and decision to the University President pursuant to this Policy. The President must receive a written appeal within ten (10) business days after the receipt of the written notification of the decision being appealed. Parties must include all materials in support of their appeal at that same time the appeal to the President is filed. In addition, the appeal must identify one or more of the following factors upon which the appeal is based:

1. Material failure to comply with applicable procedures in the NDAH Policy or to conduct a reasonably thorough investigation;
2. Partiality, bias, or conflict of interest by the EOO Director/NDAH Officer/Title IX Coordinator or their designee;
3. Findings, if not overturned or modified, would result in a substantial injustice to a party or parties, including a substantially inadequate or excessive sanction; or
4. New evidence that was not reasonably available to be presented by the parties during the course of the investigation.

The President's office will notify the non-appealing party of the appeal and provide that party an opportunity to respond in writing. The President or their designee may receive additional information if they believe such information would aid in the appeal.

The President may:

1. Affirm the original finding and sanction;
2. Affirm the original finding but issue a new sanction of greater or lesser severity;
3. Remand the case back to the Equal Opportunity Office to correct a procedural or factual defect; or
4. Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

A decision by the President or their designee will be made within a reasonable time and the NDAH Officer/Title IX Coordinator, the Complainant, and the Respondent will be notified in writing of the decision on the appeal. During the time of appeal and review, disciplinary action or sanction or remedial/preventative measures, if any, taken as a result of the original complaint may be implemented and enforced. Upon the request of the appealing party, the President may, in their discretion, temporarily suspend the imposition of the disciplinary action, sanction, or remedial/preventative measures while the appeal is pending.

If an appeal is not filed within the appeal period, the findings become final and are not subject to any review.

#### **IV. UNIVERSITY AND COMMUNITY SUPPORT RESOURCES**

**UGA Title IX Coordinator**

**UGA Equal Opportunity Office & Title IX Coordinator**

(706) 542-7912

[ugaeoo@uga.edu](mailto:ugaeoo@uga.edu)

<http://eoo.uga.edu>

***Individual Support, Consultation and Referral Services***

**UHC Counseling and Psychiatric Services (CAPS)**

(706) 542-2273

<http://www.uhs.uga.edu/caps/>

**University Health Center Process Support Services**

<https://www.uhs.uga.edu/processsupport/process-support-services>

**UHC Office of Relationship and Sexual Violence Prevention (RSVP)**

*(Provides crisis support, information, advocacy, education and outreach)*

(706) 542- 7233 or (706) 542-8690

<https://www.uhs.uga.edu/rsvp/>

**Process Support Services**

*(Process Support Services at the University of Georgia are available to any student who has been accused of violating the University System of Georgia Board of Regents' Student Sexual Misconduct Policy)*

(706)542-0753

<https://www.uhs.uga.edu/processsupport/process-support-services>

**UGA Center for Counseling and Personal Evaluation**

(706) 542-8508

<https://coe.uga.edu/directory/counseling-and-personal-evaluation>

**UGA Psychology Clinic**

(706) 542-1173

<http://psychology.uga.edu/clinic/index.php>

**Aspire Clinic**

*(Offers individual, couple, and family therapy)*

(706) 542-4486

<http://www.aspireclinic.org/>

**UGA Family Justice Clinic**

(706) 542-6272

<http://law.uga.edu/family-justice-clinic>

**The Cottage Sexual Assault Center**

*(Provides interventions, referrals, support and resources for survivors of sexual assault)*

(706) 546-1133  
24-hour Crisis Line: (877) 363-1912  
<http://www.northgeorgiacottage.org/>

**Project Safe**

*(24-hour confidential domestic violence services)*  
(706) 543-3331  
<http://www.project-safe.org/>

**Employee Assistance Program (EAP)**

*(Help in work or personal life)*  
(844) 243-4440  
[https://www.usg.edu/hr/benefits/employee\\_assistance\\_program](https://www.usg.edu/hr/benefits/employee_assistance_program) (Code USGCares)

***Health and Medical Services***

**University of Georgia's Health Center**

(706) 542-1162  
<http://www.uhs.uga.edu/index.html>

**UGA Women's Clinic**

(706) 542-8691  
[http://www.uhs.uga.edu/services/womens\\_clinic.html](http://www.uhs.uga.edu/services/womens_clinic.html)

