

Policy Name: Sexual Misconduct Policy

Policy Owner: Office of Equal Opportunity, Compliance, and Conflict Management (“EOCCM”)

Policy Contact: Jarmon DeSadier, Vice President, EOCCM

Reviewed By: Equal Opportunity, Compliance, and Conflict Management (EOCCM), Office of the General Counsel, Office of Student Integrity

Policy Steering Committee Approval: August 2026

Policy Purpose: This policy prohibits sex discrimination in Georgia Tech’s education programs and activities and outlines Georgia Tech’s response to alleged violations of the Sexual Misconduct Policy.

Summary of Substantive Policy Changes:

This Policy has been updated to be more concise, to align with industry standards (including updated federal standards and requirements, as noted below), and to incorporate USG required policy provisions. Specific updates include,

- Updated “Reason for Policy” to more closely align with the policy’s purpose and to provide the reader with information as to how the policy intersects with rights guaranteed under the US Constitution.¹ Additionally, this section incorporates the updates to USG policy.
- Updated “Policy Statement” to provide information as to the policy’s purpose and information included in the policy.²
- Updated “Scope and Policy Jurisdiction” section to include a jurisdiction statement so that readers know in which circumstances the Sexual Misconduct Policy governs alleged misconduct. The jurisdiction statement aligns with the jurisdiction statement that appears in the Code of Conduct and Nondiscrimination and Anti-Harassment Policy. This section also provides information related to how alleged online harassment/misconduct will be addressed.³
- Updated “Definitions” section to incorporate USG required definitions and update definitions of prohibited conduct to align with industry standards/federal guidelines.⁴ The updated/added definitions include:
 - Advisor
 - Coercion
 - Deputy Title IX Coordinator
 - Employee
 - Failure to Comply/Process Interference

¹ Reason for Policy, p. 1.

² Policy Statement, p. 1.

³ Scope and Policy Jurisdiction, p. 2-3.

⁴ Definitions, p. 3-11.

- Force
 - Formal Complaint
 - Nonconsensual Sexual Contact (Revision)
 - Nonconsensual Sexual Penetration (Revision)
 - Parties
 - Retaliation
 - Sexual Assault
 - Sexual Exploitation (Revision)
 - Student
 - Title IX Coordinator
 - Title IX Sexual Harassment
 - Violence
- Addition of a section “Sanction Ranges.” This section is required by the Violence Against Women Act (2013 reauthorization).⁵
 - Addition of a section, “Reporting Sexual Misconduct” section to provide all available reporting options.⁶
 - Addition of a section, “Resolution Options” section to provide information as to how a report of sexual misconduct will be processed by the Institute.⁷
 - Addition of a section, “Privacy and Confidentiality” which indicates how information reported to the Institute will be used/shared.⁸
 - Addition of a section, “Supportive Measures, Support Services, and Temporary Remedial Measures” to more closely align with USG policy language and to clarify that these measures apply to all covered entities, not just students.⁹
 - Addition of a section “Emergency Removal/Interim Actions/Leaves” to more closely align with USG policy requirements and to provide information as to how a Respondent may be placed on leave/removed from campus after a report of Sexual Misconduct is made.¹⁰
 - Addition of a section, “Mandated Reporting” to describe how Responsible Employees are required to satisfy their reporting requirements.¹¹
 - Addition of a section, “Retaliation Prohibited” to incorporate USG required language related to the prohibition of retaliation under the policy.¹²

⁵ Sanction Ranges, p. 12.

⁶ Reporting Sexual Misconduct, p. 12-14.

⁷ Resolution Options, p. 14.

⁸ Privacy and Confidentiality, p. 14-15.

⁹ Supportive Measures, Support Services, and Temporary Remedial Measures, p. 15-16.

¹⁰ Emergency Removal/Interim Actions/Leaves, p. 16.

¹¹ Mandated Reporting, p. 16.

¹² Retaliation Prohibited, p. 16.

