

Policy Name: Equal Opportunity, Nondiscrimination, and Anti-Harassment Policy

Policy Owner: Human Resources

Policy Contact: Jarmon DeSadier, Sr. Director of Employee Relations, Deputy Title IX Coordinator – Staff, jdesadier3@gatech.edu

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Policy Steering Committee Approval: May 2023

Policy Purpose: Georgia Tech is committed to equal opportunity, a culture of inclusion, and an environment free from discrimination and harassment in its education programs and employment. This policy outlines the process for reporting, investigating, and resolving claims of discrimination, including discriminatory harassment, and retaliation.

Reason for Substantive Policy Changes: The Equal Opportunity, Nondiscrimination, and Anti-Harassment Policy is being updated to provide a more accurate definition of discriminatory harassment and sexual/gender harassment to more accurately reflect the current standard under applicable discrimination laws, including Title VII and Title IX, where harassment is evaluated subjectively and objectively as judged by a “reasonable” person and a reasonable person’s reaction regardless of an alleged harasser’s intent. This policy will undergo a more thorough review after the Biden Administration promulgates regulations currently under review. This change was brought to our attention by an outside organization that has indicated that our current definitions may restrict protected expression or punish lawful conduct.

Summary of Substantive Policy Changes:

- Change of definition of **Discriminatory Harassment:**
Unwelcome verbal, non-verbal, or physical conduct directed against any person or group, based upon race, ethnicity, ancestry, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age, disability, genetics, veteran status, or any other category protected by law that ~~has the purpose or effect of creating an objectively hostile working or educational environment.~~ A hostile environment is created when harassment is so severe, pervasive or persistent as to unreasonably interfere with or limit an individual’s employment or educational opportunities.

- Change of definition of **Sexual/Gender Harassment:**
Unwelcome sexual advances, requests for sexual favors, gender-based denigration, and other verbal, non-verbal, or physical conduct of a sexual or gender-based nature, when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment or status in a course, program or activity;
2. Submission or rejection of such conduct by an individual is used as a basis for condition of an individual's employment status in a course, program or activity; or
3. Such conduct is so severe, pervasive or persistent as to unreasonably interfere with an individual's employment or educational opportunities.

~~Such conduct has the purpose of creating an objectively hostile working or educational environment.~~



Georgia Institute of Technology

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Type of Policy: Administrative

Effective Date: May 2019

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Policy Owner: Human Resources

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1. Reason for Policy

The Georgia Institute of Technology (Georgia Tech) is committed to equal opportunity, a culture of inclusion, and an environment free from discrimination and harassment in its educational programs and employment. This policy replaces the Nondiscrimination and Affirmative Action Policy, the Anti-Harassment Policy, and the Equal Opportunity Complaint Policy.

2. Policy Statement

Georgia Tech provides equal opportunity to all faculty, staff, students, and all other members of the Georgia Tech community, including applicants for admission and/or employment, contractors, volunteers, and participants in institutional programs, activities, or services. Georgia Tech complies with all applicable laws and regulations governing equal opportunity in the workplace and in educational activities.

Georgia Tech prohibits discrimination, including discriminatory harassment, on the basis of race, ethnicity, ancestry, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, age, disability, genetics, or veteran status in its programs, activities, employment, and admissions. This prohibition applies to faculty, staff, students, and all other members of the Georgia Tech community, including affiliates, invitees, and guests.

As a federal contractor, it is also Georgia Tech's policy to take affirmative actions to employ and to advance in employment all persons regardless of race, ethnicity, ancestry, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, marital status, disability, genetics, or protected veteran status, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including, but not limited to, recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship, at all levels of employment.

Georgia Tech makes reasonable accommodations for the disabilities of qualified employees, students, and applicants. Please see Georgia Tech’s [Disability Services](#) website below for student ADA accommodations; see also Georgia Tech’s Human Resources [Disability Services](#).