**UGA Primary Care Clinics and Urgent Care**

(706) 542-1162  
<https://www.uhs.uga.edu/services/medical-clinics>

**UGA John Fontaine, Jr. Center for Alcohol Awareness and Education**

(706) 542-1162  
<http://www.uhs.uga.edu/aod/>

**UGA Health Promotion Department**

(706) 542-8690  
<http://www.uhs.uga.edu/healthpromotion/>

**UGA Collegiate Recovery Community**

(706) 542-0285  
<https://www.uhs.uga.edu/crc/>

**St. Mary's Hospital**

(706) 389-3000  
<http://www.stmarysathens.org/>

**Piedmont Athens Regional Medical Center**

(706) 475-7000

<https://www.piedmont.org/locations/location-details?practice=236>

**Athens-Clarke County Health Department**

(706) 389-6921

<http://publichealthathens.com/wp/clinics/health-departments/clarke-county/>

*Law Enforcement and Student Conduct Services*

**University of Georgia Police Department**

911 or (706) 542-2200

<http://www.police.uga.edu/>

**Athens-Clarke County Police Department**

911 or (706) 613-3330

<http://www.athensclarkecounty.com/200/Police>

**UGA Office of Student Conduct**

(706) 542-1131

<http://www.conduct.uga.edu/>

*Academic Support or Problem Solving*

**Office of the Vice President for Student Affairs**

(706) 542-3564

<http://studentaffairs.uga.edu/>

**Office of Dean of Students, including Student Care and Outreach**

(706) 542-7774

<http://dos.uga.edu/>

**Division of Academic Enhancement**

(706) 542-5436

<http://tutor.uga.edu/>

**UGA Regents' Center for Learning Disorders**

(706) 542-4589

<http://www.rclld.uga.edu/>

**UGA Disability Resource Center**

(706) 542-8719 / (706) 542-8778 (tty)

[dsinfo@uga.edu](mailto:dsinfo@uga.edu)  
<http://drc.uga.edu/>

**UGA Human Resources**

(706) 542-2222

[hrweb@uga.edu](mailto:hrweb@uga.edu)

<http://www.hr.uga.edu/>

**Office of Legal Affairs**

(706) 542-0006

<http://legal.uga.edu/>

***Ombudsperson Program***

(<http://www.uga.edu/ombudsperson/>)

**For Students**

Charisse Harper

(706) 542-8544

[charper@uga.edu](mailto:charper@uga.edu)

**For Faculty**

Jenny Gaver

(706) 542-3699

[jgaver@uga.edu](mailto:jgaver@uga.edu)

**For Staff**

Steven P. Gibson

(706) 542-1147

[sgibson@uga.edu](mailto:sgibson@uga.edu)

***Housing Services***

**University Housing Department**

(706) 542-1421

<https://housing.uga.edu/>

**Residential Programs & Services**

(706) 542-6533

***Cultural Support***

**UGA Office of Multicultural Services and Programs**

(706) 542-5773  
<http://msp.uga.edu/>

**UGA Disability Resource Center**  
(706) 542-8719 / (706) 542-8778 (tty)  
[dsinfo@uga.edu](mailto:dsinfo@uga.edu)  
<http://drc.uga.edu/>

**Lesbian, Gay, Bisexual and Transgender (LGBT) Resource Center**  
(706) 542-4077  
<http://lgbtcenter.uga.edu/>

**Student Veterans Resource Center**  
(706) 542-9629  
<http://dos.uga.edu/svrc/>

**UGA School of Law Veterans Legal Clinic**  
(706) 542- 6439  
<https://www.law.uga.edu/school-law-veterans-services>

**UGA International Student Life**  
(706) 542-5867  
<http://isl.uga.edu/>

**International Student, Scholar and Immigration Services**  
(706) 542-2900  
[issis@uga.edu](mailto:issis@uga.edu)  
<https://globalengagement.uga.edu/immigration>

**UGA Office of Institutional Diversity**  
(706) 583-8195  
[diverse@uga.edu](mailto:diverse@uga.edu)  
<http://diversity.uga.edu/>

**Women's Resources Initiative**  
<http://women.uga.edu/>

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3/15/2017; 8/17/2017; 10/25/2017; 2/8/2018; 4/27/2018; 7/31/2018; 10/27/2020