- Addition of a section, “False Complaints” to incorporate USG required language related to the filing of false complaints or providing false information to institute officials.¹³
- Addition of a section “Federal Timely Warning Obligations” to indicate how information may be shared when an incident poses a serious or continuing threat of bodily harm or danger to members of the Institute’s community. This provision aligns with the Institute’s requirements under the Clery Act.¹⁴
- Addition of a section “Amnesty” to align with USG requirements for student policies.¹⁵
- Addition of a section “Advisors” to align with federal and USG policy requirements.¹⁶
- Addition of a section “Timeframes” to indicate how long a resolution process should take. This section is in alignment with federal regulations and industry standards.¹⁷
- Updated “Request for Recusal” section to more closely align with federal regulatory language and incorporate USG Policy language.¹⁸
- Addition of a section “Standard of Proof” to indicate the standard of evidence used in the formal resolution process.¹⁹
- Addition of a section “Required Employee Training” to align with Georgia Tech’s bi-annual compliance training requirements.²⁰
- Addition of a section “Records Retention” to align with federal requirements and USG policy updates.²¹
- Addition of a section “Application for Discretionary Review” to align with USG policy requirements.²²
- Addition of a section “Policy Revision” as an industry standard to indicate to the reader how and why policy updates may be made.²³
- Updated “Related Information” section to align with current Georgia Tech and USG policies and federal requirements.²⁴

¹³ False Complaints, p. 16.

¹⁴ Federal Timely Warning Obligations, p. 17.

¹⁵ Amnesty, p. 17.

¹⁶ Advisors, p. 17.

¹⁷ Timeframes, p. 18.

¹⁸ Request for Recusal, p. 18.

¹⁹ Standard of Proof, p. 18.

²⁰ Required Employee Training, p. 18.

²¹ Records Retention, p. 18.

²² Application for Discretionary Review, p. 18.

²³ Policy Revision, p. 19.

²⁴ Related Information, p. 19.

- Removal of Policy sections, **6.7.5 Investigations, 6.7.6 Sexual Misconduct Hearings, and 6.7.7 Possible Sanctions, Appeals, and Recusal/Bias** as that information is included in the Procedures for Complaints Under the Sexual Misconduct Policy (except that Recusal/Bias is an additional section²⁵: <https://eoc.gatech.edu/sites/default/files/2026-01/Sexual%20Misconduct%20Procedures.pdf>).

²⁵ Request for Recusal, p. 18.



Georgia Institute of Technology

Sexual Misconduct

Policy No.

Type of Policy: Administrative

Effective Date: TBD

Last Revised: November 2025

Review Date: November 2028

Policy Owner: Office of Equal Opportunity, Compliance, and Conflict Management

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1. Reason for Policy

In accordance with federal and state law including, Title IX of the Education Amendments of 1972 ("Title IX") and Title VII of the Civil Rights Act of 1964 ("Title VII"), the Georgia Institute of Technology ("Georgia Tech") prohibits discrimination on the basis of sex in any of its education programs or activities or in employment. Georgia Tech is committed to ensuring the highest ethical conduct of the members of its community by promoting a safe learning and working environment. To that end, this Policy prohibits Sexual Misconduct, a form of sex discrimination, as defined herein.

When Sexual Misconduct does occur, all members of the Georgia Tech community are strongly encouraged to report it promptly through the procedures outlined in this Policy. This Policy applies to all members of the Georgia Tech community. This Policy is not intended to infringe or restrict academic freedom, or the rights guaranteed by the United States Constitution including free speech under the First Amendment or the due process clauses of Fifth and Fourteenth Amendments.

2. Policy Statement

This Policy describes conduct prohibited by this Policy ("Prohibited Conduct"), establishes procedures for responding to reports/Formal Complaints of Sexual Misconduct, and identifies the resources available to all members of the Georgia Tech community.

3. Scope and Policy Jurisdiction

This Policy applies to any reported Sexual Misconduct, as defined herein, committed by students, employees (faculty, staff, or other paid employees), volunteers, visitors, or contractors/vendors that occurs:

- on Georgia Tech premises;
- at Georgia Tech sponsored programs or activities;
- in any building owned or controlled by a student organization and
- off-campus Sexual Misconduct as determined by the following factors (including, but not limited to):
 - Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
 - Any situation in which the Institute determines that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual affiliated with Georgia Tech.
 - Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
 - Any situation that substantially interferes with Georgia Tech's educational interests or mission.

