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 the 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:**

- UGA Family Violence Clinic - (706) 369-6272
- The Cottage: Sexual Assault Center – (877) 363-1912
- 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 during an investigation and providing support resources), and impose disciplinary action as appropriate. While confidentiality cannot be guaranteed, care will be taken to protect the complainant’s identity to the extent possible, when requested. Reports can also be made anonymously, but this may limit the extent to which the report can be investigated or addressed. The investigation and resolution procedures for reports of sexual harassment perpetrated by a student in violation of the Student Sexual Misconduct Policy are contained in the UGA Code of Conduct:


The procedures governing reports of sexual harassment perpetrated by a non-student University community member are contained in the NDAH Policy.

**Retaliation is prohibited**

Both the NDAH Policy and Student Sexual Misconduct Policy 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. Retaliation provides a separate basis for disciplinary action and should immediately be reported to the EOO. **November 2017**
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
- Inappropriate or 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:
Consistent with Title IX, Title VII, and other federal and state laws, UGA's Non-Discrimination and Anti-Harassment (NDAH) Policy and the University System of Georgia's Student Sexual Misconduct Policy (SSMP) prohibit sexual harassment, including sexual violence, by any UGA student, employee, contractor, volunteer, campus visitor, or program participant when committed against any other member of the University community or when done in a manner that creates a hostile environment for members of the University community. Domestic violence, dating violence, and stalking are also prohibited under these policies.

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/section4/C327/#p4.1.7_sexual_misconduct_policy

Sexual harassment/ violence, dating/domestic violence, and stalking may also constitute a crime and should be reported 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 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 over the objections of another; or by taking advantage of the incapacitation of another where such incapacitation is known or reasonably should be known to the responding party. 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. Minors younger than 16 cannot consent to sexual activity.

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 are protected against sexual harassment by their subordinates, and vice versa.