This policy outlines the process for reporting, investigating, and resolving claims of discrimination, including discriminatory harassment, and retaliation.

The [Sexual Misconduct Policy](#) governs allegations of sexual misconduct, which includes, but is not limited to, sexual discrimination, sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, and stalking. Pursuant to that policy, allegations of student sexual misconduct are investigated and resolved under USG Policy [6.7](#) (Sexual Misconduct) and USG Policy [4.6.5](#) (Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings). All other complaints of sexual misconduct will be resolved as outlined in this policy.

3. Scope

All faculty, staff, students, and all other members of the Georgia Tech community, including applicants for admission and/or employment, contractors, volunteers, and participants in institutional programs, activities, or services are covered by this policy.

4. Definitions

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| Discrimination | Decision-making based on protected categories of race, ethnicity, ancestry, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, age, disability, genetics, veteran status, or any other category protected by law. |
| Discriminatory Harassment | Unwelcome verbal, non-verbal, or physical conduct directed against any person or group, based upon race, ethnicity, ancestry, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, age, disability, genetics, veteran status, or any other category protected by law, that is so severe, pervasive, or persistent as to unreasonably interfere with or limit an individual’s employment or educational opportunities. |
| Sexual/Gender Harassment | Unwelcome sexual advances, requests for sexual favors, gender-based denigration, and other verbal, non-verbal, or physical conduct of a sexual or gender-based nature, when: <ul style="list-style-type: none"> • Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual’s employment or status in a course, program, or activity; • Submission or rejection of such conduct by an individual is used as a basis for condition of an individual’s employment or status in a course, program, or activity; or • Such conduct is so severe, pervasive, or persistent as to unreasonably interfere with an individual’s employment or educational opportunities. |

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| Retaliation | Any materially adverse action taken or threatened against an individual because the individual has, in good faith, filed a complaint or grievance; sought the aid of Human Resources or any other campus authority; testified or participated in investigations, compliance reviews, proceedings, or hearings; or opposed actual or perceived violations of policy or unlawful acts. Georgia Tech prohibits retaliation both under this policy and Georgia Tech’s <u>Non-Retaliation Policy</u> . |
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5. Procedures

Reporting Discrimination and/or Retaliation

A person who believes that they have been subjected to discrimination, including discriminatory harassment, and/or retaliation (the Complainant) should promptly report the matter to one of the following offices:

Complaints against non-faculty employees should be filed with Georgia Tech Human Resources [Employee Relations](#) or (404-894-4847).

Complaints against a faculty member should be filed with the Associate Vice Provost for Advocacy and Conflict Resolution in the [Office of the Provost](#).

Complaints against a student should be filed with the Office of the [Dean of Students](#) or by filing an incident report with the [Office of Student Integrity](#).

If the Complainant does not know the status of the person who allegedly discriminated and/or retaliated, then the complaint should be filed with Georgia Tech Human Resources Employee Relations. Complaints against a Georgia Tech community member who is not a student, staff member, or faculty member, may be filed with Georgia Tech Human Resources Employee Relations.

All complaints may also be filed through Georgia Tech’s [EthicsPoint](#) website.

If a complaint is filed with the incorrect office, that office shall refer the complaint to the correct office and notify the Complainant of the referral.

Complaints of discrimination and/or retaliation should be brought as soon as reasonably possible so they may be addressed promptly.

Additional Reporting Options for Reporting Sexual Discrimination

In addition to the reporting options above, alleged sexual discrimination/sexual misconduct may be reported to the Title IX Coordinator or one of the Deputy Title IX Coordinators. See Georgia Tech’s [Title IX](#) website for more information on reporting and resources for victims of sexual misconduct.

Appeals of Employment Actions

If an employee raises a complaint of discrimination through the appeal of a termination, suspension without pay, or demotion, the discrimination complaint will be investigated before

any hearing on the grievance is scheduled. See [Impartial Board of Review Appeal Policy](#); [Demotion Appeal Policy](#); and [Suspension without Pay Appeal Policy](#). Only the grievance process will be paused; the adverse action will remain in effect.

