UWG PROCEDURE NUMBER: 6.2.3 Non-Discrimination and Anti-Harassment

Authority: UWG POLICY 6.2 (Equal Opportunity and Title IX)

The Chief Human Resources Officer, pursuant to the authority of UWG Policy 6.2, establishes the following procedure on Non-Discrimination and Anti-Harassment requirements at the University of West Georgia (UWG).

POLICY STATEMENT AND APPLICABLE REQUIREMENTS

UWG is committed to maintaining a safe, inclusive, and respectful environment for living, working, and studying. Consistent with federal and state law, University System of Georgia 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 (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.

Specifically, this Policy has been developed in compliance with Executive Orders 11246 and 11375, as amended; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Discrimination in Employment Act of 1967; the Vietnam Era Veterans Readjustment Assistance Act of 1974, as it amends 38 U.S.C. 4212; the Rehabilitation Act of 1973 (Sections 503 & 504); the Pregnancy Discrimination Act of 1978; the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations.

The University will follow the Board of Regents Sexual Misconduct Policy 6.7 as well as the Board of Regents Policy Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings 4.6.5 for all allegations involving sexual misconduct. All allegations of discrimination and harassment involving employees, students, or third party respondents based on protected categories, not covered by the Board of Regents Student Sexual Misconduct Policy, will be handled pursuant to this Policy.

A. INSTITUTIONAL REPORTING OPTIONS

Incidents may be reported to any of the following individuals:

- **Director of Equal Opportunity & Title IX Coordinator**
  Dr. Claudia Lyerly
  Human Resources – Aycock Hall
  678-839-2981
  TitleIX@westga.edu

- **Assistant Vice President of Human Resources, Deputy Title IX Coordinator**
  Human Resources - Aycock Hall
  678-839-6424
  ChiefHRO@westga.edu
B. DEFINITIONS

1. **Members of the University Community** – 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:
   a. University faculty, staff, administrators, employees, and independent contractors;
   b. University students;
   c. Volunteers and participants in any University program or activity; and
   d. 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.

2. **Discrimination** – Discrimination is an action or behavior that results in negative or different treatment of an individual based upon race, color, sex, sexual orientation, gender identity, ethnicity, national origin, religion, age, genetic information, disability, or veteran status.

3. **Harassment** – *Harassment*, a form of discrimination, is unwelcome conduct that is based on the statuses noted in section 2 above. Harassment becomes a violation of University policy when:
   a. The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a University course, program, or activity; or
   b. The conduct is sufficiently severe, pervasive, or persistent to interfere with an individual’s work, academic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive.

4. **Sexual Harassment** – Unwelcome verbal, nonverbal, or physical conduct, based on sex or gender stereotypes, that:
   a. is implicitly or explicitly a term or condition of employment or status in a course, program or activity;
   b. is a basis for employment/educational decisions; or
   c. has the purpose or effect of: interfering with one’s work or educational performance; creating an intimidating, hostile, or offensive working or learning environment; or interfering with or limiting one’s ability to participate in or benefit from an institutional program or activity.
   d. Sexual harassment also includes forced or coerced sex or relationships, including where a person is incapable of giving consent due to use of drugs or alcohol, or due to disability or being under the age of 16. Other examples that may constitute sexual harassment when sufficiently severe, persistent, or pervasive include, without limitation:
      i. Non-consensual touching of another’s body, including unwanted hugging or shoulder rubbing.
      ii. Sexual remarks, jokes, anecdotes, inquiries, or physical gestures.
      iii. Requests or propositions of a sexual nature.
iv. 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.

v. Inappropriate use or display, or non-consensual sharing, of sexual images, text, or objects.

e. This Policy includes domestic violence, dating violence and stalking as forms of sexual harassment. Sexual harassment 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 a faculty member or a subordinate employee of his/her supervisor.

5. 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. 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. Minors under the age of 16 cannot legally consent under Georgia law.

6. Complainant – An individual lodging a complaint. The complainant may not always be the alleged victim.

7. Respondent – Individual who is alleged to have engaged in conduct that violates this Policy.

8. Retaliation – Retaliation occurs when an adverse action is taken against an individual because he or she engaged in a protected activity, i.e. reporting discrimination or participating in an investigation of a discrimination report.