Alleged Title IX Sexual Harassment is addressed under Title IX of the Education Amendments of 1972 and its implementing regulations, 34 C.F.R. Part 106, when the alleged conduct occurs against a person in the United States in Georgia Tech's education program or activity, including on Georgia Tech property, at Georgia Tech-sponsored or affiliated events where Georgia Tech exercises substantial control over both the Respondent and the context in which the alleged conduct occurred, or in a building owned or controlled by a student organization officially recognized by Georgia Tech. Allegations that do not satisfy these jurisdictional requirements are subject to a technical dismissal from the Title IX required grievance process. A technical dismissal is a procedural determination only and does not constitute a determination regarding the merits of the allegations. Following a technical dismissal, the complaint will continue to be processed under the applicable non-Title IX grievance process provisions of this Policy.

In the instance of allegations of Sexual Misconduct (unless otherwise stated) this Policy supersedes and applies in lieu of all other policies and procedures set forth in any other Georgia Tech document. Other Georgia Tech resources may be available to address situations not covered by this Policy. Any identified individual adversely affected by Sexual Misconduct will be offered information about applicable supportive measures and resolution processes.

- A. Online Sexual Misconduct:** Georgia Tech's policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited by this Policy, when those behaviors occur in, or have an effect on, Georgia Tech's education program and activities or when they involve the use of Georgia Tech's networks, technology, or equipment.

Although Georgia Tech may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Georgia Tech, it will engage in a variety of means to address and mitigate the effects. If a member of the Institute community engages in harassing speech (online/off campus) tied to a protected characteristic, which then manifests on campus in a way that creates a hostile working and/or learning environment for another member of the Institute community, then the Institute may conduct an assessment to determine whether a potential hostile environment exists. At that time, appropriate action may be taken in alignment with this Policy and its content.

- B. Definitions** (All definitions of Prohibited Conduct encompass actual and/or attempted offenses.)

Advisor	Any person chosen by a Party, or appointed by Georgia Tech, who may accompany the Party to all meetings related to a resolution process, advise the Party on that process, and conduct questioning for the Party at the hearing, if applicable.
Coercion	Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.
Community	Students, faculty, and staff as well as contractors, vendors, visitors, and guests.
Complainant	An individual who is alleged to have experienced conduct that violates this Policy.
Confidential Employee	Institute employees who have been designated by Georgia Tech to talk with a Complainant or Respondent in confidence. Confidential Employees

	must only report that the incident occurred and provide date, time, location, and name of the Respondent (if known) without revealing any information that would personally identify the Complainant. This minimal reporting must be submitted in compliance with Title IX and the Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
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.
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 to: (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.

Deputy Title IX Coordinator	Individuals designated by Georgia Tech to assist with the management and implementation of population-specific Title IX compliance strategies.
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.
Employee	An individual who is employed part-time, full-time, or in a temporary capacity as faculty or staff.
Failure to Comply/Process Interference	• Intentional failure to comply with the reasonable directives of the Title IX Coordinator or other College Official in the performance of their official duties, including with the terms of a no contact order. • Intentional failure to comply with emergency removal/interim actions/leave terms. • Intentional failure to comply with sanctions. • Intentional failure to adhere to the terms of an informal resolution agreement. • Intentional failure to comply with Responsible Employee duties as defined in this Policy. • Intentional interference with the resolution process, including, but not limited to: ○ Destroying or concealing evidence. ○ Intimidating or bribing a witness or Party. ○ Distributing or otherwise publicizing materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by Georgia Tech; or ○ Publicly disclosing Institute work product that contains personally identifiable information without authorization or consent.
Force	Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome

	resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).
Formal Complaint	A written document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that Georgia Tech open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of Georgia Tech occurring within the United States at the time of the filing.
Incapacitation	The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.
Parties	The Complainant(s) and Respondent(s), collectively.
Privileged Employee	Individuals employed by Georgia Tech to whom a Complainant may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the Complainant’s wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.
Nonconsensual Sexual Contact	Any physical contact with another person of a sexual nature without the person’s consent. It 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 and "Criminal Sexual Contact" as defined by the Federal Bureau of Investigation.
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.
Reasonable Person	An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by Georgia Tech.
Reporter	An individual who reports an allegation of conduct that may violate this Policy but who is not a Party to the complaint.
Respondent	An individual who is alleged to have engaged in conduct that violates this Policy.
Responsible Employee	Those employees who must promptly and fully report complaints of, or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders). This definition includes those designated as Officials With Authority, as defined in the Title IX regulations.
Retaliation	Georgia Tech or any member of Georgia Tech's community taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or Policy or because the individual has made a report or complaint, provided information, assisted, participated, or refused to participate in any

	manner in an investigation or proceeding under this Policy.
Sexual Assault	Sexual Assault prohibited by the Title IX regulations and the Clery Act includes the following definitions: 1. Rape: Penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, or oral penetration of a sex organ of the Complainant, or by the Respondent's sex organ, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity. 2. Incest: Sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Georgia law. 3. Statutory Rape: Sexual intercourse, with a person who is under the statutory age of consent of 18 years old. 4. Fondling: The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent • Without the consent of the Complainant • For the purpose of sexual degradation, sexual gratification, or sexual humiliation Or, the Respondent's causing or directing the Complainant's intentional touching of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts • Without consent of the Complainant • For the purpose of sexual degradation, sexual gratification, or sexual humiliation.
Sexual Exploitation	Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for

	the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following: 1. Invasion of sexual privacy; 2. Prostituting another individual; 3. Non-consensual photos, video, or audio of sexual activity; 4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the sexual activity was consensual; 5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts; 6. Knowingly transmitting a sexually transmitted disease/infection to another individual through sexual activity; 7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; 8. Sexual-based bullying; 9. Prostituting another person; 10. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; 11. Knowingly soliciting a minor for sexual activity; 12. Engaging in sex trafficking; 13. Knowingly creating, possessing, or disseminating child sexual abuse images or recordings; and/or 14. Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (<i>i.e.</i>, Deepfakes).
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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 a Georgia Tech education program or activity.
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; or 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 a Georgia Tech program or activity. The University System of Georgia ("USG") also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a USG education program or activity in violation of Title IX (<i>Please refer to the Title IX Sexual Harassment definition below</i>).
Sexual Misconduct	Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment (including Title IX Sexual Harassment), and stalking.
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.
Student	Any person who is taking or auditing classes of Georgia Tech, either full-time or part-time; is participating in academic programs; or is pursuing undergraduate, graduate, or professional studies. A Student is also any person who matriculates in any Institute program, has been accepted for enrollment, or is eligible to re-enroll without applying for readmission.
Title IX Coordinator	At least one official designated by Georgia Tech to ensure compliance with Title IX and Georgia Tech's Title IX program. References to the Title IX Coordinator throughout this Policy may also encompass a designee of the Title IX Coordinator for specific tasks. The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all compliance with, and resolutions under, this Policy.
Title IX Sexual Harassment	Under Title IX, Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: 1. An employee conditioning the provision of an aid, benefit, or service of Georgia Tech on an individual's participation in unwelcome sexual conduct. 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Georgia Tech's education program or activity; or

	3. "Sexual assault" as defined by the Clery Act (and this Policy) and "dating violence," "domestic violence," and "stalking" as defined by the Violence Against Women Act Amendments (and this Policy).
Violence	For purposes of this Policy, violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm. • Intent is evidenced when a Reasonable Person would be more likely to act with the purpose of causing serious harm rather than for any other reason. • Recklessness is evidenced by a disregard of obvious risk to the safety of the Complainant. • Legitimate use of violence for self-defense is not chargeable under the Policy because the purpose is safety, not harm. It may also be used as a defense if it is not clear at the time of charging whether the use of violence was for self-defense or not. Self-defense is only to be considered if it is prompted by physical violence or the threat thereof. • Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances. • Threats to seriously harm the Complainant or people they care about may be chargeable under this definition if doing so causes serious emotional or psychological harm. • Threats to harm oneself, even if made to cause emotional or psychological harm, are not considered violence under this definition (but may be considered as part of other Prohibited Conduct under this policy or may be addressed under the Student Code of Conduct or Employment Policies).