Investigation/Resolution of a Complaint

Georgia Tech will diligently investigate and seek timely resolution of a complaint. Georgia Tech will take appropriate steps based on its findings.

Violations of this policy may result in discipline up to and including dismissal for employees, expulsion for students, and exclusion from the participation in programs and opportunities.

6. Additional Resources:

[Age Discrimination Act of 1975 \(Age Act\), 42 U.S.C. §§ 6101 et seq.](#), and its implementing regulation, [34 C.F.R. Part 110](#), which prohibit discrimination on the basis of age by recipients of FFA from the Department.

[Section 504 of the Rehabilitation Act of 1973 \(Section 504\), as amended, 29 U.S.C. § 794](#), and its implementing regulation, [34 C.F.R. Part 104](#). Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA) from the Department.

[Title II of the Americans with Disabilities Act of 1990 \(Title II\), as amended, 42 U.S.C. §§ 12131 et seq.](#), and its implementing regulation, [28 C.F.R. Part 35](#). Title II prohibits discrimination on the basis of disability by public entities.

[Title VI of the Civil Rights Act of 1964 \(Title VI\), 42 U.S.C. § 2000d](#), and its implementing regulation, [34 C.F.R. Part 100](#) which prohibit discrimination on the basis of race, color, or national origin by recipients of FFA from the Department.

[Title IX of the Education Amendments of 1972 \(Title IX\), 20 U.S.C. §§ 1681 et seq.](#), and its implementing regulation, [34 C.F.R. Part 106](#), which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of FFA from the Department.

7. Related Information

[Department of Education Office for Civil Rights](#)
[Equal Employment Opportunity Commission](#)
[Georgia Tech Human Resources Employee Relations](#)
[Georgia Tech Provost's Office](#)
[Georgia Tech Dean of Students](#)
[Georgia Tech Title IX Office](#)
[EthicsPoint](#)
[Georgia Tech Diversity](#)
[Georgia Tech Office of Disability Services](#)
[Georgia Tech Human Resources Disability Services:](#)
[Georgia Tech Office of Faculty Affairs](#)
[Georgia Tech Office of Student Integrity](#)
[Georgia Tech Voice Advocates](#)
[Georgia Tech Non-Retaliation Policy](#)

[Georgia Tech Sexual Misconduct Policy](#)
[Georgia Tech Impartial Board of Review Policy](#)
[Georgia Tech Demotion Appeal Policy](#)
[Georgia Tech Suspension without Pay Appeal Policy:](#)
[USG Policy 6.7 \(Sexual Misconduct Policy\):](#)
[USG Policy 4.6.5 \(Standards for Institutional Student Conduct Investigations and Disciplinary Proceedings\)](#)
[Age Discrimination Act of 1975 \(Age Act\), 42 U.S.C. §§ 6101 et seq.](#)
[Age Discrimination Act of 1975 \(Age Act\) Implementing Regulations](#)
[Section 504 of the Rehabilitation Act of 1973 \(Section 504\), 29 U.S.C. § 794](#)
[Section 504 of the Rehabilitation Act of 1973 \(Section 504\) Implementing Regulation](#)
[Title II of the Americans with Disabilities Act of 1990 \(Title II\), as amended, 42 U.S.C. §§ 12131 et seq.](#)
[Title II of the Americans with Disabilities Act of 1990 \(Title II\) Implementing Regulation](#)
[Title VI of the Civil Rights Act of 1964 \(Title VI\), 42 U.S.C. § 2000d](#)
[Title VI of the Civil Rights Act of 1964 \(Title VI\) Implementing Regulation](#)
[Title IX of the Education Amendments of 1972 \(Title IX\), 20 U.S.C. §§ 1681 et seq.](#)
[Title IX of the Education Amendments of 1972 \(Title IX\) Implementing Regulation](#)