9. Responsible Employee – Those employees who must promptly and fully report complaints of or information regarding sexual misconduct, discrimination or harassment to the Director of Equal Opportunity & Title IX 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 assistance, student managers, and orientation leaders).

10. Privileged Employees – Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant’s or alleged victim’s wishes. Privileged employees include those providing counseling, advocacy, health, mental health, or sexual assault related services. 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 or serious harm.

C. RIGHTS AND RESPONSIBILITIES

1. Prohibition Against Retaliation

Anyone who, in good faith, reports what he or she believes to be discrimination or harassment under this Policy, or who participates or cooperates in, or is otherwise associated with any investigation may not be subjected to retaliation. Anyone who believes she or he has 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 the Director of Equal Opportunity & Title IX Coordinator. Any person found to have engaged in retaliation in violation of this Policy will be subject to disciplinary action under this Policy.
2. **Prohibited Consensual Relationships**

The University prohibits all faculty and staff from engaging in a dating or sexual relationship with another employee if either employee supervises, evaluates, or in any way directly affects the terms or conditions of the other’s employment. The University also prohibits all faculty and staff, including graduate assistants, from pursuing or engaging in dating or sexual relationships with any student whom they currently supervise, teach, or evaluate in any way. Any employee who supervises, evaluates or in any other way directly affects the terms and conditions of another employee must immediately disclose the existence of a dating or sexual relationship to his/her immediate supervisor.

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

*For additional information see UWG Procedure 6.4.4: Employee Relationships*

3. **Confidentiality**

The University strongly supports an individual’s interest in confidentiality, particularly in instances involving sexual misconduct. When a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the University will consider, through the Director of Equal Opportunity & Title IX Coordinator, whether this request can be honored while still 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:

- **Privileged Employees** – Individuals employed by the institution to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant’s or alleged victim’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 involved suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat or serious harm. Further, Privileged Employees must still submit anonymous statistical information for Clery Act purposes.

- **Support Resource Employees** – These employees (e.g., University Ombudspersons) 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 as discussed above.
4. **Right to be Accompanied by an Advisor or Support Person**
   Any party to the complaint shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly. The University shall not prohibit family members from attending if a party requests such attendance, but may limit each participant to having two family members present. It is the recommendation of the Director of Equal Opportunity & Title IX Coordinator that investigators not serve as advisors to safeguard against any conflict of interest. It is also recommended that members of the UWG community who are involved in an ongoing investigation (alleged victim or alleged respondent) not serve as advisors.

5. **Amnesty for Students**
The University encourages Members of the University Community to come forward and to report violations of this Policy notwithstanding a student’s choice to consume alcohol or to use other drugs. Information reported during an investigation concerning student use of drugs or alcohol will not be used against any student in a University disciplinary proceeding or voluntarily reported to law enforcement. Students may be referred by the Equal Opportunity and Title IX office, the Department of Health Services, or other appropriate University staff for drug or alcohol counseling and/or education as appropriate.

D. **REPORTING REQUIREMENTS**
Complaints and reports of discrimination and harassment should be reported as soon as possible after the incident(s) occurred in order to be most effectively investigated. Complaints of a criminal nature may be reported to University Police (for conduct that occurred on campus) or local law enforcement in the relevant jurisdiction. Complaints may be made according to the Institutional Reporting Options listed in section B above. The following are the reporting requirements based upon the employee status:

1. **Responsible Employees**
   Any Responsible Employee, who knows of, or receives a complaint of, potential discrimination or harassment or potential violation of the Employee Relationship Procedure (UWG Procedure 6.4.4) must fully and promptly report the information or complaint to the Director of Equal Opportunity & Title IX Coordinator. Reports generally obligate the University to investigate the incident and take appropriate steps to address the situation. The responsibility to investigate rests with the Equal Opportunity and Title IX office and not with the Responsible Employee who receives the complaint or report. Failure to promptly report may constitute a separate violation of this Policy and may provide a basis for discipline under this Policy. The Responsible Employee or person in authority must relay any request for confidentiality when reporting the alleged discrimination or harassment to the Director of Equal Opportunity & Title IX Coordinator.
2. **Complainant**
The University encourages any person who feels he or she has been discriminated against or harassed to promptly report the incident to the Director of Equal Opportunity & Title IX Coordinator.