4. Procedures

- A. Sanction Ranges.** Violations of this Policy may result in discipline up to and including termination for employees, expulsion for students, and/or exclusion from campus programs and/or activities.

The range described is required by Federal law under Title IX and is provided solely for notice of the potential remedies and disciplinary sanctions that may follow a determination of responsibility. It does not reflect the probability of any particular outcome. Specific sanctions are determined based on an individualized assessment of each case.

- B. Reporting Sexual Misconduct.** Georgia Tech encourages the reporting of Sexual Misconduct allegations as soon as possible. While there is no statute of limitations on Georgia Tech's ability to respond to a report, the ability to respond diminishes with time as information and evidence may be more difficult to secure.¹

- 1. Notice.** Notice of Sexual Misconduct allegations occurs in three ways: (1) when a Responsible Employee receives a report of alleged Sexual Misconduct, (2) when the Title IX Coordinator, Deputy Title IX Coordinator, or their designee(s) receives a report of alleged Sexual Misconduct, (3) or when a Responsible Employee, Title IX Coordinator, Deputy Title IX Coordinator, or their designee(s) observes the conduct directly.
- 2. Filing a Report or Formal Complaint.** A report to a Responsible Employee, the Title IX Coordinator, or any Deputy Title IX Coordinator provides Georgia Tech with notice of an allegation or concern about Sexual Misconduct and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive/temporary remedial measures. A Formal Complaint informs Georgia Tech that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Formal Complaint. Reports or Formal Complaints of Sexual Misconduct may be made using any of the following options:
 - a) File a report or Formal Complaint with or give verbal notice to the Title IX Coordinator or a Deputy Title IX Coordinator. Such a report or Formal Complaint may be made at any time (including during non-business hours)

¹ Acting on reports of Sexual Misconduct significantly impacted by the passage of time is at the Title IX Coordinator's discretion.

by using the telephone number or email address, or by mail, to the office of the Title IX Coordinator.^{2,3}

- b) Report online at <https://eoc.gatech.edu/reporting-options/report-an-incident>. Anonymous reports are accepted but the report may give rise to a need to try to determine the parties' identities. Anonymous reports typically limit Georgia Tech's ability to investigate, respond, and provide remedies, depending upon what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous reports.
- c) Report via email to titleix@gatech.edu.

Reporting carries no obligation for a Complainant to file a Formal Complaint, and in most situations, Georgia Tech can respect a Complainant's request not to initiate an investigation or other appropriate resolution. However, there may be circumstances, such as allegations involving pattern behavior, severe misconduct, or a compelling threat to the health and/or safety, where Georgia Tech may need to initiate an investigation or other appropriate resolution procedures. If a Complainant does not wish to file a Formal Complaint, Georgia Tech will maintain the privacy of the information to the extent practicable.

- 2. **Confidential Reports.** Confidential Employees or Privileged Employees may receive reports of Sexual Misconduct without the requirement to report that information to the Title IX Coordinator, except as dictated by law or professional standards. Upon request from the Complainant, Confidential and Privileged Employees may make a report to the Title IX Coordinator within the degree of specificity dictated by the Complainant. Confidential and Privileged Employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.
- 3. **Reporting to Law Enforcement.** Complainants have the option, should the Complainant choose, of filing a report with campus or local police. The Title

² Contact information for the Title IX Coordinator and Deputy Title IX Coordinators is located at: <https://eoc.gatech.edu/about/meet-the-team>.

³ If a Formal Complaint is submitted in a format that does not meet the requirements for a Formal Complaint, as defined, the Title IX Coordinator will contact the Complainant to determine whether the Complainant is requesting that Georgia Tech initiate an investigation or other appropriate resolution procedures. As required by federal law, Georgia Tech may not initiate a grievance process for allegations of Title IX Sexual Harassment without a Formal Complaint.

IX Coordinator or designee will offer to assist the Complainant in reporting allegations of Sexual Misconduct to law enforcement officials.