3. **Members of the University Community (except for Responsible Employees)**
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 the Director of Equal Opportunity & Title IX Coordinator. 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 18. University Community members have the right to simultaneously make a complaint under this Policy and to law enforcement.

4. **Privileged or Confidential Employees**
This provision does not apply to student disclosures of sexual misconduct to Privileged or Confidential employees as identified by the Sexual Misconduct Procedure (see UWG Procedure 9.9.1) or this Procedure. These employees may keep information confidential as allowed by applicable licensing standards, but should give the Chief of University Police information required for purposes of compliance with the Clery Act or the Campus Sexual Violence Act. Questions regarding compliance should be directed to the University Chief of Police or the Director of Equal Opportunity & Title IX Coordinator.

E. **OTHER CONSIDERATIONS**
All reports and complaints of *discrimination* or *harassment* that may fall under the jurisdiction of this Procedure will be promptly evaluated and appropriate action will be taken as expeditiously as possible. The Director of Equal Opportunity & Title IX Coordinator is authorized to designate other appropriately trained individuals to investigate *discrimination* and *harassment* complaints and reports as deemed appropriate. The following are other issues that the Director of Equal Opportunity & Title IX Coordinator may need to consider:

1. **False Complaints**
   Individuals are prohibited from intentionally giving false statements to a system or University official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action.

2. **Conflicts of Interest**
   If the complainant or respondent asserts that an Equal Opportunity and Title IX Investigator presents an actual or apparent conflict of interest a complaint should be submitted or referred to the Director of Equal Opportunity & Title IX Coordinator to resolve the conflict of interest. If the Director of Equal Opportunity & Title IX Coordinator determines there is no actual or apparent conflict of interest for the Investigator, the investigation shall proceed. If the Director of Equal Opportunity & Title IX Coordinator determines that an actual or apparent conflict of interest exists for the Investigator, then the Director of Equal Opportunity & Title IX Coordinator in consultation
with the AVP of Human Resources, shall appoint another Investigator with appropriate experience and training to conduct the inquiry into the complaint. 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 Investigator.

3. 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. Academic freedom and freedom of expression shall be strongly considered in investigating complaints and reports of discrimination or harassment, but academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

4. Records
Records generated under this Policy are subject to the Open Records Act 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 under University System of Georgia’s policy. 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) may review the investigative file concerning the allegations by or against them as permitted by law. 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 victims or information that could easily lead to a victim’s identification.

F. 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. UWG employee respondents, per BOR Policy on Cooperation in Internal Investigations, are expected to cooperate to the fullest extent possible in any internal investigations. 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 the Equal Opportunity and Title IX Office 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 he or she has 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 Community member 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 be subject to disciplinary action. 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 Director of Equal Opportunity & Title IX Coordinator or his/her 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 this 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.

1. Standard of Review

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. Any decision to suspend or expel a student, or to suspend or terminate an employee, must also be supported by substantial evidence. The civil rules of evidence do not apply to the investigatory or resolution process.

2. Interim Protective Measures

Interim measures may be provided by the Director of Equal Opportunity & Title IX Coordinator at any point during an investigation. Interim measures are appropriate if failure to take the interim measures would constitute an immediate threat to the safety and well-being of the complainant/victim or other Members of the University Community. Interim measures may also be appropriate in order to ensure equal access to the University’s education programs and activities. Interim measures may include, but are not limited to:

a. Change of housing assignment;
b. Issuance of a “no contact” directive;
c. Restrictions or bars to entering certain institution property;
d. Changes to academic or employment arrangements, schedules, or supervision;
e. Interim suspension;
f. Change in work schedule/location;
g. Change in reporting relations;
h. Consideration of leave requests; and
i. Other measures designed to promote the safety and well-being of the parties and the University Community.

The Director of Equal Opportunity & Title IX Coordinator will coordinate the provision of interim measures. Such measures will take effect immediately. When requested by the respondent, a hearing with the Director of Equal Opportunity & Title IX Coordinator to determine whether the interim measure should continue will be held within three (3) business days of the request.
Where possible, before an interim measure is issued, the Director of Equal Opportunity & Title IX Coordinator should make all reasonable efforts to give the respondent the opportunity to be heard.

3. Other Remedial Measures
When the university is unable to conduct a full investigation into a particular incident due to a lack of specificity in the report or request for confidentiality, the university may take other remedial measures appropriate to remedy the effects of alleged discrimination or harassment as applicable to this policy and/or prevent its recurrence.

4. Initiating an Investigation
Where a report /complaint has been made the Director of Equal Opportunity & Title IX Coordinator shall review the complaint to determine whether the allegation(s) describes conduct in violation of this policy. If the reported conduct would not be a violation of this policy, even if true, then the report should be dismissed and/or transferred to the appropriate office. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought. As a part of any investigative process, the Title IX Coordinator/designee will:
   a. Provide a copy of this Policy to the complainant;
   b. Determine whether the complaint is one that falls under the Policy; if not, refer to the appropriate University or off-campus resource;
   c. Notify the respondent of the complaint brought against him/her in writing and provide a copy of this Policy; and
   d. Inform all parties of this Policy’s non-retaliation provision.

5. Early Resolution/Informal Process
Early resolution may be appropriate in some circumstances if all parties agree; the university approves; and only with the assistance of a university official such as a counselor, trained mediator, or designated administrator. Early resolution is encouraged when the parties desire to resolve the situation cooperatively and/or when a formal resolution is not likely to yield a satisfactory outcome. Participation in early resolution is voluntary. Early resolution may include an inquiry into the facts, informal discussion with the parties, mediation, referral to counseling, conducting targeted preventative education and training programs, and/or providing remedies for the individual harmed by the offense. Early resolution may be appropriate for responding to anonymous reports and/or third-party reports. Steps taken in early resolution must be documented. In cases of alleged sexual violence, mediation is never an appropriate option of resolution, even on a voluntary basis. Complainants are never required by the university to discuss issues directly with the accused. In all cases, the university will inform the complainant of his or her right to end the early resolution process at any time and either choose to begin the formal stage of the report process or choose not to further pursue the matter.

6. Formal Process
All complaints that are not resolved through the informal process or to which the informal process does not apply (e.g., sexual assault complaints) are resolved through a formal process involving a full investigation conducted by Equal Opportunity and Title IX designees. As a part of the formal process, the investigator will:
   a. Inform the complainant, alleged victim, and respondent of their right to be interviewed and provide evidence;
b. A student **respondent** may choose to remain silent during the investigation. 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. UWG employee **respondents**, per BOR Policy on Cooperation in Internal Investigations, are expected to cooperate to the fullest extent possible in any internal investigations.

c. Obtain information and evidence, including the identity of any witnesses, from the **complainant**, alleged victim, and the **respondent**;

d. Attempt to obtain information from the identified witnesses;

e. Ask relevant questions, submitted by the parties, to any witness or party;

f. Ask additional questions deemed relevant by the investigator;

g. Allow each party to fact check their statement prior to including it in the final investigative report;

h. Collect and maintain appropriate documentation of the investigation;

i. Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law;

j. Provide the **complainant**, alleged victim, and the **respondent** the opportunity to review and respond to the evidence;

k. Provide an initial investigative report to the Director of Equal Opportunity & Title IX Coordinator who will review for policy compliance.

i. Where applicable the appropriate management official and the AVP of Human Resources shall be made aware of the conclusions and findings in the final investigative report. This will be done via the Director of Equal Opportunity and Title IX Coordinator.

ii. The Director of Equal Opportunity & Title IX Coordinator will then provide the final investigative report to the **respondent**, the **complainant**, and alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternative, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For the purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.

7. **Informal Resolution**

After reviewing the investigative report, the **complainant** and **respondent** may have the option of selecting an informal resolution at this point, where the proposed sanctions are accepted.

8. **Board of Review**

Where a case was not resolved through an informal resolution (described above) and where the **respondent** indicates that he or she contests the charges, the matter shall be set for a Board of Review Hearing. The Board of Review will be comprised of employees who will hear the case and determine whether the accused is in violation of the contested aspects of the complaint. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. The Board of Review will reach an outcome based on the preponderance of evidence.
Where applicable, the investigator shall testify as a witness before a panel regarding the investigation and finding, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the panel outside of providing testimony during the hearing. Following a Board of Review Hearing, the respondent, complainant, and alleged victim (where applicable) shall be simultaneously provided a written decision of the outcome and any resulting sanctions. The decision should include details on how to appeal (outlined below). Additionally, the written decision must summarize the evidence in support of the sanction.