- 4. External Contact Information.** Concerns about Georgia Tech's application of this Policy and compliance with certain civil rights laws may be addressed to:

Office for Civil Rights (OCR)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission

Sam Nunn Atlanta Federal Center
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
Phone: 800-669-4000
Fax: 404-562-6909
TTY: 800-669-6820
Web: <https://www.eeoc.gov/field-office/atlanta/location>

Georgia Commission on Equal Opportunity

205 Jesse Hill Jr. Dr. SE
14th Floor-1470B East Tower
Atlanta, Georgia 30334 US
Phone: (404) 656-1736
Web: <https://gceo.georgia.gov/>

- C. Resolution Options.** Georgia Tech will act on any report/Formal Complaint of an alleged violation of this Policy that a Title IX Coordinator, Deputy Title IX Coordinator, or Responsible Employee receives by applying the procedures outlined in [the Georgia Tech Resolution Procedures for Alleged Violations of the Sexual Misconduct Policy](#).

- D. Privacy and Confidentiality.** Georgia Tech makes every effort to preserve the privacy of all participants in the Sexual Misconduct process. Georgia Tech will not share the identity of any individual who has made a report of Sexual Misconduct; any Complainant; any individual who has been reported to be the perpetrator of Sexual Misconduct; or any witness, except as permitted by, or to fulfill the purposes of applicable laws and regulations (e.g., Title IX), the Family

Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under this Policy.^{4, 5}

Where a Complainant requests that their identity be withheld or the allegation(s) not be investigated, the Title IX Coordinator will consider whether such request(s) can be honored in a manner consistent with Georgia Tech's obligations to promote a safe and nondiscriminatory environment. Georgia Tech will inform the Complainant that Georgia Tech cannot guarantee confidentiality. Honoring a Complainant's request for confidentiality shall not prevent Georgia Tech from reporting information or statistical data as required by law, including the Clery Act.

E. Supportive Measures, Support Services, and Temporary Remedial Measures.

When the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct, the parties will be provided with written information about supportive measures and support services. Supportive measures and support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. Supportive measures and support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and other services, as available.

Temporary Remedial Measures may be implemented at any point after Georgia Tech becomes aware of an allegation of Sexual Misconduct and will be designed to protect any student or other individual in the Georgia Tech community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all parties or the campus community, or deter Sexual Misconduct and retaliation. Temporary remedial measures will be provided consistent with the provisions in applicable USG and Georgia Tech policies and procedures. Temporary remedial measures may include, but are not limited to:

- Change of housing assignment;
- Issuance of a "no contact" directive;
- Restrictions or bars to entering certain Georgia Tech property;
- Changes to academic or employment arrangements, schedules, or supervision; and
- Other measures designed to promote the safety and well-being of the parties and Georgia Tech's community.

⁴ 20 U.S.C. 1232g.

⁵ 34 C.F.R. § 99.

- F. Emergency Removal/Interim Actions/Leaves.** Emergency removal will only occur where necessary to maintain safety and will be limited to situations where a student Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, Georgia Tech will consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

When an emergency removal order is issued, the terms of the removal take effect immediately. The student Respondent shall receive notice of the removal and the opportunity to respond within three (3) business days of receipt. Georgia Tech will then determine whether the removal should remain in place.

Employee Respondents are subject to existing procedures for interim actions and leaves. [Progressive Discipline | Policy Library](#); [3.1.10 Faculty Conduct, Discipline, and Removal of Faculty Members | Policy Library](#) [5.7.10 Institutional Administrative Actions | Policy Library](#)

- G. Mandated Reporting.** Responsible Employees, as defined above, are required to immediately report all known details of actual or suspected Sexual Misconduct involving a Georgia Tech community member to the Title IX Coordinator. Failure of a Responsible Employee to report an incident of Sexual Misconduct of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a Respondent is a Responsible Employee. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.
- H. Retaliation Prohibited.** Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Title IX Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.
- I. False Complaints.** Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a USG or Georgia Tech 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 or expulsion for students and suspension or termination for employees) and adjudicated under the appropriate Georgia Tech process.