If the hearing board upholds the finding, the board will recommend a sanction to the Director of Equal Opportunity & Title IX Coordinator and the appropriate management official. If the hearing board does not uphold the finding that a policy has been violated, the case is closed unless either party appeals the decision of the Board.

9. Right to Appeal
All parties shall have the right to appeal the outcome of the formal process. Cases involving student respondents shall be appealed to the VP of Student Affairs/his or her designee and cases involving employee respondents shall be appealed to the University President pursuant to this Policy (See below). The VP of Student Affairs must receive a written appeal within five (5) business days after the receipt of the written notification of the decision being appealed. The appeal shall be a review of record only (See BOR 4.6.5 for additional information). The appeal must be based on one of the following factors:

a. Material failure to comply with applicable procedures in this Policy or to conduct a reasonably thorough investigation;
b. 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
c. New evidence that was not reasonably available to be presented by the parties during the course of the investigation.

The decision of the VP of Student Affairs/ his or her designee may be appealed in writing within five (5) business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

10. President’s Decision
The President may:

a. Affirm the original finding and sanction;
b. Affirm the original finding but issue a new sanction of greater or lesser severity;
c. Remand the case back to the Equal Opportunity and Title IX Office to correct a procedural or factual defect; or
d. 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 his/her designee will be made within a reasonable time and the Director of Equal Opportunity & 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 his or her discretion, temporarily suspend the imposition of the disciplinary action, sanction, or remedial/preventative measures while the appeal is pending. The President’s decision shall be the final decision of the institution.
Should the **respondent** or alleged victim wish to appeal the President’s decision, he or she may request a review by the Board of Regents in accordance with the Board of Regents’ Policy on Discretionary Review.

11. 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:

a. Extensions of time to re-do or complete academic work without an academic or financial penalty;

b. Changes to academic or employment arrangements, schedules or supervision that minimize burden on the **complainant** or victim;

c. Provision of or referral to medical, counseling, and academic support services;

d. Change of University housing assignment;

e. Training/re-training on this Policy and other relevant topics for individuals or groups implicated in the **discrimination** or **harassment**;

f. “No contact” directive; and

g. Other measures designed to repair the negative impact of **discrimination** or **harassment**.

12. 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. The Equal Opportunity and Title IX Office 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:

a. Mandatory training or counseling;

b. “No Contact” directive;

c. Restriction or bar to entering certain University property or attending University events;

d. Housing reassignment;

e. Community service;

f. Written warning;

g. Transcript notation;

h. Probation;

i. Suspension; and

j. Expulsion or termination.

13. Improper Behavior During the Investigation

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.

14. Timeframe

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witness and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall keep the parties informed of the status of the investigation.
G. Support Services

- **Director of Equal Opportunity & Title IX Coordinator:** Addresses all Civil Rights complaints.
  Claudia Lyerly
  678-839-2981
  clyerly@westga.edu; TitleIX@westga.edu
- **University Police:** Incident reporting or to reach other offices after hours
  678-839-6000

On Campus Confidential Resources - Students Only

- **Counseling Center:** Confidential Counseling with licensed therapists.
  678-839-6428
- **Health Services:** Services include medical treatment, forensic exam, medications and advocacy.
  678-839-6452
- **UWG Patient Advocates:** Confidential victim, medical, and academic advocacy
  Jill Hendricks - 678-839-0641
  Corey Hindman - 678-839-5338
  Jamie Gaddy - 678-839-0645

Off Campus Confidential Resources - Students & Employees

- **West Georgia Prevention & Advocacy Resource Center:** A 24-hour hotline that provides crisis intervention and advocacy. 770-834-7273

Off Campus Resources - Employees Only

- **Tanner Employee Assistance Program (TEAP):** Helps individuals with personal problems that affect their whole lives, including time with both family and co-workers. 770-834-8327

Issued by the Chief Human Resources Officer, the 24th day of July, 2019

Signature, Chief Human Resources Officer

Reviewed by the Vice President of Business & Finance

*Previous Version Dated: July 17th, 2018*