J. Federal Timely Warning Obligations. Georgia Tech must issue timely warnings for incidents that pose a serious or continuing threat of bodily harm or danger to members of the Georgia Tech community. Georgia Tech will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

K. Amnesty. Individuals are encouraged to come forward and to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during an investigation concerning the 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 regard 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 will prevent a Georgia Tech staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

L. Advisors. Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the Party's choosing. The advisor may accompany the Party to all meetings and may provide advice and counsel to their respective Party throughout the Sexual Misconduct process but may not actively participate in the process except as outlined in [the Georgia Tech Resolution Procedures for Alleged Violations of the Sexual Misconduct Policy](#). If a Party chooses not to use an advisor during the investigation, Georgia Tech will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant Party.

All communication during the Sexual Misconduct process will be between Georgia Tech and the Party and not the advisor. Georgia Tech will copy the Party's advisor prior to the finalization of the investigation report when Georgia Tech 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.

M. Timeframes. Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by Georgia Tech for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or

delay and the applicable reason. Georgia Tech will keep the parties informed of the status of the investigation and resolution process.

- N. Request for Recusal.** Any Party may challenge the participation of any Georgia Tech official or employee in the process on the grounds of personal bias by submitting a written statement to the Vice President of Equal Opportunity, Compliance, and Conflict Management (“EOCCM Vice President”) or a designee setting forth the basis for the challenge. The EOCCM Vice President or designee will not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The EOCCM Vice President or designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.
- O. Standard of Proof.** All resolution processes conducted under this Policy apply the preponderance of the evidence standard of proof (*i.e.*, whether it is more likely than not that the Respondent violated the Policy as alleged).
- P. Required Employee Training.** Employees will receive training on preventing Sexual Misconduct that complies with federal and state laws and regulations.
1. The training program must provide information regarding Institute policies, procedures, and practices relating to Sexual Misconduct in the employment and educational context.
 2. Employees are required to complete required training as applicable based on their employment status.
- Q. Records Retention.** The Institute shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.
- R. Application for Discretionary Review.** Should the Respondent or Complainant wish to appeal the final Georgia Tech decision, they may request review by the Board of Regents in accordance with the [Board of Regents’ Policy 6.26 on Discretionary Review](#).

5. Forms

Title	Link
Sexual Misconduct Incident Reporting Form	https://eoc.gatech.edu/reporting-options/report-an-incident

6. Policy Revision

This Policy and associated procedures succeed all previous policies addressing Sexual Misconduct for incidents occurring on or after August 14, 2020. The Title IX Coordinator regularly reviews and updates this Policy and associated procedures. Incidents occurring before August 14, 2020, will be addressed using the policy that was in place at the time of the incident, but the procedures used will be those in place at the time of the Formal Complaint. Georgia Tech reserves the right to make changes to this document as necessary, and those changes are effective once they are posted online.

If laws or regulations change or court decisions alter policy or procedural requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, Georgia Tech reserves the right to adjust the Policy and corresponding procedures accordingly and notify the Parties of any necessary mid-process changes. This adjustment could include entirely replacing the Policy or associated procedures, which could necessitate restarting an investigation or resolution process. Georgia Tech will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

7. Related Information

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq](#)

[University System of Georgia Human Resources Administrative Practice Manual](#)

[BOR Policy 4.6 Discipline of Students](#)

[BOR Policy 6.7 Sexual Misconduct](#)

[BOR Policy 6.5 Freedom of Expression and Academic Freedom](#)

[Georgia Tech Nondiscrimination and Anti-Harassment Policy](#)

[Georgia Tech Non-Retaliation Policy](#)

[Georgia Tech Impartial Board of Review Policy](#)

[Resolution Process for Alleged Violations of the Sexual Misconduct Policy](#)

8. Policy History

Revision Date	Author	Description
TBD	Office of Equal Opportunity Compliance and Conflict Management	Updated to institutionalize USG policy and incorporate industry standards and best practices
08-14-2020	Equity and Compliance	Updated Policy to comply with USG Policy 6.7
10-10-2019	Equity and Compliance	Updated Policy to comply with USG Policy 6.7
09-26-2018	Compliance Programs	Updated Policy
08-14-2017	Compliance Programs	Updated Policy
07-1-2016	Compliance Programs	New Policy